



AGENDA

ZONING COMMITTEE

August 12, 2025

10 AM – 12 PM

Community Room

1. Call to Order
2. Continue Review
 - a. Article 6 – Site Development Standards – Review Final Draft
 - b. Article 14 – Definitions – Initial Review
3. Next Meeting

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 and to~~ improve the appearance ~~and~~; character, ~~and economic value of civic, commercial, and industrial of~~ development ~~.when required by other articles of this ordinance.~~

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 queuing lanes~~ 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:

~~F.—~~
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	22-23 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

DIMENSIONAL STANDARDS FOR PARKING SPACES AND AISLES			
90 degrees- compact	8.0 feet	17 feet	20–24 feet

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G. Accessible Parking: Off-street parking areas shall provide barrier-free spaces in compliance with the Michigan Building Code and the Americans with Disabilities Act (ADA).

A.H. Surfacing: Parking surfaces shall be ~~designed-constructed~~ with ~~impervious or pervious~~ hard surface materials (i.e., concrete, asphalt, ~~pavers, or pervious pavers compacted crush stone,~~ etc.), excluding loose aggregate materials.

B.I. Drainage: All off-street parking areas shall utilize, where practical, Low Impact Development (LID) water ~~quality technologies~~ quantity management to collect and treat stormwater on-site as required for site plan review, in consultation with the Department of Public Works.

E.J. 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.

D.K. 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 and comply with the requirements of Section 6.6. throughout the hours when the parking area is in operation. New or redeveloped off-street parking, ~~stacking~~ queuing lanes, and loading areas shall comply with the exterior lighting standards in this Article.

E.L. Snow Storage: The Planning Commission has the authority to require snow storage areas. When required by the Planning Commission, snow storage areas ~~shall-should~~ 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.

F.M. Maintenance: All parking areas shall be maintained in good condition and free of debris and garbage. Where parking lot stripping was required, it shall be maintained in good condition.

G.N. Completion: All off-street parking, ~~stacking~~ queuing lanes, 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~~ queuing lanes, and loading areas associated with a given phase of development shall be required to be completed.

H. Access Through Yards: Access drives may be placed in the required front or side yard ~~setbacks~~ 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.~~

~~I.—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).~~

~~J.O. 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.~~

~~K.P. _____ 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.a. _____ 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.b. _____ 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.~~

~~L.A. _____ Downtown Overlay: Properties within the Downtown Overlay District are exempt from the off-street parking requirements.~~

M.Q. _____ One and Two-Family Residential Parking Area and Driveway Requirements:

~~1.c. In no case **should shall** more than 40 percent of a required front yard be a paved surface. Parking on non-paved surfaces is prohibited.~~

~~2.d. _____ A one-family dwelling **is restricted shall not have more than to** a single curb cut.~~

N.R. _____ Multifamily Residential Parking Area and Driveway Requirements:

~~1.e. 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.~~

O.S. _____ Commercial Parking Area and Driveway Requirements:

~~1.f. Parking areas shall not be located within a required front-yard setback or a street frontage side-yard setback on a corner **front yard setback 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.g. The storage of merchandise, motor vehicles for sale, trucks, or the repair of vehicles is prohibited within a required off-street parking area.~~

~~4.h. _____ Parcels greater than 100 feet in width shall have curb cuts at least 60 feet from an intersection measured from the curb face.~~

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133 ~~5.i.~~ Curb cuts shall be aligned with driveways on the opposite side of the street or offset a
134 minimum distance of 30 feet, ~~unless waived by the Planning Commission based on a~~
135 ~~recommendation from the City Engineer.-~~

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137 ~~j.~~ Driveways on the same side of the street shall be separated by at least 30 feet, measured
138 from the entrance radius spring point, ~~unless waived by the Planning Commission based on~~
139 ~~a recommendation from the City Engineer.-~~

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141 ~~T.~~ Downtown Overlay: Properties within the Downtown Overlay District are exempt from the off-
142 street parking requirements.

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145 6.2.2 Parking Requirements

146 A. Minimum/Maximum Parking: To ~~minimize-reduce~~ excessive areas of pavement that detract
147 from the aesthetics of the City and contribute to high rates of stormwater runoff, this
148 Ordinance establishes a ~~minimum and~~ maximum number of parking spaces for each use,
149 ~~hereinafter referred to as "required parking."- There are no minimum parking requirements-~~
150 The Planning Commission may, ~~based on lot configuration, dimensional restrictions, and/or~~
151 ~~neighborhood development characteristics,~~ grant an increase ~~or decrease~~ of ~~the~~
152 ~~maximumthe required parking number of parking spaces~~ if:

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154 1. The applicant can demonstrate ~~to the Planning Commission~~ that additional parking
155 is necessary based on documented evidence of actual use or anticipated demand.
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157 2. The increase in parking will not burden neighboring property owners and/or natural
158 features.

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160 ~~3.~~ ~~In granting a request to exceed the maximum number of parking spaces, the shall~~
161 ~~determine if the~~The stormwater ~~treatment management plan shall be~~ sufficient to
162 handle the added parking spaces.

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164 ~~3.4.~~ ~~unless~~The number of required parking spaces may be ~~waived by the~~
165 ~~Administrative Review Committee or Planning Commission based on lot~~
166 ~~configuration, dimensional restrictions, and/or neighborhood development~~
167 ~~characteristics.~~

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169 B. Calculating ~~Parking Minimum/Maximums~~Required Parking Spaces: The following rules shall
170 be applied when calculating the maximum number of parking spaces:

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172 1. Measurements based on square feet shall be calculated by Gross Floor Area (GFA)
173 as defined in this Ordinance.
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175 2. ~~For non-residential uses, t~~The number of employees shall be based on the
176 ~~maximum~~ number needed for the largest ~~average~~ shift.

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178 ~~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.~~

~~4.3.~~ Occupancy shall mean legal occupancy as determined by the City of Petoskey Public Safety Department or ~~t~~The Emmet County Building Department.

~~5.4.~~ Parking spaces incorporated into a garage shall ~~not~~ count towards the ~~maximum required~~ number of off-street parking spaces permitted.

~~6.5.~~ 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 required 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 Required~~ Parking Requirements: The ~~maximum required~~ number of off-street ~~required~~ parking spaces shall be determined per the following table:

Table XX: ~~Minimum/Maximum Number of Parking Spaces~~ ~~Number of Required Parking Spaces~~

MINIMUM / MAXIMUM REQUIRED NUMBER OF PARKING SPACES	
Land Use	Spaces / Measurement
RESIDENTIAL USES	
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 or Assisted Living Facilities	2 + 1 per employee / 1 per employee plus 1/6 beds.
PUBLIC & QUASI-PUBLIC USES	
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	0.75 / 3 occupancy

MINIMUM/MAXIMUMREQUIRED NUMBER OF PARKING SPACES	
Land Use	Spaces / Measurement
Organizations	
Public Use (Critical, Essential, Supporting)	N/A
Religious Institutions	0.25 / 1 occupancy
Training Facility	1 / 1,000 gfa + assembly requirements
TRANSPORTATION & UTILITY USES	
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
COMMERCIAL & INDUSTRIAL USES	
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
Breweries, Distilleries, Wineries	1.25 / employee
Business Services	1 / 200 gfa
Central Cleaning Facilities	4 / 1,000 gfa
Child Care Centers	1 / employee + 1 / 10 children
Commercial Entertainment (Indoors, Outdoors)	0.25 / 1 occupancy
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
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
Manufacturing (Food, Light, Heavy)	1.5 / 1,000 gfa
Outdoor Storage, Materials & Equipment	1.25 / employee
Personal Service Establishments	1 / 250 gfa
Professional Services	3 / 1,000 gfa
Recycling Facilities	1.25 / employee

MINIMUM/MAXIMUMREQUIRED NUMBER OF PARKING SPACES	
Land Use	Spaces / Measurement
Research & Development Facilities	5 / 1,000 gfa
Restaurants & EateryEating & Drinking Establishments	1 / 3 occupancy + 1/employee
Retail Establishments	1.5 / 1,000 gfa + 1 / employee
Self-Storage Facilities	1 / 10 units + 1 / employee
Services & Trades Establishment	1 / employee
Sexually Oriented Business	3 / 1,000 gfa
Shopping Center	4 / 1,000 gfa
Tasting Rooms	2 / 1,000 gfa
Vehicle Fueling Stations	Based on the use of the building
Veterinary Services	1.5 / 1,000 gfa
Veterinary Services	1.5 / 1,000 sf
Warehousing & Distribution	1.25 / employee
Wholesale Activities	1.25 / employee
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
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
INDUSTRIAL USES	

MINIMUM/MAXIMUM REQUIRED NUMBER OF PARKING SPACES	
Land Use	Spaces / Measurement
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
PUBLIC & QUASI-PUBLIC USES	
Cemeteries	N/A
Cultural Centers	0.25 / 1 occupancy
Educational Institutions	1 / 1,000 gfa + 1 / classroom
Private Clubs, Lodges & Fraternal Organizations	1 / 4 occupants
Public Use (Critical, Essential, Supporting)	N/A
Religious Institutions	1 / 4 occupants
Training Facility	1 / 1,000 gfa + assembly requirements
TRANSPORTATION & UTILITY USES	
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

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E. **Shared Parking:** Where a mix of land uses creates staggered peak periods of parking demand, shared parking agreements that have the effect of reducing the total amount of required parking spaces are encouraged. Shared parking agreements for off-street parking for two or more buildings or uses is permitted, subject to the following: Two or more buildings or uses may collectively provide off-street parking, provided the following conditions are met:

1. The total number of required parking spaces for each use on each lot shall not be reduced by more than 30 percent. 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.~~

1. ~~Shared parking areas shall be located within 300 feet of the use, measured from the nearest point of the building to the nearest point of the off-street parking area or space.~~

2. ~~If lots are adjacent, they shall be interconnected for vehicular passage.~~

3. ~~Written agreements that provide for continued use and maintenance of shared parking shall be submitted at the time of site plan or zoning permit approval. All agreements shall include provisions to address changes in use.~~

4. ~~Shared parking agreements or leases shall remain in full force and effect binding on both parties. In the event the shared parking agreement or lease is terminated by either party, or is not being enforced or complied with, full parking requirements must be met.~~

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
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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-queing~~ areas shall be arranged for convenient access and safety of pedestrians, bicyclists, and vehicles.
- B. Adequate ingress and egress shall be provided by clearly defined driveways. Backing into public street; rights-of-way shall be prohibited.
- C. Access shall be obtained from the alley where a parking area abuts an improved alley. The Administrative Review Committee or the Planning Commission may waive this requirement if a practical difficulty has been presented that prevents the requirement from being satisfied.
- D. Where a parking area has no access to an alley, or the alley has not been maintained or improved for access but has access to two or more streets, access shall be from the street with the lower traffic volume. The Planning Commission may waive this requirement if a practical difficulty has been presented that prevents the requirement from being satisfied.
- E. Access to off-street parking areas for non-residential uses shall not be permitted across lots that are residential in use or a residential zoning district.
- F. Cross Access Management:
 - 1. All off-street parking areas not accessed by an alley shall be designed to allow internal vehicle circulation between adjacent lots by providing a location for cross-access on the site plan.
 - 2. A cross-access agreement shall be recorded with the Emmet County Register of Deeds before the issuance of a Building Certificate of Occupancy.
 - 3. The Planning Commission may waive this requirement if deemed impractical during site plan review due to topography, natural features, or vehicular safety factors if appropriate bicycle and pedestrian connections are provided between adjacent developments and uses.

6.3 BICYCLE PARKING

A. Scope of Regulations: Bicycle parking facilities, which include bicycle parking spaces and access aisles, shall be provided as required for all new structures and uses established or for changes in use as of the effective date of this provision.

301 B. Location: Bicycle parking facilities shall be located in a designated safe and convenient
 302 location. The design and location of such a facility shall be harmonious with the surrounding
 303 environment. The facility location shall be at least as convenient as the majority of
 304 automobile parking spaces provided.

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 306 ~~B.C.~~ Size: Required bicycle parking spaces shall be two (2) feet by six (6) feet. Each bicycle
 307 parking facility shall provide an access aisle of at least five (5) feet and a vertical clearance
 308 of at least eight (8) feet.

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 310 ~~C.D.~~ Design and Maintenance: Accessory off-street parking for bicycle parking shall
 311 include provision for secure storage of bicycles. Such facilities shall provide lockable
 312 enclosed lockers, racks, or equivalent structures in or upon which the user may lock the
 313 bicycle. Structures that require a user-supplied locking device shall be designed to
 314 accommodate U-shaped locking devices. All lockers and racks must be securely anchored
 315 to the ground or the building structure to prevent the racks and lockers from being removed
 316 from the location. The surfacing of such facilities shall be designed and maintained to be
 317 mud and dust-free.

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 319 ~~D.A.~~ Location: Bicycle parking facilities shall be located in a designated safe and
 320 convenient location. The design and location of such a facility shall be harmonious with the
 321 surrounding environment. The facility location shall be at least as convenient as the majority
 322 of automobile parking spaces provided.

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 324 E. Schedule of Required Off-Street Bicycle Parking Facilities: Bicycle parking facility spaces
 325 shall be provided in adequate numbers as determined by the Zoning Administrator. In making
 326 the determination; the Zoning Administrator shall consider, ~~when appropriate,~~ the number
 327 of dwelling units or lodging rooms, the number of employees, and the number of automobile
 328 parking spaces per the following guidelines:

329
 330 Table XX: Bicycle Parking
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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

332
 333 ~~F.—Reduction of Off-Street Automobile Parking:~~
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- 335 ~~1. Establishments Located on, or Connect to, a Designated Public Pathway: For each~~
 336 ~~one (1) bicycle parking space, the automobile parking can be reduced by two (2)~~
 337 ~~parking spaces.~~

340 6.4 NON-MOTORIZED TRANSPORTATION

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

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- 351 A. All reasonable effort shall be made to avoid cutting trees when locating sidewalks or shared-
 352 use pathways.
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- 354 B. The Planning Commission may modify a non-motorized transportation requirement of this
 355 Section or the proposed design as submitted by the applicant, upon review of a site plan or
 356 under the recommendation of the Department of Public Works or Zoning Administrator.
- 357
- 358 C. When required, permits must be obtained from the Michigan Department of Transportation
 359 or the Emmet County Road Commission.
- 360
- 361 D. Sidewalk and shared-use pathway maintenance, including replacement in the case of
 362 inadequate construction, unsafe, defective, or nonconforming design, as determined by the
 363 Zoning Administrator, shall be the responsibility of the ~~parcel owner or~~ adjacent parcel owner
 364 if constructed in the street right-of-way.
- 365
- 366 E. Depending on site conditions or project phasing, the Administrative Review Committee or
 367 the Planning Commission may require an easement on the property, which would be solely
 368 used to install a sidewalk or shared-use pathway at a later date. The City Attorney shall
 369 review the easement prior to acceptance and recording.

371 6.5 LANDSCAPING

372 6.5.1 Intent

373 The intent of this section is to:

- 374
- 375 A. Protect and preserve the community's appearance, character, and value.
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- 377 B. Minimize noise, air, and visual pollution.
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- 379 C. Improve the overall aesthetics and appearance, divide the expanse of **large** pavement **areas**,
380 and define parking areas and vehicular circulation within off-street parking lots and other
381 vehicular use areas.
- 382
- 383 D. Require buffering of **parks and** residential areas from more intense land uses and public road
384 rights-of-way.
- 385
- 386 E. Prevent soil erosion and soil depletion and promote sub-surface water retention.
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- 388 F. Encourage an appropriate mixture of plant material, such as evergreen and deciduous trees
389 and shrubs, to protect against insect and disease infestation and produce a more aesthetic
390 and cohesive design.
- 391
- 392 G. Encourage the integration of existing woodlands in landscape plans.
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6.5.2 — Applicability

~~These requirements shall apply to all uses for which site plan review is required per Article 8 of this Ordinance and subdivision plat review as required under the Subdivision Control Ordinance.~~

6.5.36.5.2 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:

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- 403 A. Location, spacing, size, root type, and descriptions for each plant type.
- 404
- 405 B. Typical straight cross-section including slope, height, and width of berms.
- 406
- 407 C. Typical construction details to resolve specific site conditions, such as landscape walls and
408 tree wells used to preserve existing trees or maintain natural grades.
- 409
- 410 D. Details in either text or drawing form to ensure proper installation and establishment of
411 proposed plant materials.
- 412
- 413 E. Identification of existing trees and vegetative cover to be preserved.
- 414
- 415 F. Identification of grass and other ground cover and method of planting.
- 416
- 417 G. Identification of landscape maintenance program, including a statement that all diseased,
418 damaged, or dead materials shall be replaced per standards of this Ordinance.
- 419
- 420 H. Planting counts must be provided, identifying compliance with all required landscaping.
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6-5.46.5.3 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 lighting, and visual impacts.~~

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

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- B. Screening and Buffer Types. ~~It~~ **Screening and buffer types** 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.
 1. **Type A (Broken)**. 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 (Semi-opaque)**. A screen that is opaque from the ground to a height of ~~three feet~~ **42 inches**, 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.

- 460 3. **Type C:** A screen that is opaque from the ground to a height of at least six feet, with
 461 intermittent visual obstructions from the opaque portion to a height of at least 20
 462 feet. An opaque screen is intended to exclude all visual contact between uses and to
 463 create a strong impression of spatial separation. ~~The opaque screen may be~~
 464 ~~composed of a wall, fence, landscaped earth berm, planted vegetation, or existing~~
 465 ~~vegetation. Compliance of planted vegetative screens or natural vegetation will be~~
 466 ~~judged on the basis of the average mature height and density of foliage of the subject~~
 467 ~~species, or field observation of existing vegetation.~~ The opaque portion of the screen
 468 must be opaque in all seasons of the year. At maturity, the portion of intermittent
 469 visual obstructions should not contain any completely unobstructed openings more
 470 than ten feet wide. The portion of intermittent visual obstructions may contain
 471 deciduous plants.

472 **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
Type B – Semi Opaque Landscape						
	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	
Type C – Opaque Landscape						

	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	

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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.

6.5.56.5.4 Landscape Elements

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The following minimum standards shall apply:

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- A. **Quality.** Plant materials shall be of varieties and species, free from insects and diseases, resistant to storm damage, 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, ~~or the appropriate financial guarantee,~~ 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.

6.5.66.5.5 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~~ See 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.

6.5.76.5.6 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 ~~planted~~ ~~planted.~~ planted for every ten (10) parking spaces. ~~planted.~~ Islands shall be required for ~~each~~ every 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.

- 555 3. A minimum distance of three feet from the backside of the curb and the proposed
- 556 landscape plantings shall be provided. Where vehicles overhang a landscape island
- 557 or strip, a minimum distance of five feet from the backside of the curb and the
- 558 proposed landscape plantings shall be provided.
- 559
- 560 4. The City, at its discretion, may approve alternative landscape plantings at the
- 561 perimeter of parking lots where landscaping within parking lots would be
- 562 impractical due to the size of the parking lot, ~~or~~, detrimental to safe and efficient
- 563 traffic flow or would create an unreasonable burden for maintenance and
- 564 snowplowing.
- 565

566 B. Required Landscaping at the Perimeter of Parking Lots. ~~Separate landscape~~ Landscape

567 areas shall be provided at the perimeter of parking lots per the following requirements:

- 568
- 569 1. Where required, parking lots shall meet the buffer requirements outlined in ~~the~~
- 570 ~~Table in~~ this Section.
- 571
- 572 2. Parking lots shall be screened from view with a solid wall at least ~~three feet~~42
- 573 inches in height along the perimeter of those sides visible from a public road.
- 574
- 575 3. Where a parking lot abuts a residential zone district or residential occupied
- 576 property the Planning Commission may require a wall.
- 577
- 578 2.4. At its discretion, the City may approve alternative landscape plantings
- 579 instead of a wall.

580 6.5-86.5.7 Site Landscaping

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582 In addition to any landscape greenbelt and/or parking lot landscaping required by this Section, site

583 area landscaping shall be provided to screen potentially objectionable site features such as, but not

584 limited to, retention/detention ponds, transformer pads, air-conditioning units, and loading areas.

585 Such site area landscaping may include a combination of the preservation of existing tree cover,

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

587 planting beds.

588 6.5-96.5.8 Subdivision and Site Condominium Landscaping

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590 Landscaping for single-family residential subdivisions and site condominiums shall be provided per

591 the following requirements:

- 592
- 593 A. Street Trees. The frontage of all internal public or private streets shall be landscaped with a
- 594 minimum of one tree for every ~~40-30~~ linear feet or a fraction thereof. Such street trees shall
- 595 meet the minimum size and spacing requirements outlined in this Section.
- 596
- 597 B. Buffers Between Land Uses. Where required ~~in the Table outlined~~ in this Section, a
- 598 subdivision or site condominium buffer shall be required.
- 599

- 600 C. Screening from Public Roads. Where a subdivision or site condominium abuts a public road
- 601 right-of-way located outside the proposed subdivision or site condominium, the screening
- 602 requirements in this Section shall be met.
- 603
- 604 D. Other Site Improvements. A landscape plan for a subdivision or site condominium
- 605 development shall also include landscaping details of the entrance to the development,
- 606 stormwater retention and/or detention areas, community buildings and other recreational
- 607 areas, and any other site improvement that would be enhanced through the addition of
- 608 landscaping.
- 609

6.5.106.5.9 Screening of Trash Containers

- 611 A. Outside trash disposal containers two yards or greater in capacity shall be screened on all
- 612 sides with an opaque fence or wall and gate at least as high as the container, but no less than
- 613 six feet in height, and shall be constructed of material which is compatible with the
- 614 architectural materials used in the site development.
- 615
- 616 B. Containers shall be consolidated to minimize the number of collection sites and located
- 617 reasonably to equalize the distance from the building they serve. ~~reasonably.~~
- 618
- 619 C. Containers and enclosures shall be located away from public view insofar as possible.
- 620
- 621 D. Containers and enclosures shall be situated so they do not cause excessive nuisance or
- 622 offense to occupants of nearby buildings.
- 623 ~~E.—~~
- 624 ~~F.E.~~ Concrete pads of appropriate size and construction shall be provided for containers
- 625 or groups of containers having a capacity of six 30-gallon cans or more. Aprons shall be
- 626 provided for loading of bins with a capacity of one- and one-half cubic yards or more.
- 627
- 628 ~~G.F.~~ The enclosure area and pad size shall be increased to accommodate the storage of
- 629 recyclable materials and their containers.
- 630
- 631 ~~H.G.~~ Screening and gates shall be of a durable construction.
- 632
- 633 ~~I.H.~~ The pad in front of the dumpster shall be constructed of heavy-duty concrete, with a
- 634 compressive strength of 5,000 psi, the same width as the enclosure and ½ of its depth.
- 635

EXTERIOR LIGHTING

6.6 Refer to the City of Petoskey Outdoor Light Ordinance.

6.6.16.5.10 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.~~
- ~~F.—Temporary Lighting: Associated with an approved temporary event permitted by this Ordinance.~~
- ~~G.—Fossil Fuels: Outdoor light fixtures, such as kerosene lanterns and gas lamps, produce light from the combustion of fossil fuels.~~
- ~~H.—Statutory Authority: Circumstances where federal or state laws, rules, or regulations take precedence over the provisions of this Section or where fire, police, emergency, or repair personnel need light for temporary or emergency situations or lighting that is only activated at the time of power outages.~~

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6.6.3—Shielding & Filtration

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

6.6.4—Exterior Lighting Site Standards

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

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
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	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%

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

6.76.6 STORMWATER MANAGEMENT

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- 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~~ the preferred 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~~ is 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-6. 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.

6-86.7 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 Commercial & Industrial	Adjacent Uses	
		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.)
- C. Temporary or Incidental Activities. Noise and vibration impacts resulting from temporary or incidental activity such as construction or moving of materials or equipment on-site that occurs between 7:00 a.m. and 7:00 p.m. shall be exempt from the requirements 6.8.A.

6-96.8 BUILDINGS: SCALE, MASS, AND DESIGN

- A. All site plans submitted for review ~~of proposed use in this district~~ shall include an elevation drawing that shows proposed building facades as seen from ~~the public streets~~. The site plan and elevation drawings shall label proposed exterior materials on walls and roofs of principal

801 and accessory buildings and on other fences or walls on the site. Color samples or color
802 photographs of proposed materials shall be provided.

803
804 ~~B.—All business, service, or processing activities permitted in this district shall be conducted~~
805 ~~completely within enclosed buildings except customer, employee, and freight vehicle~~
806 ~~parking, loading zones, and those open-air uses specifically identified in this district as~~
807 ~~permitted subject to particular performance standards. Outdoor storage of equipment and~~
808 ~~materials such as topsoil, sand, and gravel shall be limited to 30 percent of the rear yard and~~
809 ~~shall be screened.~~

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811 ~~C.B.~~ _____ In cases ~~[where]~~ where the ~~P~~planning ~~C~~ommission determines unusual building
812 size or mass, large site size, special conditions related to topography, high traffic uses,
813 special natural or manmade features on-site or nearby, or similar unique conditions are
814 present, the Administrative Review Committee or the Planning Commission may require any
815 of the following additional methods of illustrating the impacts of a proposed development:

- 816
817 1. Additional elevation drawings from points ~~over other~~ than the public street or
818 perspective drawings from critical viewpoints recommended by the city.
- 819
820 2. Cross sections, particularly when the planning commission is examining relative
821 height of buildings or site topography in regard to impacts upon neighboring
822 properties.
- 823
824 3. Bird's eye views ~~or (axonometric drawings)~~ that present the overall size and mass of
825 site structures and features. ~~The oblique a~~Aerial view must accurately reflect ground
826 control points as well as individual building and site features.
- 827
828 4. A computer-generated image or ~~a synthesized image~~ video may be provided to show
829 before and after illustration of a proposed development's scale and mass.
- 830
831 5. A ~~computer generated vicinity scale~~ model that shows three-dimensional
832 representation of building(s) and features.
- 833
834 6. Use of ~~weather~~ balloons, flags, stakes, posts, or other vertical elements showing the
835 corners, outline, height, and other physical aspects of a proposed development on
836 the actual parcel to be impacted.
- 837
838 7. Use of colored degradable spray paint to identify horizontal outlines of site features
839 such as parking, landscape areas, driveways, curb cuts, building footprints, etc.

840
841 ~~D.C.~~ _____ ~~In cases where the Administrative Review Committee or the Planning Commission~~
842 ~~determines unusual building size or mass, large site size, special conditions related to~~
843 ~~topography, high traffic uses, special natural or manmade features on-site or nearby, or~~
844 ~~similar unique conditions are present, the~~The ~~P~~planning ~~C~~ommission ~~or Administrative~~
845 ~~Review Committee~~ may increase or reduce requirements applying to this Article to improve
846 a site plan and its impact upon the property or its surroundings.

If the ~~planning~~ Planning Commission or Administrative Review Committee chooses to reduce or increase requirements, it shall identify the unique conditions found at the site; indicate the benefit to the public health, safety or welfare of modifying such requirements; prescribe the modified requirements; and it may offer relevant conditions where needed to mitigate any impacts of the modified requirements.

E.D. In review of building facades and features, the planning commission shall consider:

1. Exterior materials should be of a finished appearance and ~~textural~~ quality ~~suitable to the desired image for this entryway to town~~ consistent with the adjacent neighborhood. The ~~commission~~ Planning Commission or Administrative Review Committee may limit the amount of or prohibit the use of corrugated metal, concrete block, sheet metal and colored plastic or fiberglass. The commission may consider such factors as whether the building is an accessory structure, the adequacy of the setback and screening, and any impact upon street view and view from nearby residential buildings.
- ~~2. The color of exterior materials and finishes should be compatible with the natural and Victorian scenic character of Petoskey.~~
3. The scale, bulk, shape, exterior materials, and color of buildings shall be evaluated for their compatibility with the site size and shape and with surrounding buildings and structures.

F.E. Buildings shall be situated to fit the existing site rather than imposed on the landscape in a manner that requires significant alteration of site grades. This restriction may be waived by the ~~Planning Commission~~ planning commission or Administrative Review Committee where significant alteration of grades would result in preservation and protection of a scenic view or other significant natural or manmade resource, or would result in an improved site layout and function without adversely impacting significant resources.

G.F. Accessory structures shall be designed to ~~blend~~ complement with the principal building(s) on the site as to color, exterior materials, size, ~~with the principal building(s) on the site as to color, exterior materials, size~~ and shape.

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

6.106.9 ROOF TOP DECKS FOR COMMERCIAL DISTRICTS

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

893 ~~1.—The Planning Commission approval of the rooftop deck usage as a special land use~~
894 ~~must be first obtained.~~

895
896 ~~2.—Any structure on a rooftop deck must be permitted under the Zoning Code.~~

897
898 ~~3.1. Occupancy. The Planning Commission may limit the number of persons~~
899 ~~using such rooftop decks as determined necessary or advisable by the Planning~~
900 ~~Commission to prevent the City's noise ordinances from being violated based on the~~
901 ~~occupancy established by the Fire Code and the impact on adjacent properties.~~

902
903 ~~4.2. Code Requirement. A building permit for any rooftop deck activity must be~~
904 ~~obtained from the Emmet County Building Department, and such usage is subject to~~
905 ~~the construction of and maintenance of guardrails and other protective means of~~
906 ~~egress required by the Michigan Building Code and the Petoskey City Code features~~
907 ~~as required by the Emmet County Building Code.~~

908
909 ~~5.3. Use. The Planning Commision may require screening Such usage must be~~
910 ~~screened from view of adjacent properties., and the proposed area shall not exceed~~
911 ~~fifty (50%) percent of the total square footage of the roof area.~~

912
913 ~~4. Structures. The proposed outdoor roof deck shall not exceed fifty (50%) percent of~~
914 ~~the total square footage of the roof area. The dimensional area of all structures (other~~
915 ~~than a mechanical, heating, or cooling element or one that the Building Code requires~~
916 ~~as a health or life-safety feature) shall not exceed fifteen (15%) percent of the square~~
917 ~~footage of the total top roof area. Structures for such usage shall be set back at least~~
918 ~~five (5) feet from the edge of any roof not fronting on a public street or right of way and~~
919 ~~at least fifteen (15) feet from the edge of any roof that fronts on a public street or right~~
920 ~~of way. Mechanical, heating, or cooling equipment or structures that the Building~~
921 ~~Code requires as a health or life-safety feature shall not be subject to this setback~~
922 ~~requirement.~~

923
924 ~~6.—Structures for such usage shall be set back at least five (5) feet from the edge of any~~
925 ~~roof not fronting on a public street or right of way and at least fifteen (15) feet from~~
926 ~~the edge of any roof that fronts on a public street or right of way. Mechanical, heating,~~
927 ~~or cooling equipment or structures that the Building Code requires as a health or life-~~
928 ~~safety feature shall not be subject to this setback requirement.~~

929
930 ~~7.1. The dimensional area of all structures (other than a mechanical, heating, or~~
931 ~~cooling element or one that the Building Code requires as a health or life-safety~~
932 ~~feature) shall not exceed fifteen (15%) percent of the square footage of the total top~~
933 ~~roof area.~~

934
935 ~~8.5. Noise. Amplified musical instruments are prohibited. Any other music or~~
936 ~~sound that would violate the City's noise ordinances and restrictions or exceed~~
937 ~~seventy-fifty-five (5570) decibels measured at the property line where the deck or~~
938 ~~patio is located is prohibited.~~

940 ~~9-6. Time.~~ Roof-top deck usage is permitted only between 7:00 a.m. and 11:00
941 p.m., ~~except for special events approved by the City Council.~~

942
943 ~~7. Lighting.~~ Lighting shall ~~be shielded and pointed downward and shall not be a~~
944 ~~nuisance to adjacent properties~~ comply with the City of Petoskey Outdoor Lighting
945 Ordinance.

946 ~~10-8. Furniture.~~ Tables, chairs, umbrellas, fire pits, and grills (gas only) shall be
947 ~~securely fastened to prevent movement by the wind.~~

948
949 ~~6.116.10~~ WALLS (SCREENING)

950 A. For those districts and uses listed below, there shall be provided and maintained an
951 ~~obscuring screening~~ wall as ~~required by the conditions, heights, and locations~~ noted:

952
953 Table XX: Required Walls

Land Uses Requiring Walls	Height	Location of Wall
Commercial and Industrial Districts	6'0"	Along common boundary
Required Parking in Multiple-Family Areas	4'6"	Along common boundary
Junk Yards	8'0"	All sides of use
Storage Facilities	4'6" – 8'0"	Along common boundary
Required Off-Street Parking in Residential Areas	4'6"	Along common boundary

954
955
956 ~~B.—Obscuring walls shall not be required when any building, parking or storage area within any~~
957 ~~district requiring a wall, or any use requiring a wall, when such buildings, parking or storage~~
958 ~~areas are located more than 200 feet from an abutting residential district.~~

959
960 ~~C.B.~~ Required walls shall be located on the lot line except where underground utilities
961 interfere and except in instances where this ordinance requires conformance with front yard
962 setback lines in abutting residential districts. Upon review of the site plan, the ~~planning~~
963 ~~Planning Commission~~ ~~Commission or Administrative Review Committee~~ may approve an
964 alternate location for the wall or may waive the wall requirement if in specific cases it would
965 not serve the purposes of screening the parking area effectively. Required walls may, upon
966 approval of the ~~board of appeals~~ ~~Planning Commission or Administrative Review Committee~~,
967 be located on the opposite side of an alley right-of-way from a nonresidential zone that abuts
968 a residential zone when mutually agreeable to affected property owners. The continuity of
969 the required wall on a given block will be a major consideration ~~of the board of appeals~~ in
970 reviewing such request.

971
972 ~~D.C.~~ Walls shall be ~~constructed~~ of masonry, ~~concrete~~ or other materials approved by the
973 ~~Planning Commission or Administrative Review Committee~~ ~~construction~~. Decorative
974 openings in the wall may be permitted provided they do not exceed 20 percent of the surface.

975 Where walls are so pierced, the openings shall be spaced as to maintain the ~~obscuring~~
976 ~~screening~~ character required and shall be reviewed and approved by the building inspector.

977
978 ~~E.D.~~ Where ~~an obscuring a screening~~ wall is required, a landscaped earthmound may be
979 permitted in lieu of such wall, provided that the height of the earthmound not be less than
980 the required height of the obscuring wall.

981
982 ~~F.—The Zoning Board of Appeals may waive or modify for foregoing requirements where cause~~
983 ~~can be shown that no good purpose would be served, provided that in no instance shall a~~
984 ~~required wall be permitted to be less than four feet six inches in height except where Section~~
985 ~~5.10 (Corner Clearance) applies.~~

986
987 ~~G.—In consideration of request to waive wall requirements between nonresidential and~~
988 ~~residential districts, the Zoning Board of Appeals shall refer the request to the Planning~~
989 ~~Commission for a determination as to whether or not the residential district is considered to~~
990 ~~be an area in transition and will become nonresidential in the future.~~
991

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 orderly development and to improve the appearance and character of 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 queuing lanes 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.
- 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	23 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

- G. Accessible Parking: Off-street parking areas shall provide barrier-free spaces in compliance with the Michigan Building Code and the Americans with Disabilities Act (ADA).
- H. Surfacing: Parking surfaces shall be constructed with impervious or pervious hard surface

- 39 materials (i.e., concrete, asphalt, or pervious pavers etc.), excluding loose aggregate
40 materials.
- 41
- 42 I. Drainage: All off-street parking areas shall utilize, where practical, Low Impact Development
43 (LID) water quantity management to collect and treat stormwater on-site as required for site
44 plan review, in consultation with the Department of Public Works.
- 45
- 46 J. Curbs and Vehicle Stops: All off-street parking areas shall include curbs, or vehicle stops to
47 prevent vehicles from overhanging into or over public rights-of-way, sidewalks, adjacent
48 areas, or landscape areas.
- 49
- 50 K. Exterior Lighting: Except for parcels zoned for single-family, duplex , triplex, and quadplex
51 units, all off-street parking areas with a capacity of ten (10) or more vehicles shall provide
52 adequate lighting and comply with the requirements of Section 6.6. New or redeveloped off-
53 street parking, queuing lanes, and loading areas shall comply with the exterior lighting
54 standards in this Article.
- 55
- 56 L. Snow Storage: The Planning Commission has the authority to require snow storage areas.
57 When required by the Planning Commission, snow storage areas should be provided at a
58 ratio of fifteen (15) square feet per two hundred (200) square feet of off-street parking area.
59 Snow storage areas shall be located in a manner that does not obstruct required clear vision
60 areas.
- 61
- 62 M. Maintenance: All parking areas shall be maintained in good condition and free of debris and
63 garbage. Where parking lot stripping was required, it shall be maintained in good condition.
- 64
- 65 N. Completion: All off-street parking, queuing lanes, and loading areas indicated on a site plan
66 shall be fully completed before the issuance of a Certificate of Occupancy. In the case of
67 phased developments, only the off-street parking, queuing lanes, and loading areas
68 associated with a given phase of development shall be required to be completed.
- 69
- 70 Access Through Yards: Access drives may be placed in the required front or side yard setback to
71 provide access to rear yards, accessory, or attached structures. These drives shall not be
72 considered violations in front or side yards.
- 73
- 74 O. Defined Area: Off-street parking areas and loading zones shall include painted lines, vehicle
75 stops, or other delineating features to define parking and loading spaces clearly.
- 76
- 77 P. Parking Duration: Except when the land is used as storage space in connection with the
78 business of automobile and vehicle repair use, there shall be a 24-hour time limit for parking
79 in non-residential off-street parking areas.
- 80
- 81 a. Vehicles being stored in an off-street parking lot in connection with the business of an
82 automobile and vehicle repair use shall not exceed 28 days.
- 83
- 84 b. No vehicle being stored on a public street right-of-way in connection with the business of an
85 automobile and vehicle repair use shall exceed 24 hours.
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Q. One and Two-Family Residential Parking Area and Driveway Requirements:

- a. In no case shall more than 40 percent of a required front yard be a paved surface. Parking on non-paved surfaces is prohibited.
- b. A one-family dwelling shall not have more than a single curb cut.

R. Multifamily Residential Parking Area and Driveway Requirements:

- a. 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.

S. Commercial Parking Area and Driveway Requirements:

- a. Parking areas shall not be located within a required front-yard setback or a street frontage side-yard setback on a corner front yard setback .
- b. The storage of merchandise, motor vehicles for sale, trucks, or the repair of vehicles is prohibited within a required off-street parking area.
- c. Parcels greater than 100 feet in width shall have curb cuts at least 60 feet from an intersection measured from the curb face.
- d. Curb cuts shall be aligned with driveways on the opposite side of the street or offset a minimum distance of 30 feet, unless waived by the Planning Commission based on a recommendation from the City Engineer.
- e. Driveways on the same side of the street shall be separated by at least 30 feet, measured from the entrance radius spring point, unless waived by the Planning Commission based on a recommendation from the City Engineer.

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

6.2.2 Parking Requirements

- A. Minimum/Maximum Parking: To reduce excessive areas of pavement that detract from the aesthetics of the City and contribute to high rates of stormwater runoff, this Ordinance establishes a minimum and maximum number of parking spaces for each use, hereinafter referred to as “required parking.” The Planning Commission may, based on lot configuration, dimensional restrictions, and/or neighborhood development characteristics, grant an increase or decrease of the required parking if:

1. The applicant can demonstrate 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. The stormwater management plan shall be sufficient to handle the added parking spaces.
4. The number of required parking spaces may be waived by the based on lot configuration, dimensional restrictions, and/or neighborhood development characteristics.

B. Calculating Required Parking Spaces: 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. The number of employees shall be based on the number needed for the largest shift.
3. Occupancy shall mean legal occupancy as determined by the City of Petoskey Public Safety Department or the Emmet County Building Department.
4. Parking spaces incorporated into a garage shall count towards the required number of off-street parking spaces permitted.
5. 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 required 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. Required Parking Requirements: The required number of off-street required parking spaces shall be determined per the following table:

Table XX: Number of Required Parking Spaces

REQUIRED NUMBER OF PARKING SPACES	
Land Use	Spaces / Measurement
RESIDENTIAL USES	
Accessory Dwelling Units	1 / dwelling unit
Boarding & Rooming Houses	1 / boarding room
Cottage Courts	1 / dwelling unit

REQUIRED NUMBER OF PARKING SPACES	
Land Use	Spaces / Measurement
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 Unit	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 or Assisted Living Facilities	1/employee plus 1/6 beds.
COMMERCIAL & INDUSTRIAL USES	
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
Breweries, Distilleries, Wineries	1.25 / employee
Business Services	1 / 200 gfa
Central Cleaning Facilities	4 / 1,000 gfa
Child Care Centers	1 / employee + 1 / 10 children
Commercial Entertainment (Indoors, Outdoors)	0.25 / 1 occupancy
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
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
Manufacturing (Food, Light, Heavy)	1.5 / 1,000 gfa
Outdoor Storage, Materials & Equipment	1.25 / employee
Personal Service Establishments	1 / 250 gfa
Professional Services	3 / 1,000 gfa
Recycling Facilities	1.25 / employee
Research & Development Facilities	5 / 1,000 gfa

REQUIRED NUMBER OF PARKING SPACES	
Land Use	Spaces / Measurement
Restaurants & Eating & Drinking Establishments	1 / 3 occupancy + 1/employee
Retail Establishments	1.5 / 1,000 gfa + 1 / employee
Self-Storage Facilities	1 / 10 units + 1 / employee
Services & Trades Establishment	1 / employee
Sexually Oriented Business	3 / 1,000 gfa
Shopping Center	4 / 1,000 gfa
Tasting Rooms	2 / 1,000 gfa
Vehicle Fueling Stations	Based on the use of the building
Veterinary Services	1.5 / 1,000 gfa
Veterinary Services	1.5 / 1,000 sf
Warehousing & Distribution	1.25 / employee
Wholesale Activities	1.25 / employee
PUBLIC & QUASI-PUBLIC USES	
Cemeteries	N/A
Cultural Centers	0.25 / 1 occupancy
Educational Institutions	1 / 1,000 gfa + 1 / classroom
Private Clubs, Lodges & Fraternal Organizations	1 / 4 occupants
Public Use (Critical, Essential, Supporting)	N/A
Religious Institutions	1 / 4 occupants
Training Facility	1 / 1,000 gfa + assembly requirements
TRANSPORTATION & UTILITY USES	
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

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- E. Shared Parking: Where a mix of land uses creates staggered peak periods of parking demand, shared parking agreements that have the effect of reducing the total amount of required parking spaces are encouraged. Shared parking agreements for off-street parking for two or more buildings or uses is permitted, subject to the following::
1. The total number of required parking spaces for each use on each lot shall not be reduced by more than 30 percent.
 2. Shared parking areas shall be located within 300 feet of the use, measured from the nearest point of the building to the nearest point of the off-street parking area or space.
 3. If lots are adjacent, they shall be interconnected for vehicular passage.

- 191 4. Written agreements that provide for continued use and maintenance of shared
- 192 parking shall be submitted at the time of site plan or zoning permit approval. All
- 193 agreements shall include provisions to address changes in use.
- 194
- 195 5. Shared parking agreements or leases shall remain in full force and effect binding on
- 196 both parties. In the event the shared parking agreement or lease is terminated by
- 197 either party, or is not being enforced or complied with, full parking requirements
- 198 must be met.
- 199

200 6.2.3 Loading Zones

201 A. In all zoning districts, every building or portion occupied by a use requiring the receipt and

202 distribution of materials or merchandise by vehicles shall provide and maintain adequate

203 off-street loading zones.

204

205 B. Location:

206

- 207 1. On-site loading zones shall be permitted in the rear yard only, except in the “I”
- 208 districts, which allows side yard loading zones. In exceptional instances, loading
- 209 zones may be permitted in a side yard, with approval of the Administrative Review
- 210 Committee or the Planning Commission, when it can be shown that site conditions
- 211 necessitate such location.
- 212
- 213 2. Loading zones shall not interfere with the normal movement of pedestrians and
- 214 vehicles in the public street rights-of-way, internal drives, and off-street parking
- 215 areas.
- 216
- 217 3. Loading zones shall be designed for the largest vehicle intended to serve the use, with
- 218 adequate turning radii, maneuverability, and loading space.
- 219

220 C. Loading Space Requirements: The minimum number of loading zone spaces shall be

221 provided as described below:

222

223 Table XX: Loading Zones

224

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

225

226 D. Administrative Waiver: The Administrative Review Committee or the Planning Commission

227 may approve a modification to the loading zone location or space requirements where it has

228 been determined that another measure or location would be more appropriate due to site

229 constraints or the number or type of deliveries experienced by a particular use.

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6.2.4 Access Management

- A. All off-street parking, loading, and queing areas shall be arranged for convenient access and safety of pedestrians, bicyclists, and vehicles.
- B. Adequate ingress and egress shall be provided by clearly defined driveways. Backing into public street rights-of-way shall be prohibited.
- C. Access shall be obtained from the alley where a parking area abuts an improved alley. The Administrative Review Committee or the Planning Commission may waive this requirement if a practical difficulty has been presented that prevents the requirement from being satisfied.
- D. Where a parking area has no access to an alley, or the alley has not been maintained or improved for access but has access to two or more streets, access shall be from the street with the lower traffic volume. The Planning Commission may waive this requirement if a practical difficulty has been presented that prevents the requirement from being satisfied.
- E. Access to off-street parking areas for non-residential uses shall not be permitted across lots that are residential in use or a residential zoning district.
- F. Cross Access Management:
 - 1. All off-street parking areas not accessed by an alley shall be designed to allow internal vehicle circulation between adjacent lots by providing a location for cross-access on the site plan.
 - 2. A cross-access agreement shall be recorded with the Emmet County Register of Deeds before the issuance of a Building Certificate of Occupancy.
 - 3. The Planning Commission may waive this requirement if deemed impractical during site plan review due to topography, natural features, or vehicular safety factors if appropriate bicycle and pedestrian connections are provided between adjacent developments and uses.

6.3 BICYCLE PARKING

- A. Scope of Regulations: Bicycle parking facilities, which include bicycle parking spaces and access aisles, shall be provided as required for all new structures and uses established or for changes in use as of the effective date of this provision.
- B. 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.

- 275 C. **Size:** Required bicycle parking spaces shall be two (2) feet by six (6) feet. Each bicycle parking
 276 facility shall provide an access aisle of at least five (5) feet and a vertical clearance of at least
 277 eight (8) feet.
- 278
- 279 D. **Design and Maintenance:** Accessory off-street parking for bicycle parking shall include
 280 provision for secure storage of bicycles. Such facilities shall provide lockable enclosed
 281 lockers, racks, or equivalent structures in or upon which the user may lock the bicycle.
 282 Structures that require a user-supplied locking device shall be designed to accommodate U-
 283 shaped locking devices. All lockers and racks must be securely anchored to the ground or
 284 the building structure to prevent the racks and lockers from being removed from the location.
 285 The surfacing of such facilities shall be designed and maintained to be mud and dust-free.
- 286
- 287
- 288 E. **Schedule of Required Off-Street Bicycle Parking Facilities:** Bicycle parking facility spaces
 289 shall be provided in adequate numbers as determined by the Zoning Administrator. In making
 290 the determination the Zoning Administrator shall consider the number of dwelling units or
 291 lodging rooms, the number of employees, and the number of automobile parking spaces per
 292 the following guidelines:
- 293

294 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

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6.4 NON-MOTORIZED TRANSPORTATION

299 The intent and purpose of this section is to provide safe, non-motorized transportation options and public
 300 access within the City through sidewalks and shared-use pathways. All new development, re-development,
 301 and amendments to previously approved site plans, including substantial additions or improvements to
 302 existing buildings, either interior or exterior may be required, at the discretion of the Administrative Review
 303 Committee or the Planning Commission New development in the districts zoned [INSERT DISTRICTS] shall
 304 be exempt from the following requirements unless part of a site plan under a special land use in Article 9 or
 305 the land development options in Article 10.

- 306
- 307 A. All reasonable efforts shall be made to avoid cutting trees when locating sidewalks or
 308 shared-use pathways.

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

6.5 LANDSCAPING

6.5.1 Intent

The intent of this section is to:

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

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6.5.2 Landscape Plan Requirements

A separate detailed landscape plan shall be submitted to the City. 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.

6.5.3 Screening and Buffering.

- A. Three types of screening or buffering techniques shall be required , 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, lighting, and visual impacts.

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. Screening and buffer types 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

389 height and density of foliage of the subject species, or field observation of existing vegetation.
390 The screen may contain deciduous plants

- 391
- 392 1. Type A (Broken). A screen composed of intermittent visual obstructions from the
393 ground to a height of at least 20 feet. The broken screen is intended to create the
394 impression of a separation of spaces without necessarily eliminating visual contact
395 between the spaces. .
396
- 397 2. Type B Semi-opaque). A screen that is opaque from the ground to a height of 42
398 inches, with intermittent visual obstruction from above the opaque portion to a
399 height of at least 20 feet. The semi-opaque screen is intended to partially block the
400 separation of spaces. At maturity, the portion of intermittent visual obstructions
401 should not contain any completely unobstructed openings more than ten feet wide.
402 The zone of intermittent visual obstruction may contain deciduous plants.
403
- 404 3. Type C: A screen that is opaque from the ground to a height of at least six feet, with
405 intermittent visual obstructions from the opaque portion to a height of at least 20
406 feet. An opaque screen is intended to exclude all visual contact between uses and to
407 create a strong impression of spatial separation. The opaque portion of the screen
408 must be opaque in all seasons of the year. At maturity, the portion of intermittent
409 visual obstructions should not contain any completely unobstructed openings more
410 than ten feet wide. The portion of intermittent visual obstructions may contain
411 deciduous plants.
412

- 413 C. The design and extent of the buffer, screen wall, or fence shall be reviewed by either the
414 Administrative Review Committee or the Planning Commission, depending on the type of
415 review outlined in Article 8.
416

417 6.5.4 Landscape Elements

418 The following minimum standards shall apply:

- 419
- 420 A. Quality. Plant materials shall be of varieties and species, free from insects and diseases,
421 resistant to storm damage, hardy, indigenous to Northwest Michigan and Emmet County,
422 conform to the current minimum standard of the American Association of Nurserymen, and
423 shall have proof of any required governmental regulations and/or inspections.
424
- 425 B. Composition. A mixture of plant material, such as evergreen, deciduous trees, and shrubs,
426 is recommended to protect against insect and disease infestation. A limited mixture of hardy
427 species is recommended rather than many different species to produce a more aesthetic,
428 cohesive design and avoid a disorderly appearing arrangement.
429
- 430 C. Berms. Berms shall be constructed with slopes not to exceed a 1:3 gradient. Berm slopes
431 shall be protected with sod, seed, or other form of natural ground cover.
432
- 433 D. Existing Trees. The preservation and incorporation of existing trees are encouraged. Where
434 existing trees are used to satisfy the requirements of this section, the following requirements
435 shall apply:

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1. Paving or other site improvements shall not encroach upon the existing tree(s) drip line.
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 as outlined in Article 12, or the appropriate financial guarantee, 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.

6.5.5 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. (See the 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.

6.5.6 Parking Lot Landscaping

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

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1. Where landscape islands are required in this Article, there shall be a minimum of one (1) tree planted for every ten (10) parking spaces. Islands shall be required forevery 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, 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. 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 this Section.
2. Parking lots shall be screened from view with a solid wall at least 42 inches in height along the perimeter of those sides visible from a public road.
3. Where a parking lot abuts a residential zone district or residential occupied property the Planning Commission may require a wall.
4. At its discretion, the City may approve alternative landscape plantings instead of a wall.

6.5.7 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.

6.5.8 Subdivision and Site Condominium Landscaping

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

- 527 A. Street Trees. The frontage of all internal public or private streets shall be landscaped with a
- 528 minimum of one tree for every 30 linear feet or a fraction thereof. Such street trees shall meet
- 529 the minimum size and spacing requirements outlined in this Section.
- 530
- 531 B. Buffers Between Land Uses. Where required in this Section, a subdivision or site
- 532 condominium buffer shall be required.
- 533
- 534 C. Screening from Public Roads. Where a subdivision or site condominium abuts a public road
- 535 right-of-way located outside the proposed subdivision or site condominium, the screening
- 536 requirements in this Section shall be met.
- 537
- 538 D. Other Site Improvements. A landscape plan for a subdivision or site condominium
- 539 development shall also include landscaping details of the entrance to the development,
- 540 stormwater retention and/or detention areas, community buildings and other recreational
- 541 areas, and any other site improvement that would be enhanced through the addition of
- 542 landscaping.
- 543

6.5.9 Screening of Trash Containers

- 545 A. Outside trash disposal containers two yards or greater in capacity shall be screened on all
- 546 sides with an opaque fence or wall and gate at least as high as the container, but no less than
- 547 six feet in height, and shall be constructed of material which is compatible with the
- 548 architectural materials used in the site development.
- 549
- 550 B. Containers shall be consolidated to minimize the number of collection sites and located
- 551 reasonably to equalize the distance from the building they serve.
- 552
- 553 C. Containers and enclosures shall be located away from public view insofar as possible.
- 554
- 555 D. Containers and enclosures shall be situated so they do not cause excessive nuisance or
- 556 offense to occupants of nearby buildings.
- 557 E. Concrete pads of appropriate size and construction shall be provided for containers or
- 558 groups of containers having a capacity of six 30-gallon cans or more. Aprons shall be
- 559 provided for loading of bins with a capacity of one- and one-half cubic yards or more.
- 560
- 561 F. The enclosure area and pad size shall be increased to accommodate the storage of
- 562 recyclable materials and their containers.
- 563
- 564 G. Screening and gates shall be of a durable construction.
- 565
- 566 H. The pad in front of the dumpster shall be constructed of heavy-duty concrete, with a
- 567 compressive strength of 5,000 psi, the same width as the enclosure, and ½ of its depth.
- 568

EXTERIOR LIGHTING

Refer to the City of Petoskey Outdoor Light Ordinance.

573 6.6 STORMWATER MANAGEMENT

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

- 580
- 581 1. Stormwater management conveyance, storage, and infiltration measures and
582 facilities shall be designed to prevent flood hazards and water pollution related to
583 stormwater runoff and soil erosion from the proposed development.
 - 584
 - 585 2. Low Impact Development (LID) is the preferred site design strategy that uses natural
586 and engineered infiltration and storage techniques to control stormwater where it is
587 generated. LID combines conservation practices with distributed stormwater source
588 controls and pollution prevention to maintain or restore watershed functions. LID is
589 encouraged and may be required where the Administrative Review Committee or the
590 Planning Commission deems it to be safe and otherwise appropriate as a method of
591 stormwater conveyance to decrease runoff velocity, allow for natural infiltration,
592 allow suspended sediment particles to settle, and to remove pollutants.
 - 593
 - 594 3. Alterations to natural drainage patterns shall not create flooding or water pollution
595 for adjacent or downstream property owners.
 - 596
 - 597 4. Discharge of runoff from any site that may contain oil, grease, toxic chemicals, or
598 other polluting materials is prohibited. If a property owner desires to trap pollutants,
599 the owner must meet the Michigan Department of Environment, Great Lakes, and
600 Energy (EGLE) requirements. Based upon professionally accepted principles, such a
601 proposal shall be submitted and reviewed by the City Engineer, with consultation of
602 appropriate experts.
 - 603
 - 604 5. Drainage systems shall be designed to protect public health and safety and be
605 visually attractive, considering viable alternatives.
 - 606
 - 607 6. On-Site Stormwater Detention. To control drainage to off-site properties and
608 drainage ways, all properties, except single-dwellings, duplex, triplex, and quadplex,
609 developed under this Zoning Ordinance, whether new or improved, shall provide for
610 on-site detention storage of stormwater in accordance with the current Michigan
611 Department of Environment, Great Lakes, and Energy and local Department of Public
612 Works standards.

613
614 6.7 NOISE

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

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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)	55 dB(A)
7:00 P.M. to 7:00 A.M.		55 dB(A)	45 db(A)

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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.)

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

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6.8 BUILDINGS: SCALE, MASS, AND DESIGN

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A. All site plans submitted for review shall include an elevation drawing that shows proposed building facades as seen from public streets. The site plan and elevation drawings shall label proposed exterior materials on walls and roofs of principal and accessory buildings and on other fences or walls on the site. Color samples or color photographs of proposed materials shall be provided.

B. In cases where the Planning Commission determines unusual building size or mass, large site size, special conditions related to topography, high traffic uses, special natural or manmade features on-site or nearby, or similar unique conditions are present, the Administrative Review Committee or the Planning Commission may require any of the following additional methods of illustrating the impacts of a proposed development:

1. Additional elevation drawings from points other than the public street or perspective drawings from critical viewpoints recommended by the city.
2. Cross sections, particularly when the Planning Commission is examining the relative height of buildings or site topography regarding impacts upon neighboring properties.
3. Bird's eye views or axonometric drawings that present the overall size and mass of site structures and features. An aerial view must accurately reflect ground control points as well as individual buildings and site features.
4. A computer-generated image or video may be provided to show a before-and-after illustration of a proposed development's scale and mass.
5. A computer-generated vicinity model that shows a three-dimensional representation of building(s) and features.

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- 6. Use of balloons, flags, stakes, posts, or other vertical elements showing the corners, outline, height, and other physical aspects of a proposed development on the actual parcel to be impacted.
- 7. Use of colored degradable spray paint to identify horizontal outlines of site features such as parking, landscape areas, driveways, curb cuts, building footprints, etc.

C. The Planning Commission or Administrative Review Committee may increase or reduce requirements applying to this Article to improve a site plan and its impact upon the property or its surroundings.

If the Planning Commission or Administrative Review Committee chooses to reduce or increase requirements, it shall identify the unique conditions found at the site; indicate the benefit to the public health, safety or welfare of modifying such requirements; prescribe the modified requirements; and it may offer relevant conditions where needed to mitigate any impacts of the modified requirements.

D. In review of building facades and features, the planning commission shall consider:

- 1. Exterior materials should be of a finished appearance and quality consistent with the adjacent neighborhood. The Planning Commission or Administrative Review Committee may limit the amount of or prohibit the use of corrugated metal, concrete block, sheet metal and colored plastic or fiberglass. The commission may consider such factors as whether the building is an accessory structure, the adequacy of the setback and screening, and any impact upon street view and view from nearby residential buildings.
- 3. The scale, bulk, shape, exterior materials, and color of buildings shall be evaluated for their compatibility with the site size and shape and with surrounding buildings and structures.

E. Buildings shall be situated to fit the existing site rather than imposed on the landscape in a manner that requires significant alteration of site grades. This restriction may be waived by the Planning Commission or Administrative Review Committee where significant alteration of grades would result in preservation and protection of a scenic view or other significant natural or manmade resource, or would result in an improved site layout and function without adversely impacting significant resources.

F. Accessory structures shall be designed to complement with the principal building(s) on the site as to color, exterior materials, size, and shape.

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

707 6.9 ROOF TOP DECKS FOR COMMERCIAL DISTRICTS

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

- 712
- 713 1. Occupancy. The Planning Commission may limit the number of persons using such
714 rooftop decks based on the occupancy established by the Fire Code and the impact
715 on adjacent properties.
- 716
- 717 2. Code Requirement. A building permit for any rooftop deck must be obtained from the
718 Emmet County Building Department, and such usage is subject to the construction
719 of and maintenance of guardrails and means of egress required by the Michigan
720 Building Code and the Petoskey City Code.
- 721
- 722 3. Use. The Planning Commission may require screening from the view of adjacent
723 properties.
- 724
- 725 4. Structures. The proposed outdoor roof deck shall not exceed fifty (50%) percent of
726 the total square footage of the roof area. The dimensional area of all structures (other
727 than a mechanical, heating, or cooling element or one that the Building Code requires
728 as a health or life-safety feature) shall not exceed fifteen (15%) percent of the square
729 footage of the total top roof area. Structures for such usage shall be set back at least
730 five (5) feet from the edge of any roof not fronting on a public street or right of way and
731 at least fifteen (15) feet from the edge of any roof that fronts on a public street or right
732 of way. Mechanical, heating, or cooling equipment or structures that the Building
733 Code requires as a health or life-safety feature shall not be subject to this setback
734 requirement.
- 735
- 736 5. Noise. Amplified musical instruments are prohibited. Any other music or sound that
737 would violate the City's noise ordinances and restrictions or exceed fifty-five (55)
738 decibels measured at the property line where the deck or patio is located is
739 prohibited.
- 740
- 741 6. Time. Roof-top deck usage is permitted only between 7:00 a.m. and 11:00 p.m.
- 742
- 743 7. Lighting. Lighting shall comply with the City of Petoskey Outdoor Lighting Ordinance.
- 744 8. Furniture. Tables, chairs, umbrellas, fire pits, and grills (gas only) shall be securely
745 fastened to prevent movement by the wind.

746
747 6.10 WALLS (SCREENING)

748 A. For those districts and uses listed below, there shall be provided and maintained a screening
749 wall as noted:

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Table XX: Required Walls

Land Uses Requiring Walls	Height	Location of Wall
Commercial and Industrial Districts	6'0"	Along common boundary
Required Parking in Multiple-Family Areas	4'6"	Along common boundary
Junk Yards	8'0"	All sides of use
Storage Facilities	4'6" – 8'0"	Along common boundary
Required Off-Street Parking in Residential Areas	4'6"	Along common boundary

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- B. 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 or Administrative Review Committee 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 Planning Commission or Administrative Review Committee, 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 in reviewing such a request.
- C. Walls shall be constructed of masonry, concrete or other materials approved by the Planning Commission or Administrative Review Committee. 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 screening character required and shall be reviewed and approved by the building inspector.
- D. Where a screening wall is required, a landscaped earth mound may be permitted in lieu of such wall, provided that the height of the earth mound is not less than the required height of the obscuring wall.

Article 14: Definitions

14.1 Rules of Construction

14.2 Terms

14.1 RULES OF CONSTRUCTION

For the purpose of this ordinance, certain numbers, abbreviations, terms, and words used herein shall be used, interpreted, and defined as set forth in this section. Unless the context clearly indicates to the contrary:

- a. The particular shall control the general.
- b. Words used in the present tense include the future tense.
- c. Words used in the singular number include the plural; and words used in the plural number include the singular.
- d. The word "herein" means contained in this ordinance.
- e. The word "regulation" means the regulations of this ordinance.
- f. The words "this ordinance" shall mean the ordinance illustrations, text, tables, maps, and schedules included herein, as enacted or subsequently amended.
- g. In case of any difference of meaning or implication between the text of this ordinance and any caption or illustration, the text shall control.
- h. The term "shall" is always mandatory.
- i. Lists of examples prefaced by "including," "such as," or other similar prefaces shall not be construed as exclusive and shall not preclude an interpretation of the list including other similar examples which are not expressly mentioned.
- j. The term "building," "structure," "premises," or any similar term shall be interpreted to include any part of the building, structure, premises, or other similar term, unless otherwise stated.
- k. The "city council," "zoning board of appeals," and "planning commission" are respectively the city council, zoning board of appeals, and planning commission of the City of Petoskey.
- l. The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," or "occupied for."
- m. The word "person" includes an individual, a corporation, a limited liability company, a partnership, an incorporated association, or any other similar entity.
- n. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," "either...or," the conjunction shall be interpreted as follows:

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- i. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
- ii. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
- iii. "Either...or" indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.

14.2 TERMS

Whenever used in this Zoning Ordinance, the following words and phrases shall have the meaning ascribed to them in this Article.

14.2.1 "A" Terms

ABANDONMENT: To cease or discontinue a use or activity without intent to resume, but excluding temporary or short-term interruptions to a use or activity during periods of remodeling, maintaining, or otherwise improving or rearranging a facility, or during normal periods of vacation or seasonal closure.

ABUTTING: Having a common border with or being separated from such a common border by a right-of-way, alley, or easement, excluding the intersection of property lines.

ACCESS MANAGEMENT: A method of planning, design, and implementation of land use and multi-modal transportation strategies that maintain a safe flow of traffic while accommodating the access needs of adjacent developments. This includes the systematic control of the location, spacing, design, and operation of driveways, median openings, interchanges, and street connections.

ACCESSORY BUILDING: A detached building that is subordinate in size and character to a principal building situated on the same lot or parcel. The accessory building may contain a garage, carport, or storage area. When an accessory building is attached to the main building with a wall or roof (not including open roofs such as a pergola), the accessory building shall be considered a part of the main building for setback purposes.

ACCESSORY DWELLING UNIT (ADU): A residential dwelling unit, but not a mobile home, located on the same lot as a single dwelling dwelling, either within the same building as the single dwelling dwelling unit or in a detached building. Accessory dwelling units (ADU's) are intended to provide flexible housing options in the City by allowing homeowners to establish a second dwelling unit on their property.

ACCESSORY USE OR ACCESSORY: A use which is clearly incidental to, customarily found in connection with, and (except in the case of accessory off-street parking spaces or loading) located on the same zoning lot as the principal use to which it is related. When "accessory" is used in this text, it shall have the same meaning as accessory use. An accessory use includes:

- a. Residential accommodations for caretakers.
- b. Swimming pools for the use of the occupants of a residence or their guests.

- 91 c. Domestic storage in a barn, shed, carriage house, or similar accessory building/structure.
- 92
- 93 d. A newsstand primarily for the convenience of the occupants of a building, which is located wholly
- 94 within such building, and has no exterior signs or displays.
- 95
- 96 e. Storage of merchandise normally stocked in connection with a business or industrial use, unless such
- 97 storage is excluded in the applicable district regulations.
- 98
- 99 f. Storage of goods used in or produced by industrial uses or related activities, unless such storage is
- 100 excluded in the applicable district regulations.
- 101
- 102 g. Accessory off-street parking spaces, open or enclosed, subject to the accessory off-street parking
- 103 regulations for the district in which the zoning lot is located.
- 104
- 105 h. Uses clearly incidental to a main use, such as offices of an industrial or commercial complex that are
- 106 located on the site of the commercial or industrial complex.
- 107
- 108 i. Accessory off-street loading subject to the off-street loading regulations for the district in which the
- 109 zoning lot is located.
- 110
- 111 j. Accessory sign subject to the sign regulations for the district in which the zoning lot is located.
- 112

113 **ACCESS-WAY:** A public or private street, service drive, alley, driveway, or other means of approach or

114 departure from a property. The access-way provides ingress or egress to a property, parcel, or site via a curb

115 cut at an existing or proposed public street outside the property limits of the site development.

116

117 **ADJACENT:** The condition of where two (2) or more parcels share common property lines or where two (2)

118 parcels are separated only by an alley, easement or street.

119

120 **ADULT DAY CARE FACILITY:** A facility, other than a private residence, receiving at least three (3) but not

121 more than twelve (12) adults to be provided with care for periods of less than 24 hours a day.

122

123 **ADULT DAY CARE HOME:** A private residence receiving fewer than six (6) adults to be provided with care

124 for periods of less than 24 hours a day.

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126 **ADULT FOSTER CARE CONGREGATE FACILITY:** An adult foster care facility with the approved capacity to

127 receive more than twenty (20) adults to be provided with foster care.

128

129 **ADULT FOSTER CARE FACILITY:** means a home or facility that provides foster care to adults. Subject to the

130 limitations of the Adult Foster Care Facility Licensing Act, Michigan Public Act 218 of 1979, as amended.

131

132 **ADULT FOSTER CARE FAMILY HOME:** A private residence with the approved capacity to receive at least

133 three (3) but not more than six (6) adults to be provided with foster care. The adult foster care family home

134 licensee must be a member of the household and an occupant of the residence.

135

136 **ADULT FOSTER CARE LARGE GROUP HOME:** An adult foster care facility with the approved capacity to

137 receive at least thirteen (13) but not more than twenty (20) adults to be provided with foster care.

138

139 **ADULT FOSTER CARE SMALL GROUP HOME:** An adult foster care facility with the approved capacity to
140 receive at least three (3) but not more than twelve (12) adults to be provided with foster care.

141
142 **AFFORDABLE HOUSING:** Housing that meets the current United States Department of Housing and Urban
143 Development (HUD) criteria.

144
145 **AIR RIGHTS:** The ownership or control of all land, property, and that area of space at and above a horizontal
146 plane over the ground surface of land used for railroad or freeway purposes. The horizontal plane shall be
147 at a height that is reasonably necessary or legally required for the full and free use of the ground surface.

148
149 **ALLEY:** Any dedicated public vehicular or pedestrian way affording a secondary means of access between
150 or behind buildings, that affords a secondary means of access to abutting property, and not intended for
151 general traffic circulation.

152
153 **ALTERATION:** Any change, addition, or modification in construction; type of occupancy; or in the structural
154 members of a building, such as walls, partitions, columns, beams, or girders. The consummated act of which
155 may be referred to herein as "altered" or "reconstructed."

156
157 **ANTENNA:** Any exterior transmitting or receiving device mounted on a tower, building or structure and used
158 in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio signals
159 or other communications signals.

160
161 **APARTMENT:** A room or suite of rooms in a multiple family building, in which each suite is arranged,
162 intended, and designed to be occupied as a residence of a single family or individual, and which has only
163 one complete kitchen and at least one complete bathroom.

164
165 **ARCHITECTURAL DETAIL:** That portion of a building constituting any subsidiary element of the larger whole,
166 such as projection, relief, cornice, light fixture, window or door opening, or change of building material; but
167 exclusive of signs.

168
169 **ARCHITECTURAL PROJECTION:** Any component, member, or part which juts out from a building, such as
170 eaves, cornices, bay windows having no floor space, platforms, or porches.

171
172 **ARTICULATION:** The provision of emphasis to architectural elements that create a complementary horizontal
173 pattern or rhythm, by a measured and proportioned inflexion, which divides buildings into smaller identifiable
174 segments.

175
176 **ASSEMBLY AREA:** A facility with fixed seats or large spaces, designed to accommodate temporary seating
177 on a regular basis, for gatherings, events, or open exhibition halls. Examples include: churches, auditoriums,
178 libraries, schools, theatres, stadiums, community centers, or similar places.

179
180 **ASSISTED LIVING FACILITY:** A special combination of housing, supportive services, personalized assistance,
181 and health care designed to respond to the individual needs of residents who need help with activities of
182 daily living; which may or may not include a central or private kitchen, dining, recreational, and other
183 facilities; with separate bedrooms or living quarters; and where the emphasis of the facility remains
184 residential.

185

186 **ATTACHED WIRELESS TELECOMMUNICATION FACILITY - ANTENNAE:** Any wireless telecommunication
187 facility affixed to an existing structure, such as a building, tower, water tank, utility pole, etc., utilized to
188 receive and transmit federally or state licensed telecommunications services via duly licensed segments of the
189 radio frequency spectrum. This definition shall not include support structures.

190
191 **ATTIC:** The space between the ceiling beams, or similar structural elements, of the top story of a building
192 and the roof rafters.

193
194 **AUTOMATED TELLER MACHINE (ATM):** A machine used by bank and financial service patrons for
195 conducting transactions, including deposits, withdrawals, and fund transfers without contact with financial
196 institution personnel.

197
198 **AUTOMOBILE:** A four-wheeled vehicle with its own power system (as an internal combustion engine)
199 designed for passenger transportation. All-terrain vehicles (ATV) and over-the-road (ORV) vehicles shall not
200 be considered automobiles.

201
202 **AUTOMOBILE AND VEHICLE REPAIR:** General repair, rebuilding, or reconditioning of engines, motor
203 vehicles, or trailers; collision service, including body frame or fender straightening or repair; overall painting
204 or paint shop; vehicle steam cleaning and oil change. Automotive major repair also includes an establishment
205 that provides for the removal and temporary storage (less than seven (7) days) of vehicles, but does not
206 include the disposal, permanent disassembly, or salvage, or the accessory storage of motor and/or
207 recreational vehicles.

208
209 **AUTOMOBILE AND VEHICLE SALES AND RENTALS:** Storage and display for sale of more than two (2)
210 motor vehicles or any type of trailer provided the trailer is unoccupied, and where repair or body work is
211 incidental to the operation of the new or used vehicle sales. Motor vehicles sales includes motor vehicle retail
212 or wholesale sales.

213
214 **AVERAGE GRADE:** The average between the highest and lowest elevation of the natural finished grade
215 abutting the street walls of a structure.

216
217 **AWNING OR CANOPY:** Any covered structure made of cloth, metal, or other material with supporting
218 frames attached to a building which projects beyond the building wall and/or is carried by a frame supported
219 by the building, ground, or sidewalk below it.

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221

14.2.2 "B" Terms

222 **BAKERY:** See CAFÉ

223

224 **BAR:** See DRINKING ESTABLISHMENT

225

226 **BASEMENT:** That portion of a building which is partly or wholly below grade but so constructed that no
227 more than 25 percent is above the average grade.

228

229 **BED & BREAKFAST:** An owner-occupied single family residence licensed to provide overnight sleeping
230 accommodations to paying guests in accordance with regulations governing such activities.

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232 **BEDROOM:** A room designed or used in whole or part for sleeping purposes.

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BERM: An earthen mound designed to provide visual interest on a site, screen undesirable views, reduce noise, or fulfill other such purposes.

BILLBOARD: An outdoor sign that directs attention to a specific business, product, service, event, activity, or other commercial or noncommercial activity, either on or off the premises upon which the sign is located.

BLOCK: The property abutting one side of a street and lying between the two (2) nearest intersecting streets (crossing or terminating), or between the nearest such street and railroad right-of-way, unsubdivided acreage, lake, river, or live stream; or between any of the foregoing and any other barrier to the continuity of development or corporate boundary lines of the municipality.

BLOCK FACE: That portion of a block or tract of land facing the same side of a single street and lying between the closest intersecting streets.

BOARDING HOUSE or ROOMING HOUSE: A dwelling unit with a single kitchen facility where lodging is provided and meals may be provided to occupants for compensation either directly or indirectly for no less than a 30-day period.

BOARD OF ZONING APPEALS: See **ZONING BOARD OF APPEALS**

BRANDY MANUFACTURER: means a wine maker or a small wine maker licensed under this act to manufacture brandy. A wine maker or small wine maker authorized to manufacture brandy shall not manufacture any other spirits. The Michigan Liquor Control Commission may approve a brandy manufacturer to sell brandy that it manufactures at retail in accordance with Michigan Liquor Control Code, Administrative Rules, and Related Laws .

BREWER: A state-licensed facility or facilities that manufactures beer and is owned or controlled by a state-licensed Brewer, as defined and regulated by the Michigan Liquor Control Commission.

BREW PUB: means a license issued in conjunction with a class C, tavern, class A hotel, or class B hotel license that authorizes the person licensed with the class C, tavern, class A hotel, or class B hotel to manufacture and brew not more than 18,000 barrels of beer per calendar year in this state and sell at its licensed premises the beer produced for consumption on or off the licensed brewery premises in the manner provided for in the Michigan Liquor Control Code, Administrative Rules, and Related Laws .

BUFFER: A strip of land with a definite width and location reserved for native vegetation to serve as an obscuring screen in carrying out the requirements of this Ordinance.

BUILDABLE AREA: The area of a lot that is defined by the minimum setback requirements within which building construction is permitted by the terms of this Ordinance.

BUILDING: Any structure, either temporary or permanent, having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.

BUILDING, ACCESSORY: See **ACCESSORY BUILDING**, or **STRUCTURE**

281 **BUILDING CODE:** The currently adopted code or codes regulating building construction in Emmet County,
282 Michigan.

283
284 **BUILDING ENVELOPE:** The three-dimensional space within which a structure is permitted to be built on a lot
285 that is defined by maximum height regulations and minimum yard setbacks or build-to-lines.

286
287 **BUILDING FOOTPRINT:** The total area contained within the exterior foundation or framing area taken on a
288 horizontal plane at the largest floor level of a building or an accessory building (exclusive of terraces, patios,
289 decks,-steps, awnings, or nonpermanent canopies).

290
291 **BUILDING HEIGHT:** The vertical distance measured from the average grade: to the highest point of the roof
292 (parapet) for flat roofs; to the deck line of mansard roofs; or to the average height between eaves and ridge
293 for gable, hip, and gambrel roofs

294
295 **BUILDING HEIGHT, STORIES:** The vertical distance measured as the number of individual floors in a building
296 that can be occupied. Stories does not include basements, permitted rooftop patios, or architectural features
297 such as cupulas, steeples, etc.

298
299 **BUILDING INSPECTOR:** The Emmet County official(s) designated by the Emmet County Board of
300 Commissioners to administer and enforce the various Building Codes.

301
302 **BUILDING LINE:** A line formed by each face of the building

303
304 **BUILDING OFFICIAL:** The County authorities having jurisdiction to administer the Building Code on a day-
305 to-day basis. Duties include but are not limited to inspecting and reviewing new construction, installations,
306 and alterations of private and public buildings to ensure that all applicable codes, laws, and regulations have
307 been met; reviewing proposed construction plans and documents; issuing notices of code violations requiring
308 corrective action; and testifying at hearings or court cases related to violations of codes, laws, or regulations.

309
310 **BUILDING PLACEMENT:** The placement of a building on its lot.

311
312 **BUILDING, PRINCIPAL (MAIN):** A building or, where the context so indicates, a group of buildings that are
313 permanently affixed to the land and that are built, used, designed, or intended for the shelter or enclosure
314 of the principal use of the lot.

315
316 **BUILDING, TEMPORARY:** A building that is not of a permanent construction that is not affixed to the
317 property and is permitted to exist for a specific reason for a specific time.

318
319 **BUILD-TO-LINE:** A line parallel to the front property line along which a building or porch shall be built to
320 create an even building facade line on a street.

321
322 **BULK:** The size and mutual relationships of a building or structure with respect to: size and height of the
323 building; location of exterior walls at all levels in relation to lot lines, streets, or other buildings; and gross
324 floor area of the building in relation to the lot area.

325
326 **BUSINESS SERVICES:** An establishment providing services to business establishments on a fee or contract
327 basis.

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14.2.3 “C” Terms

CAFÉ: See RESTAURANT

CARPORT: See Accessory building.

CELLAR: See BASEMENT

CEMETERY: A place used for interment of human, animal, or cremated remains, including a burial park for earth interments, a mausoleum for vault or crypt interments, a columbarium for cinerary interments, or a combination thereof (does not include a crematory).

CHANGE OF OCCUPANCY: A discontinuance of an existing use and the substitution therefor of a use of a different kind or class. Change of occupancy is not intended to include a change of tenants or proprietors unless accompanied by a change in the type of use.

CENTRAL CLEANING FACILITY: A facility where textile materials, including but not limited to clothing and rugs, are dropped off directly by the customer or gathered at satellite locations for cleaning and future delivery or pick up.

CHILD CARE CENTER: A facility, other than a private residence, receiving one (1) or more children under thirteen (13) years of age for care for periods of less than 24 hours a day, where the parents or guardians are not immediately available to the child. Child care center includes a facility that provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, before- or after-school program, or drop-in center. Child care center does not include those uses excluded under “Child Care Center” in the Child Care Organization Act (1973 PA 116, MCL 722.111(1)(h)).

CHURCH: See RELIGIOUS INSTITUTION

CITY: The City of Petoskey, Emmet County, Michigan.

CITY COUNCIL: The City Council of the City of Petoskey, Emmet County, Michigan.

CITY PLANNER: The City Planner is the person or firm designated by the City Council and Planning Commission to advise the City Council, Planning Commission, and City staff on planning, zoning, land use, housing, and other related planning and development issues. The City Planner may be a consultant or an employee of the City.

CLINIC, MEDICAL or DENTAL: A health care facility providing medical or dental office visits, consultations, diagnostic tests, urgent care, treatments, ambulatory surgery, or other medical activities not requiring an overnight stay by patients.

CLUB, LODGE, or FRATERNAL ORGANIZATION: A group of persons organized for the purposes of participating in and/or for the promulgation of sports, arts, sciences, literature, politics, or the like, but not operated for profit or to espouse beliefs or further activity that is not in conformance with the Constitution of the United States or any laws or ordinances. The facilities owned or used by such organization may be referred to as a "club" in this Ordinance.

376

377 **CLUSTER HOUSING:** A development design technique that concentrates buildings in specific areas on a site
378 to allow remaining land to be used for recreation, common open space, or the preservation of historically or
379 environmentally sensitive features.

380

381 **COLLOCATE:** To install, mount, maintain, modify, operate, or replace wireless facilities on or adjacent to a
382 wireless support structure or utility pole. Collocate does not include make-ready work or the installation of
383 a new utility pole or new wireless support structure.

384

385 **COMMERCIAL ENTERTAINMENT, INDOORS:** Predominantly spectator uses conducted within an enclosed
386 building. Typical uses include motion picture theaters and concert or music halls.

387

388 **COMMERCIAL ENTERTAINMENT, OUTDOORS:** Predominantly spectator uses conducted in open or
389 partially enclosed or screened facilities. Typical uses include sports arenas, motor vehicle or animal racing
390 facilities, and outdoor amusement parks.

391

392 **COMMERCIAL PARKING FACILITY:** A parking area or parking structure available to the public, with or
393 without fee, used to temporarily store motor vehicles.

394

395 **COMMERCIAL STORAGE FACILITY:** A structure containing separate, individual, and private storage spaces
396 of varying sizes leased or rented individually for varying periods of time.

397

398 **COMMERCIAL USE:** The use of property for retail sales or similar businesses where goods or services are
399 provided directly to the consumer. As used in these regulations, "commercial use" shall not include industrial,
400 manufacturing, or wholesale businesses.

401

402 **COMMERCIAL VEHICLE:** Any vehicle for hire which is used for the transportation of passengers, goods,
403 wares, merchandise, or vehicle transport.

404

405 **COMMISSION:** The planning commission of the City of Petoskey, Michigan.

406

407 **COMMUNITY CENTER:** A place, structure, area or other facility used for and providing religious, fraternal,
408 social and/or recreational programs generally open to the public and designed to accommodate and serve
409 significant segments of the community.

410

411 **COMPREHENSIVE PLAN:** See **MASTER PLAN**

412

413 **CONDOMINIUM:** A condominium is a system of separate ownership of individual units in multi-unit projects
414 according to Public Act 59 of 1978, as amended. In addition to the interest acquired in a particular unit, each
415 unit owner is also a tenant in common in the underlying fee interest and in the spaces and building parts
416 used in common by all the unit owners. For the purposes of this Ordinance, condominium terms shall be
417 defined as follows:

418

419 a. **Condominium Act:** Shall mean Michigan Public Act Act 59 of 1978, as amended.

420

421 b. **Condominium Lot:** That portion of the land area of a site condominium project designed and
422 intended to function similar to a platted subdivision lot for purposes of determining minimum yard

- 423 setback requirements and other requirements set forth in the Schedule of Dimensional Requirements
424 of this Ordinance.
425
- 426 c. **Condominium Subdivision Plan:** Drawings and information that show the size, location, area, and
427 boundaries of each condominium unit, building locations, the nature, location, and approximate side
428 of common elements, and other information required by Section 66 of the Condominium Act, as
429 amended.
430
- 431 d. **Condominium Unit:** That portion of the condominium project designed and intended for separate
432 ownership and use, as described in the master deed for the condominium project.
433
- 434 e. **Common Elements:** Portions of the condominium project other than the condominium units.
435
- 436 f. **Contractible Condominium:** A condominium project from which any portion of the submitted land
437 or buildings may be withdrawn pursuant to provisions in the condominium documents and in
438 accordance with this Ordinance and the Condominium Act.
439
- 440 g. **Conversion Condominium:** A condominium project containing condominium units some or all of
441 which were occupied before the establishment of the condominium project.
442
- 443 h. **Convertible Area:** A unit or a portion of the common elements of the condominium project referred
444 to in the condominium documents within which additional condominium units or general or limited
445 common elements may be created pursuant to provisions in the condominium documents and in
446 accordance with this Ordinance and the Condominium Act.
447
- 448 i. **Expandable Condominium:** A condominium project to which additional land may be added pursuant
449 to express provision in the condominium documents and in accordance with the Ordinance and the
450 Condominium Act.
451
- 452 j. **General Common Elements:** Common elements other than the limited common elements, intended
453 for the common use of all co-owners.
454
- 455 k. **Limited Common Elements:** Portions of the common elements reserved in the master deed for the
456 exclusive use of less than all co-owners.
457
- 458 l. **Master Deed:** The condominium document recording the condominium project to which are
459 attached as exhibits and incorporated by reference the bylaws for the project and the condominium
460 subdivision plan.
461
- 462 m. **Site Condominium Project:** A condominium project designed to function in a similar manner, or as
463 an alternative to a platted subdivision. A residential site condominium project shall be considered as
464 equivalent to a platted subdivision for purposes of regulation in this Ordinance.
465
- 466 **CONSERVATION EASEMENT:** An easement granting a right or interest in real property that is appropriate
467 to retaining land or water areas predominantly in their natural, scenic, open or wooded condition, retaining
468 such areas as suitable habitat for fish, plants or wildlife, or maintaining existing land uses.
469

470 **CONTRACTOR ESTABLISHMENTS:** A facility, building, structure, grounds, or portion thereof used to store
471 tools, trucks, equipment, supplies, resources, and materials used by building construction professionals,
472 contractors, and subcontractors. Such facilities typically will include outdoor storage, assembly, or staging
473 areas.

474
475 **CONTRACTOR STORAGE YARD:** A site on which is stored equipment, tools, vehicles, building materials,
476 and other appurtenances used in or associated with building or construction trades. A contractor's yard may
477 include outdoor or indoor storage, or a combination of both.

478
479 **CONVALESCENT HOME:** A structure with sleeping rooms, where persons are housed and are furnished
480 with meals, nursing and medical care.

481
482 **CONVENIENCE STORE:** Any retail establishment offering for sale such items as prepackaged food products,
483 household items, newspapers, magazines, and prepared foods for off-site consumption.

484
485 **CORNER CLEARANCE:** Any obstruction within the vision triangle that is more than two feet higher than the
486 street midpoint.

487
488 **CORNER-FRONT YARD:** The secondary street-fronting yard of a corner lot not included in the property
489 address.

490
491 **COTTAGE COURT:** A group of small (1 to 1.5-story) detached structures arranged around a shared court
492 visible from the street. The shared court is an important community-enhancing element, and unit entrances
493 should be from the shared court. It replaces the function of a rear yard. Often, the rear-most building can
494 be up to 2 stories.

495
496 **COURT:** An open, uncovered, unoccupied space, other than a yard, partially or wholly surrounded on at
497 least two (2) sides by building walls. A court having at least one (1) side open to a street, alley, yard, or other
498 permanent open space is an outer court. Any other court is an inner court.

499
500 **CULTURAL CENTER:** A use providing for display, performance, or enjoyment of heritage, history, or the arts.
501 This use includes but is not limited to museums, arts performance venues, cultural centers, or interpretive
502 sites, but does not include commercially operated theatres.

503
504 **CURB CUT:** The entrance to or exit from a property provided for vehicular traffic to or from a public or private
505 thoroughfare.

506
507

14.2.4 "D" Terms

508 **DECK:** An accessory structure or platform supported by pillars or posts, either attached or unattached to a
509 building, that is higher than seven inches above grade at any portion of the structure or platform and does
510 not contain walls.

511
512 **DENSITY:** The number of dwelling units allowed per acre of land.

513
514 a. **Gross Density:** The number of units per acre of total land area.

515
516 b. **Net Density:** The number of units per acre of land devoted to residential use only.

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DEVELOPMENT: The construction of a new building, the reconstruction of an existing building, the improvement of a structure on a lot, the relocation of an existing building to another lot, or the improvement of open land for a new use.

DISTILLER: Means a person licensed to manufacture and sell spirits or alcohol, or both, of any kind, as defined and regulated by the Michigan Liquor Control Commission.

DISTRIBUTION CENTER: A use that typically involves both warehouse and office/administration functions, where short and/or long-term storage takes place in connection with the distribution operations of a wholesale or retail supply business.

DISTRICT A section, zone, or geographic area of the city regulated by particular or specific zoning or development provisions.

DRINKING ESTABLISHMENTS: A commercial enterprise whose primary activity is the sale of alcoholic beverages licensed by the State of Michigan to be consumed on the premises. Drinking establishments include bars, taverns, night clubs, private clubs, bottle clubs, and similar facilities serving alcoholic liquor. Drinking establishments may also include the incidental sale of prepared food and live performances.

DRIVE-IN: A business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles to serve patrons while in the motor vehicle rather than within a building or structure.

DRIVE-THRU: : A principal use or accessory use that permits customers to receive services or obtain goods while remaining in their vehicles. .

DRIVEWAY: A passageway of definite width designed primarily for use by motor vehicles over private property, leading from a street or other public way to a garage or parking area. A horseshoe shape drive or a "T" shaped drive located within a front yard is included within this definition.

DWELLING: A place of habitation with food preparation facilities regardless of building type.

DWELLING UNIT, DUPLEX: A residential structure designed for two dwelling units.

DWELLING, MULTIPLE-FAMILY: A building or portion thereof which consists of five or more dwelling units and which is designed for occupancy by three or more families living independently of each other.

DWELLING, QUADPLEX: A building designed as a single structure, containing four (4) separate dwelling units, each of which is designed to be occupied as a separate permanent residence for one family.

DWELLING, SINGLE: A building consisting of only one dwelling unit occupied exclusively by one family.

DWELLING, TRIPLEX: A building designed as a single structure, containing three separate living and housekeeping units, each of which is designed to be occupied as a separate permanent residence for one family.

564 **DWELLING UNIT:** One or more rooms, along with bathroom and kitchen facilities, designed as a self-
565 contained unit for occupancy by an individual or one (1) family for living, bathing, cooking, and sleeping
566 purposes.

567
568 **14.2.5 “E” Terms**

569 **EASEMENT:** A right-of-way granted, but not dedicated, for limited use of private land for a public or quasi-
570 public purpose and within which the owner of the property shall not erect any permanent structures.

571
572 **EATING AND/OR DRINKING ESTABLISHMENT:** A retail establishment selling food and/or drink for on-site
573 consumption or for take-out.

574
575 **EATERY:** See RESTAURANT.

576
577 **EDUCATIONAL FACILITY:** A public, private, or parochial school offering instruction at the primary,
578 secondary, or post-secondary level.

579
580 **ENERGY GENERATION FACILITY:** Any energy system, including supply elements, furnaces, burners, tanks,
581 boilers, related controls, and energy distribution components, which uses any source of energy other than
582 solar or windmills. These sources include but are not limited to gas, oil, coal, and nuclear materials.

583
584 **ENGINEER, CITY:** The person or firm authorized by the City to advise the City Manager, City Council, and
585 Planning Commission on drainage, grading, paving, stormwater management and control, utilities, and other
586 related site engineering and civil engineering issues. The City Engineer may be a consultant or an employee
587 of the City.

588
589 **ENFORCEMENT OFFICIAL:** The Enforcement Official is the person or persons with the responsibility for
590 enforcing and administering requirements of applicable sections of these Zoning Regulations. The
591 Enforcement Official may be referred to as the Zoning Administrator, Building Official, or other appropriate
592 party so designated by the City Council. Such titles do not refer to a specific individual, but generally to the
593 office, department, or City official(s) most commonly associated with the administration of the regulation
594 being referenced.

595
596 **ERECTED:** Built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises
597 that are required for construction, excavation, fill, drainage, and the like, shall be considered a part of
598 erection.

599
600 **EQUIPMENT RENTAL ESTABLISHMENTS:** An establishment providing the rental of tools, lawn and garden
601 equipment, construction equipment, party supplies and similar goods and equipment, including storage and
602 incidental maintenance.

603
604 **ESSENTIAL SERVICES:** Services rendered, for the publics' general health, safety, and welfare, by public
605 utilities or municipalities. Services include gas, electrical, steam, fuel, or water transmission; or distribution,
606 collection, communication, supply or disposal systems.

607
608 **EXCAVATION:** Any breaking of ground (except common household gardening, ground care, or landscaping).

609

610 EXCEPTION: Permission to depart from the use or design standards of this zoning ordinance provided an
611 "exception" is not a "variance."
612

613 **14.2.6 "F" Terms**

614 FAMILY: One person or two or more persons related by blood, marriage, legal adoption or foster care; or a
615 group not exceeding four unrelated persons living together as a single housekeeping unit using common
616 cooking facilities.
617

618 FARMING OPERATION: Includes the land, plants, buildings, structure, including ponds used for agri- or
619 aqua-cultural activities, machinery, equipment and other appurtenances used in the commercial production
620 of farm products, and in accordance with the Michigan Right to Farm Act, Public Act 93, 1981.
621

622 FENCE: A constructed barrier erected to enclose, screen, or separate parcels.
623

624
625 FENCE, DECORATIVE: A fence, no more than three and one-half feet (42 inches) in height measured from
626 the established grade to the top of the highest fence post, no less than 50 percent open, and intended
627 primarily as an ornament or accent on a parcel such as a picket, wrought iron, split rail or similar material.
628 Chain link (with or without vinyl covering), wire mesh, wood stockade, and snow fencing shall not be
629 considered decorative fencing.
630

631 FENCE, LIVING: A hedge or row of bushes planted with the purpose of screening a yard.
632

633 FENCE, PRIVACY, SCREENING, SECURITY: A fence no more than six feet in height intended primarily to
634 screen or provide security to property.
635

636 FENESTRATION: Openings in the building wall, including windows and doors, allowing light and views
637 between the interior and exterior. Fenestration is measured as the glass area or as the open area for parking
638 structures or other enclosed spaces.
639

640 FILL: The deposit or dumping of any matter onto or into the ground, except for common household
641 gardening, farming, and general ground care.
642

643 FINANCIAL SERVICES: Any trust company, savings bank, industrial bank, savings and loan association,
644 building and loan association, commercial bank, credit union, federal association, investment company, or
645 other business association, that is chartered under federal or state law, solicits, receives, or accepts money
646 or its equivalent on deposit and loans money as a regular business.
647

648 FLOOD: A general and temporary condition of partial or complete inundation of normally dry land areas
649 from overflow of inland or tidal waters or from the unusual and rapid accumulation or runoff of surface
650 waters from any source.
651

652 FLOODPLAIN: Is deemed to mean that area of land adjoining a natural watercourse within the City that is
653 subject to either periodic flooding as established by the profiles in the most current report of a flood insurance
654 study by the Federal Emergency Management Agency (FEMA) as flood hazard areas (i.e., lands within the
655 100-year floodplain boundary and therefore have a 1% chance of occurring or being exceeded in any given
656 year). A floodplain shall not necessarily include a drainage district established by the County or City.

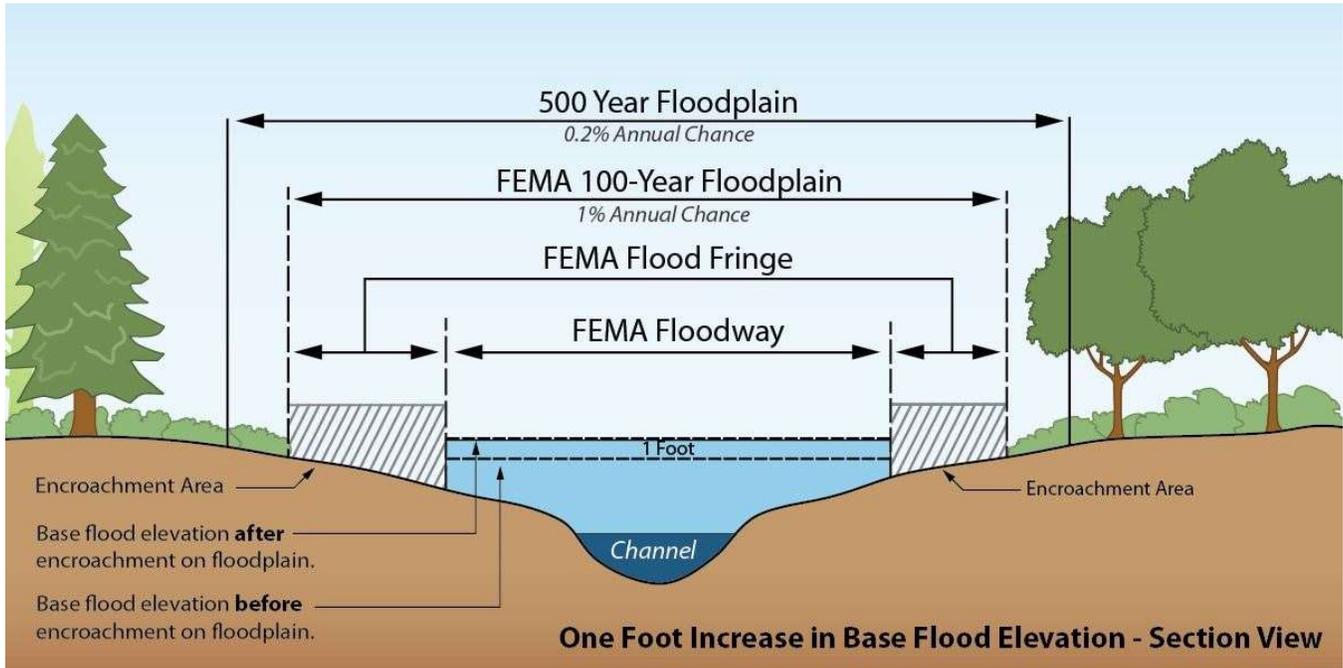
657

658 **FLOODWAY:** The channel of a river or stream and area adjacent to the channel that will carry moving water
 659 during times of flood. This is a high hazard portion of the floodplain with rapidly moving water during times
 660 of flood.

661

662 **FLOODWAY FRINGE:** The area of very slow-moving water or slack water outside of the floodway during
 663 times of flood.

664



665

666

667 **FLOOR AREA, GROSS:** The total area of a building measured by taking the outside dimensions of the
 668 building at each floor level intended for occupancy or storage and summing the total square footage.

669

670 **FLOOR AREA, GROUND:** The gross area occupied by the first story of a building.

671

672 **FLOOR AREA, USABLE:** The gross horizontal floor areas of all the floors of a building or structure and of all
 673 accessory buildings that have the potential to become usable for human habitation measured from the
 674 interior face of the exterior walls. Floor area that is used or intended to be used principally for dedicated
 675 storage, mechanical equipment rooms, unfinished attics, enclosed porches, light and ventilation shafts,
 676 public corridors, public stairwells, utility rooms or restrooms shall be excluded from the computation of
 677 useable floor area.

678

679 **FOOTPRINT:** First floor enclosed by a roof which includes covered porches and garages.

680

681 **FOSTER CARE:** The provision of supervision, personal care, and protection in addition to room and board,
 682 for 24 hours a day, 5 or more days a week, and for 2 or more consecutive weeks for compensation provided
 683 at a single address. Providing room under a landlord and tenant arrangement does not, by itself, exclude a
 684 person from the licensure requirement under the Adult Foster Care Facility Licensing Act, Michigan Public
 685 Act 218 of 1979, as amended.

686

687 **FOSTER FAMILY HOME:** A private home in which one (1) but not more than four (4) minor children, who
688 are not related to an adult member of the household by blood or marriage, or who are not placed in a
689 household under the Michigan Adoption Code, chapter X, of the Probate Code of 1939 (1939 PA 288, MCL
690 710.21 to 710.70) are provided care for 24 hours a day, for four (4) or more days a week, for two (2) or
691 more consecutive weeks, unattended by a parent, legal guardian, or legal custodian.

692
693 **FOSTER FAMILY GROUP HOME:** A private home in which more than four (4) but fewer than seven (7)
694 minor children, who are not related to an adult member of the household by blood or marriage, or who are
695 not placed in a household under the Michigan Adoption Code, chapter X, of the Probate Code of 1939
696 (1939 PA 288, MCL 710.21 to 710.70) are provided care for 24 hours a day, for four (4) or more days a
697 week, for two (2) or more consecutive weeks, unattended by a parent, legal guardian, or legal custodian.

698
699 **FOSTER CHILD:** A child unrelated to a family by blood or adoption with which he or she lives for the purposes
700 of care and/or education.

701
702 **FRATERNAL ORGANIZATION:** See **CLUB**

703
704 **FRONTAGE:** The portion of any property that abuts a private or public street or a waterway. A corner lot
705 and a through lot have frontage on both abutting private or public streets or a waterway and a street.

706
707 **FUNERAL ESTABLISHMENT:** An establishment where the dead are prepared for burial or cremation and
708 where wakes or funerals may be held. May also be referred to as a mortuary.

709
710 **14.2.7 "G" Terms**

711 **GARAGE, PRIVATE:** An accessory building designed or used for the storage or parking of motor driven
712 vehicles, boats, and similar vehicles owned and used by the occupants of the building to which it is accessory.
713 Private garages do not have public repair facilities. A private garage may be either attached to or detached
714 from the principal structures but shall be located on the same lot as the principal structure.

715
716 **GASOLINE STATION / CONVENIENCE STORE:** Any place where motor vehicle fuel is sold and dispensed as
717 either a principal or incidental activity with the sale of convenience goods, food, and beverages.

718
719 **GRADE:** See Average Grade.

720
721 **GREEN BELT:** A landscape area of definite width, height, and location, containing plant materials of definite
722 spacing, designed to serve as an obscuring device in carrying out the screening requirements of this zoning
723 ordinance.

724
725 **GREENHOUSE:** A building whose roof and sides are made largely of glass or other transparent or translucent
726 material in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-
727 season plants.

728
729 **GROUND OR FIRST FLOOR:** The first floor or ground level of any building or structure above or on the same
730 plane as the surface of the sidewalk.

731
732 **GROUP CHILD CARE HOME:** A private home in which more than 6 but not more than 12 minor children
733 are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal

734 guardian, except children related to an adult member of the household by blood, marriage, or adoption.
735 Group child care home includes a home in which care is given to an unrelated minor child for more than 4
736 weeks during a calendar year.

737

738

14.2.8 "H" Terms

739 **HAZARDOUS MATERIALS AND CHEMICALS:** All highly flammable materials or products that may react to
740 cause a fire or explosion hazard; or that because of their toxicity, flammability, or liability for explosion render
741 firefighting abnormally dangerous or difficult. This also includes flammable liquids or gases that are
742 chemically unstable and that may spontaneously form explosive compounds or undergo spontaneous
743 reactions of explosive violence or with sufficient evolution of heat to be a fire hazard. Hazardous materials
744 and chemicals shall include flammable solids, corrosive liquids, radioactive materials, oxidizing materials,
745 potentially explosive chemicals, highly toxic materials, and poisonous gases that have a degree of hazard
746 rating in the health, flammability or reactivity of three (3) or four (4) as ranked by NFPA 704 and as adopted
747 by the City and/or all items that are regulated as hazardous materials under Act 451 of 1994, as amended
748 (MCLA 324.101 - 324.90106).

749

750 **HEALTHCARE SERVICES:** A clinic, business or institution that offers any type of healthcare to the public
751 which requires as a condition precedent to the rendering of such care the obtaining of a license or other
752 legal authorization. By way of example, without limiting the generality of this definition, healthcare services
753 include services rendered by chiropractors, dentists, osteopaths, physicians, dieticians, surgeons, podiatrists,
754 physical therapists, counselors, and psychiatrists. Healthcare services does not include a hospital.

755

756 **HOME OCCUPATION:** An enterprise or activity conducted by the occupant of the dwelling unit that is
757 secondary and incidental to the primary use of the dwelling as a residence.

758

759 **HOSPITAL:** A facility providing health services primarily for in-patient medical or surgical care of the sick or
760 injured. This includes related facilities such as laboratories, out-patient departments, training facilities, central
761 service facilities, and staff offices which are an integral part of the hospital facility.

762

763 **HOTEL:** Any building, structure or part thereof, which is used primarily for paid public lodging on a transient
764 basis in which access to and from each room or unit is through an interior door. For purposes of this
765 definition, the word transient means occupancy for less than 30 consecutive days

766

767

14.2.9 "I" Terms

768 **IMPERVIOUS SURFACE:** Any material that prevents the absorption of storm water into the ground.

769

770 **INGRESS AND EGRESS:** As used in this Ordinance, "ingress and egress" generally is used in reference to a
771 driveway that allows vehicles to enter or leave a parcel or to a sidewalk that allows pedestrians to enter or
772 leave a lot of property, a building, or another location.

773

774 **INVASIVE PLANTS (SPECIES):** These are defined as having the following characteristics: allelopathy,
775 aggressive growth that over-competes with more desirable planting, growth characteristics that favor an
776 increased potential for failure, species that generate an excessive amount of debris with low wildlife value,
777 and species that harbor insects and diseases that have economic impacts on other plants or animals.

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14.2.10 “J” Terms

JUNK: Any motor vehicles, machinery, appliances, products, or merchandise with parts missing, or other scrap materials that are damaged, deteriorated, or are in a condition that prevents their use for the purpose for which the product was manufactured.

JUNK YARD: An area where waste, used, or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled including: scrap iron and other metals, paper, rags, rubber tires, and bottles. A "junk yard" includes automobile wrecking yards and includes any open area of more than 200 square feet for storage, keeping, or abandonment of junk.

14.2.11 “K” Terms

KENNEL: Any lot or premises on which three or more dogs, cats, or other household pets are either permanently or temporarily boarded. Any lot or premises where household pets are bred or sold.

14.2.12 “L” Terms

LAND DIVISION: As defined in the Land Division Act of the State of Michigan, being Act 288 of the Public Acts of 1967, as amended, MCL 560.101 et seq.

LIBRARY: A public, nonprofit facility in which literary, musical, artistic, or reference materials such as but not limited to books, manuscripts, computers, recordings, or films are kept for use by or loaning to patrons of the facility, but are not normally offered for sale, and may include community gathering space.

LICENSEE: An entity that holds a license issued under the Medical Marihuana Facilities Licensing Act, Act 281 of 2016, as amended, that allows the licensee to operate as one of the following, specified in the license:

- a. A grower.
- b. A processor.
- c. A secure transporter.
- d. A provisioning center.
- e. A safety compliance facility.

LIVE/WORK UNITS: A single unit (e.g. studio, loft, one-bedroom) consisting of both a residential and commercial/office component that is occupied by the same resident as their primary residence.

LIVING QUARTERS: An area in a building designated as an abode distinguished with kitchen facilities that compliment sleeping facilities.

LOADING SPACE: An off-street space on the same lot with a building or group of buildings for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials. .

LODGING ESTABLISHMENT: A building occupied as a more or less temporary lodging place for individuals with or without meals in rooms consisting of a minimum of one (1) bedroom and a bath, that are occupied for hire, and typically providing services such as maid service, telephone and secretarial or desk service, the use of furniture, a dining room and general kitchen for a period of less than 30 days.

824 **LOT:** A parcel of land which is or may be occupied wholly or in part by one principal building or use and its
825 accessories, and having either immediate frontage upon a public street or a permanent, exclusive, non-
826 obstructed deeded access to a public street.

827
828 **LOT AREA, GROSS:** The total area within the lot boundaries.

829
830 **LOT AREA, NET:** The total horizontal area within the lot lines of the lot, exclusive of any abutting public
831 street right-of-way or private road easements, or the area of any lake or river. The net lot area shall be used
832 in determining compliance with minimum lot area standards.

833
834 **LOT, CONTIGUOUS:** Lots adjoining or abutting each other. Lots separated by a right-of-way, road easement
835 or natural or man-made barrier shall not be considered contiguous.

836
837 **LOT, CORNER:** A lot where the interior angle of two adjacent sides at the intersection of two streets is less
838 than 135 degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the
839 purposes of this ordinance if the arc is of less radius than 150 feet and the tangents to the curve, at the two
840 points where the lot lines meet the curve of the straight street line extended, form an interior angle of less
841 than 135 degrees.

842
843 **LOT COVERAGE:** That portion of a lot that is covered by a building or buildings expressed as a percentage
844 of the total lot area.

845
846 **LOT DEPTH:** The distance between the front and rear lot lines measured along the median between the side
847 lot lines.

848
849 **LOT, INTERIOR:** Any lot other than a corner lot.

850
851 **LOT LINES:** The lines bounding a lot as defined herein:

852
853 **a. Front Lot Line:** The line separating a lot from the street right-of-way. For a through lot, the line
854 separating a lot from either street right-of-way. For a corner lot, the line designated on the building
855 plans filed for a zoning compliance permit.

856
857 **b. Rear Lot Line:** That lot line opposite the front lot line. In the case of a lot pointed at the rear: The
858 rear lot line shall be an imaginary line parallel to the front lot line; not less than ten feet long lying
859 farthest from the front lot line; and wholly within the lot.

860
861 **c. Side Lot Line:** Any lot line other than the front lot line or rear lot line. A side lot line separating a lot
862 from another lot or lots is an interior lot line.

863
864 **LOT WIDTH:** The distance between the side lot lines measured between the two points where the front
865 setback line intersects the side lot lines.

866
867 **LOT, ZONING:** A single tract of land located within a single block which, at the time of filing for a building
868 permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit under
869 single ownership or control. A zoning lot shall satisfy this ordinance with respect to area, size, dimensions,
870 and frontage as required in the district in which the zoning lot is located. A zoning lot, therefore, may not

871 coincide with a lot of record as filed with the county register of deeds, but may include one or more lots of
872 record.

873
874 **LOT OF RECORD:** A parcel of land, the dimensions of which are shown on a plat, document or other formal
875 map on file with the County Register of Deeds or in common use by the City or County Officials, and which
876 actually exists as so shown, or a lot or parcel described by metes and bounds, and accuracy of which is
877 attested to by a land surveyor (registered and licensed in the State of Michigan) and likewise so recorded
878 with the County Register of Deeds. A lot of record may also be identified to a Sidwell or tax identification
879 number.

880
881 **LOT, THROUGH LOT or DOUBLE FRONTAGE:** Any interior lot having frontage on two streets.

882
883 **LOT WIDTH:** The straight-line distance between the side lot lines, measured at the two points where the
884 front yard setback line intersects the side lot lines.

885
886 **14.2.13 “M” Terms**

887 **MAIN ACCESS DRIVE:** Any private street designed to provide access from a public street or road to a
888 manufactured home development, apartment or condominium complex, or other private property
889 development.

890
891 **MAJOR THOROUGHFARE:** See **STREET**

892
893 **MANUFACTURED HOME:** A structure, transportable in one or more sections, which is built on a chassis
894 and designed to be used as a dwelling with or without permanent foundation when connected to the
895 required utilities. It contains the plumbing, heating, air-conditioning, or electrical systems in the structure.
896 Mobile home does not include a recreation vehicle.

897
898 **MANUFACTURED HOME LOT:** An area within a mobile home park that is designated for the exclusive use
899 of a specific manufactured home.

900
901 **MANUFACTURING, LIGHT:** The act of processing, assembling, fabricating, treating and packaging of raw
902 or unfinished materials into a more complete or finished product, and incidental storage sales and distribution
903 of such products, which may be perceived to have a relatively limited to moderate potential for adverse effect
904 on surrounding properties and the environment, including noise, vibration, pollution, odor, and aesthetics.

905
906 **MARIHUANA:** The term as defined in section 7106 of the Public Health Code, 1978 PA 368, MCL §
907 333.7106 et seq.; the Michigan Medical Marihuana Act, MCL § 333.26421 et seq.; the Medical Marihuana
908 Facilities Licensing Act, MCL § 333.27101 et seq.; and the Marihuana Tracking Act, MCL § 333.27901 et
909 seq.

910
911 **MARIHUANA ESTABLISHMENT:** A marihuana grower, marihuana safety compliance facility, marihuana
912 processor, marihuana microbusiness, marihuana retailer, marihuana security transporter, or an other type of
913 marihuana-related businesses licensed by the Marihuana Regulatory Agency. The term does not include or
914 apply to “primary caregiver” or “caregiver” as the term is defined in the Michigan Medical Marihuana Act,
915 M.C.L.A. §333.26421 et seq.

916

917 **MARINA:** A facility, including three or more waterfront boat slips, which provides for the servicing, storing,
918 fueling, berthing, and/or securing of boats; and that may include eating, sleeping, and retail facilities
919 intended primarily for the owners, crews, and guests of boat owners using the marina.

920

921 **MASTER PLAN:** The comprehensive, long-range master plan intended to guide growth and development in
922 the City of Petoskey which includes recommendations on future land use, economic development,
923 intergovernmental cooperation, housing, transportation, natural, cultural, and historic resources, and
924 community facilities pursuant to the requirements of the Michigan Planning Enabling Act, Act 33 of the
925 Public Acts of 2008, as amended.

926

927 **MEDICAL MARIHUANA FACILITY:** An enterprise at a specific location at which a licensee is licensed and a
928 permit holder is permitted to operate under the Medical Marihuana Facilities Licensing Act. The term does
929 not include or apply to a "primary caregiver" or "caregiver" as that term is defined in the Michigan Medical
930 Marihuana Act, MCL § 333.26421 et seq.

931

932 **MEDICAL MARIHUANA PERMIT:** A current and valid permit for a medical marihuana facility issued under
933 the city's medical marihuana facilities ordinance, granted in accordance with that ordinance.

934

935 **MEZZANINE:** An intermediate floor or levels between the floor and the ceiling of any story with an aggregate
936 floor area of not more than one-third (1/3) of the floor area of such story in which the level or levels are
937 located.

938

939 **MICRO BREWER:** Means a brewer that manufactures in total less than 60,000 barrels of beer per year and
940 that may sell the beer manufactured to consumers at the licensed brewery premises for consumption on or
941 off the licensed brewery premises and to retailers as provided in section 203a. In determining the 60,000-
942 barrel threshold, all brands and labels of a brewer, whether manufactured in this state or outside this state,
943 must be combined and all facilities for the manufacturing of beer that are owned or controlled by the same
944 person must be treated as a single facility.

945

946 **MIXED SPIRIT DRINK MANUFACTURER:** Means a person licensed under this act to manufacture mixed
947 spirit drink in this state and to sell mixed spirit drink at retail in accordance with section 537 or to a wholesaler,
948 or to a retailer as provided in section 203b. For purposes of rules promulgated by the commission, a mixed
949 spirit drink manufacturer shall be treated as a wine manufacturer but is subject to the rules applicable to
950 spirits for manufacturing and labeling.

951

952 **MIXED USE DEVELOPMENT:** A development of a tract of land, building, or structure with a variety of
953 complementary and integrated uses as permitted by the applicable zoning district.

954

955 **MOBILE HOME:** Means a structure that is transportable in 1 or more sections, built on a chassis, and
956 designed to be used as a dwelling, with or without a permanent foundation, when connected to the required
957 utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the
958 structure.

959

960 **MOBILE HOME PARK:** A parcel or tract of land under the control of a person upon which three or more
961 mobile homes are located on a continual, non-recreational basis and which is offered to the public for that
962 purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure,
963 street, equipment, or facility used or intended for use incident to the occupancy of a mobile home (MCL
964 125.2302).

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MODULAR HOME: A factory-built home constructed off-site after 1971 and transportable in one or more sections. A modular home is designed constructed to the State’s building code standards for stick-built homes and is so labeled with a Factory Built Unit Certification tag. Modular homes may be towed on-site with or without a chassis that is not structurally a part of the dwelling, and which may or may not remain after installation on a permanent perimeter foundation constructed of block or poured concrete. Individual components, or modules, of a modular home may be placed end-to-end, side-by-side, or stacked. For the purpose of this Ordinance, modular homes shall be allowed in any residential zoning district, subject to all other applicable standards.

MORTUARY OR FUNERAL HOME: A facility used for preparation of the deceased and used to conduct visitation, burial, memorial, and funeral services.

MOSQUE: see **RELIGIOUS INSTITUTION.**

MOTEL: A building or group of buildings in which lodging is provided to transient guests, offered to the public for compensation, and in which access to and from each room or unit is through an exterior door.

MOTOR VEHICLE: See **AUTOMOBILE**

MUNICIPALITY: The City of Petoskey, Emmet County, Michigan.

14.2.14 “N” Terms

NATURAL FEATURES: Natural features shall include soils, wetlands, floodplains, water bodies and channels, topography, trees and other types of vegetative cover, and geologic formations.

NONCONFORMING LOT: A lot that fails to meet the requirements for area, height, yards, buffer, or other bulk standards and regulations, generally applicable in the district because of a change in the applicable zoning district regulations, annexation, condemnation of a portion of the lot, or other governmental action.

NONCONFORMING USE: A use that was lawfully established but that no longer complies with the use regulations applicable to the zoning district in which the property is located.

NONCONFORMING SITE: A lot or development site that was lawfully established but that does not comply with the standards of Article 3, or other applicable site standards of this ordinance.

NONCONFORMING STRUCTURE: A structure that was lawfully erected but that no longer complies with all the regulations applicable to the zoning district in which the structure is located.

NONRESIDENTIAL ZONING DISTRICT: A zoning district primarily established for land uses other than dwellings. Nonresidential zoning districts shall include those zoned CBD, B-1, WF, M-1, and C.

NUISANCE: Whatever annoys, injures, or endangers the safety, health, comfort, or repose of the public; offends public decency; interferes with, obstructs, or renders dangerous any street, highway, or navigable stream; or in any way renders the public insecure in life or property, is hereby declared to be a public nuisance.

1011 **NURSERY:** A space, building, structure, or combination thereof, for the storage of live trees, shrubs, or plants
 1012 offered for retail sale on the premises including products used for gardening or landscaping. The definition
 1013 of nursery within the meaning of this ordinance does not include any space, building, or structure used for
 1014 the sale of fruits, vegetables, or pre-cut Christmas trees.

1015
 1016 **NURSING HOME:** A home for the care of the aged, infirm, or those suffering from bodily disorders, wherein
 1017 two (2) or more persons are housed or lodged and furnished with nursing care. Such facilities are licenses in
 1018 accordance with Michigan Public Acts 139 of 1956, as amended.

1019
 1020 **14.2.15 “O” Terms**

1021 **OBSCURING WALL:** Shall mean a structure of definite height and location to serve as an opaque screen in
 1022 carrying out the requirements of this Ordinance.

1023
 1024 **OCCUPANCY, CHANGE OF:** The term “change of occupancy” shall mean a discontinuance of an existing
 1025 use and the substitution therefore of a use of a different kind or class.

1026
 1027 **OCCUPANCY LOAD:** The number of persons that a building or room can hold, as determined by the Building
 1028 Code.

1029
 1030 **OCCUPIED:** Used in any manner. Includes the meaning of intent, design, or arranged for occupancy.

1031
 1032 **OFF-SITE PARKING FACILITY:** A facility providing more than three vehicular parking spaces with adequate
 1033 drives and aisles for maneuvering and access for entering and exiting..

1034
 1035 **OPEN SPACE:** That part of a lot, including courts and/or yards, that is open and unobstructed from its lowest
 1036 level to the sky, and is accessible to all residents upon the zoning lot.

1037
 1038 **ORDINARY HIGH WATER MARK:** The line between upland and bottomland, determined by the State of
 1039 Michigan, which persists through successive changes in water levels, below which the presence and action
 1040 of the water is so common or recurrent that the character of the land is distinguished from the upland as
 1041 evidence in the soil, the configuration of the surface of the soil and vegetation.

1042
 1043 **OUTDOOR AIR BUSINESS:** A permanent business including the sales and/or display of retail merchandise
 1044 or services outside of a permanent structure.

1045
 1046 **OUTDOOR DINING:** A porch, patio, deck, or other area of land used for seated dining only which is not
 1047 within the interior building walls of a restaurant or eatery.

1048
 1049 **OUTDOOR STORAGE:** The keeping of any goods, junk, material, merchandise, or vehicles in the same place
 1050 for more than twenty-four (24) hours in an unroofed area.

1051
 1052 **14.2.16 “P” Terms**

1053 **PARAPET:** That portion of a building wall that extends above the roof line.
 1054

1055 **PARCEL:** A continuous area, tract, or acreage of land that has not been divided or subdivided according to
1056 the provisions of the Land Division Control Act (PA 288 of 1967, as amended) or the Condominium Act (PA
1057 59 of 1978, as amended) and has frontage on a public street.
1058

1059 **PARK:** A tract of land maintained and used by the public for active and/or passive recreation and which is
1060 owned and controlled by a public entity or unit of government.
1061

1062 **PARKING LOT, OFF-STREET:** An area within a lot that provides vehicular parking spaces along with
1063 adequate drives and aisles for maneuvering to provide safe and convenient access for entrance and exit and
1064 for parking.
1065

1066 **PARKING SPACE:** : An area of defined length and width that shall be accessible for the parking of a vehicle.
1067

1068 **PATIO:** A level, landscaped, and/or surfaced area, directly adjacent to a building, at or within seven inches
1069 of the finished grade and not covered by a permanent roof.
1070

1071 **PERGOLA:** An open trellis-like overhead frame which may be free-standing or attached to a building.
1072

1073 **PERFORMANCE GUARANTEE:** A financial guarantee to ensure that specific improvements, facilities,
1074 construction, or activities required or authorized by this Ordinance will be completed in compliance with the
1075 Ordinance, regulations, and/or approved plans and specifications of the development.
1076

1077 **PERMITTED USE:** A permitted use is a use that may be lawfully established in a particular district or districts
1078 provided it conforms with all requirements, regulations, and standards of such district and this Ordinance.
1079

1080 **PERSON:** An individual trustee, executor, fiduciary, corporation, firm, partnership, association, organization,
1081 or other legal entity acting as a unit.
1082

1083 **PERSONAL SERVICES:** Enterprises serving individual necessities, such as barber shops, beauty salons and
1084 spas, clothing rental, self-service laundromats, dry cleaning drop-off/pick-up establishments, marriage
1085 bureaus, massage services by masseurs/masseuses, personal laundry and dry-cleaning establishments,
1086 pressing, dyeing, tailoring, shoe repair, photographic studios, tattoo parlors, and travel agencies.
1087

1088 **PET:** A domesticated dog, cat, bird, gerbil, hamster, guinea pig, turtle, fish, rabbit, or other similar animal
1089 that is commonly available and customarily kept for pleasure or companionship, but not for production or
1090 consumption.
1091

1092 **PLANNED DEVELOPMENT (PD):** Means a specific lot of land or several contiguous lots of land, for which
1093 a comprehensive physical plan meeting the requirements of this Ordinance, establishing functional use areas,
1094 density patterns, a fixed network of streets (where necessary), provisions for public utilities, drainage and
1095 other essential services has been approved by the City Council which has been, is being, or will be developed
1096 under the approved plan.
1097

1098 **PLANNING COMMISSION:** The Planning Commission of the City of Petoskey, Emmet County, Michigan as
1099 designated in the Michigan Planning Enabling Act, Michigan Public Act 33 of 2008.
1100

1101 **PLOT PLAN:** A plan that is prepared according to requirements stated in this Ordinance, containing required
1102 information required for a plot plan. A plot plan is less detailed than a formal site plan. A plot plan is generally

1103 used for discussion or conceptual purposes in advance of a formal site plan submission. A plot plan does not
1104 substitute for a formal site plan.

1105
1106 **POND, DETENTION:** A pond designed to temporarily detain storm water runoff for a short period of time,
1107 gradually releasing it to the natural watercourse immediately after the peak volume of storm water has
1108 dissipated.

1109
1110 **POND, RETENTION:** A pond designed and intended to hold water for a considerable length of time for
1111 aesthetic or consumptive purposes, as well as for the collection and holding of storm water runoff, the
1112 volume of which may never be totally discharged to a natural watercourse.

1113 **PRINCIPAL BUILDING:** A building in which the principal use of the lot is located.

1114
1115 **PRINCIPAL USE:** The main use to which the premises is devoted and the predominant purpose for which
1116 the premises exists.

1117
1118 **PRIVACY SCREEN:** An artificially constructed barrier of wood, wire, metal or any other material or
1119 combination of materials, commonly used in fence construction. A privacy screen is intended to screen a
1120 selected use or area in a private residential yard.

1121
1122 **PRIVATE STREET OR ROAD:** See **STREET**

1123
1124 **PORCHES; ENCLOSED:** Porches that are covered by a roof and enclosed by walls or windows, excluding
1125 winter coverings. Enclosed porches shall not extend into the front yard setback.

1126
1127 **PORCHES; OPEN:** Means an unenclosed floor surface contiguous to a building that is suitable for use by an
1128 occupant and supported above the ground on at least two opposing sides by an adjacent structure, and/or
1129 posts, piers or other independent supports that has a roof and railings, or knee wall no higher than a railing.
1130 Open porches may extend into the front yard setback.

1131
1132 **PROFESSIONAL SERVICES:** A business that offers any individual service to the public that requires as a
1133 condition precedent to the rendering of such service the obtaining of a license or other legal authorization.
1134 By way of example, and without limiting the generality of this definition, professional services include services
1135 rendered by certified public accountants, public accountants, engineers, architects, attorneys at law, and life
1136 insurance agents. Professional services shall not include healthcare or financial services, or veterinarian clinics.

1137
1138 **PROPERTY LINE:** The line separating a piece of property from the street right-of-way and the lines separating
1139 a lot of property from the lots next to it. See also **LOT LINE**.

1140
1141 **PUBLIC AND QUASI-PUBLIC USES:** Parks, playgrounds, trails, paths, and other recreational areas and open
1142 spaces; scenic and historic sites; schools, and other buildings and structures; and other places where the
1143 public is directly or indirectly invited to visit or permitted to congregate, such as churches, municipal off-
1144 street parking lots, libraries, museums, schools, or hospitals.

1145
1146 **PUBLIC ASSEMBLY:** Buildings, structures, and grounds, including theaters, churches, auditoriums,
1147 convention spaces, stadiums, sports arenas, concert halls, lecture halls, and other similar facilities intended
1148 for commercial or non-commercial entertainment, instruction, worship, or similar activities involving
1149 assembled groups of people.

1150

1151 **PUBLIC SAFETY OFFICIAL:** The Public Safety Official refers generally to the persons who perform police, fire
 1152 fighting, and other public safety functions for the City.

1153
 1154 **PUBLIC SERVICES:** Basic services usually furnished by local government or public utility, but which also may
 1155 be provided by private enterprise to support the development of the community. Public uses may be
 1156 categorized as one of the following:

- 1157
 1158 a. **Critical:** such as, but not limited to fire station, ambulance services, police station, etc., and
 1159 associated facilities.
 1160
 1161 b. **Essential:** the erection, construction, alteration, or maintenance by public utilities or municipal or
 1162 governmental agencies of underground or overhead gas, electrical, steam, communications, supply,
 1163 or disposal systems including poles, wires, mains, drains, sewers, pipes, traffic signals, hydrants, and
 1164 other similar equipment and accessories in connection therewith, which are necessary for the
 1165 furnishing of adequate service by such public utilities or municipal or other governmental agencies
 1166 for the public health, safety or general welfare.
 1167
 1168 c. **Supporting:** such as, but not limited to, City hall, library, civic center, park, public recreational facility,
 1169 community center, official government offices, authority office, post office, special events approved
 1170 by the City, etc., and associated facilities.
 1171

1172 **PUBLIC UTILITY:** A person, firm, corporation, municipal department, board, or commission duly authorized
 1173 to provide under federal, state or municipal regulations to the public: gas, steam, electricity, sewage disposal,
 1174 communication, telegraph, transportation, or water.

1175 **14.2.17 "Q" Terms**

1177 **QUADPLEX:** A building designed as a single structure, containing four (4) separate dwelling units, each of
 1178 which is designed to be occupied as a separate permanent residence.

1179 **14.2.18 "R" Terms**

1181 **RECREATIONAL FACILITY:** An entity, whether by membership or daily passes, in return for the provision of
 1182 some active recreational activity including but not limited to gymnastic facilities, indoor soccer, bike & skate
 1183 parks, racquet clubs, tennis and pickle ball courts, physical fitness facilities, swimming pools, athletic fields,
 1184 yoga, spinning, martial arts, and other similar activities related to personal or team athletics, exercise, fitness
 1185 and including their ancillary support services.

1186
 1187 **RECREATIONAL LAND:** Any public or privately owned lot or land that is utilized for recreation activities such
 1188 as, but not limited to, sports fields, camping, swimming, picnicking, hiking, and nature trails.
 1189

1190 **RECREATIONAL UNIT:** A tent, or vehicular-type structure, primarily designed as temporary living quarters
 1191 for recreational camping or travel use, which either has its own mode of power or is mounted on or drawn
 1192 by another vehicle which is self-powered. A tent means a collapsible shelter of canvas or other fabric
 1193 stretched and sustained by poles and used for camping outdoors. Recreational unit shall include travel trailer,
 1194 camping trailers, motor home, truck camper, slide-in-camper, and chassis-mount camper, watercrafts,
 1195 snowmobiles, special terrain vehicles, off-road vehicles, and utility trailers.
 1196

- 1197 **RECREATIONAL VEHICLE (RV):** A recreational unit as defined in this Ordinance that is not a tent.
1198
- 1199 **RECYCLING COLLECTION STATION:** An accessory use, structure, or enclosed area that serves as a
1200 neighborhood drop-off point for temporary storage of recyclable materials. A recycling collection point may
1201 also include a facility for the temporary collection of used clothing and household goods.
1202
- 1203 **RECYCLING FACILITY:** A facility that accepts recyclable materials and may perform some processing activities.
1204 The principal function is to separate and store materials that are ready for shipment to end-use markets, such
1205 as paper mills, aluminum smelters, or plastic remanufacturing plants. The presence of power-driven
1206 processing equipment distinguishes a processing facility from a collection facility. The facility receives and
1207 processes only residential and commercial recyclables.
1208
- 1209 **RELIGIOUS INSTITUTION:** A place of worship or religious assembly with related facilities such as the following
1210 in any combination: rectory or convent, private school, meeting hall, offices for administration of the
1211 institution, licensed child or adult day care, playground, and cemetery.
1212
- 1213 **RESEARCH AND DEVELOPMENT FACILITY:** An establishment for carrying on investigation in the natural,
1214 physical, or social sciences, which may include engineering and process or product development, but which
1215 does not involve the mass manufacture, fabrication, processing, or sale of products or services.
1216
- 1217 **REPAIRS:** The rebuilding or removal of a part of an existing building for the purpose of maintaining its
1218 original type and classification.
1219
- 1220 **RESTAURANT:** Any establishment where food and drink are prepared, served, and consumed and whose
1221 design or principal method of operation is characterized by customers making a selection off a menu at the
1222 same table or counter at which said items are consumed, but may also offer take-out service.
1223
- 1224 **RETAIL, BUSINESS:** An establishment engaged in selling goods or merchandise to the general public for
1225 personal or household consumption and rendering services incidental to the sale of such goods.
1226
- 1227 **RETAIL, FOOD AND BEVERAGE:** Establishments that retail food and beverage merchandise from fixed
1228 point-of-sale locations and have special equipment (e.g., freezers, refrigerated display cases, refrigerators)
1229 for displaying food and beverage goods. They have staff trained in the processing and preparing of food
1230 products to guarantee the proper storage and sanitary conditions required by regulatory authority. Includes
1231 grocery stores, specialty food stores, and beer, wine and liquor stores.
1232
- 1233 **RETAIL, GENERAL:** Establishments primarily engaged in retailing new or used goods in general merchandise
1234 stores (except department stores, contractor establishments, and wholesale activities). These establishment
1235 retail a general line of new or used merchandise, such as apparel, automotive parts, dry goods, hardware,
1236 housewares or home furnishings, and other lines in limited amounts, with none of the lines predominating.
1237
- 1238 **RETAIL, PRODUCTS PRODUCED ONSITE:** Establishments that retail products other than food and beverage
1239 produced onsite. The products produced onsite may not be sold onsite exclusively but may also be distributed
1240 to other locations for retail.
1241
- 1242 **RIGHT-OF-WAY:** Right-of-way: An area owned or maintained by the City of Petoskey, Emmet County,
1243 Emmet County Road Commission, State of Michigan, federal government, public utility, railroad, or private

1244 entity for the placement of utilities or facilities and for the passage of vehicles or pedestrians including roads,
1245 streets, pedestrian walkways, utilities, or railroads.

1246
1247 **ROAD:** See **STREET**

1248
1249 **ROOF PITCH:** The slope of the roof expressed as the relationship between vertical and horizontal measure,
1250 for example, three units of vertical rise for 12 units of horizontal shelter is expressed as "3:12."

1251
1252 **ROOFTOP MECHANICAL EQUIPMENT:** Any permanently installed device, structure, or equipment, located
1253 on a building roof, intended or used for heating, air conditioning, make-up air, dust collection, plumbing
1254 ventilation, exhaust, telecommunication, or other purposes associated with the occupancy of the building.

1255
1256 **ROOM:** For the purpose of determining lot area requirements and density in a multiple-family district, a room
1257 is a living room, dining room, or bedroom. Kitchens, sanitary facilities, utility provisions, closets, corridors,
1258 hallways, attics, basements, and storage areas are not considered rooms for this purpose. Plans showing one,
1259 two or three bedroom units that also include a den, library, or other extra room shall count such extra room
1260 as a bedroom for the purpose of computing density.

1261
1262 **ROWHOUSE:** A series of dwelling units, attached in a row, separated from each other by an unpierced wall
1263 extending from basement to roof.

1264
1265 **RUBBISH:** Means the miscellaneous waste materials resulting from housekeeping, mercantile enterprises,
1266 trades, manufacturing, and offices, including other waste matter, such as slag, stone, broken concrete, fly
1267 ash, ashes, tin cans, glass, scrap metal, rubber, paper, rags, chemicals, or any similar or related combinations
1268 thereof.

1269 **14.2.19 "S" Terms**

1270
1271 **SATELLITE DISH ANTENNA:** A parabolic dish antenna, including its structural supports, used for reception
1272 of various television programming signals or used to transmit or receive other radio or electromagnetic waves
1273 between terrestrially or orbitally-based uses.

1274
1275 **SCREENING:** A wall, wood fencing, or combination of plantings of sufficient height, length, and opacity to
1276 form a visual barrier.

1277
1278 **SELF-STORAGE FACILITY:** A structure containing separate, individual, and private storage spaces of varying
1279 sizes leased or rented individually for varying periods of time.

1280
1281 **SEMI-PUBLIC USE:** Uses operated by recognized religious, philanthropic, educational, or other charitable
1282 institutions on a nonprofit basis and in which goods, merchandise, and services are not provided for sale on
1283 the premises.

1284
1285 **SEMI-TRAILER:** A trailer, that may be enclosed or not enclosed. having wheels generally only at the rear,
1286 and supported in front by a truck tractor, towing vehicle, or dolly.

1287
1288 **SENIOR LIVING FACILITY:** Licensed personal care facilities, other than hotels, adult foster care homes,
1289 hospitals, nursing homes, or county medical care facilities, that provide supervised personal care to 21 or

1290 more individuals. Homes that are operated in conjunction with and as a distinct part of a licensed nursing
 1291 home may serve 20 or fewer adults.

1292
 1293 **SERVICE DRIVE:** A minor public or private street or driveway which may be parallel to and adjacent to a
 1294 major thoroughfare. A service drive provides access to abutting properties and controls access to the major
 1295 thoroughfare.

1296
 1297 **SETBACK:** The minimum horizontal distance measured at right angles from the front, side, or rear lot line to
 1298 the vertical plane of the building wall.

1299
 1300 **SERVICES & TRADES ESTABLISHMENT:** An establishment that provides services including but not limited
 1301 to includes but is not limited to heating, air conditioning, painting, plumbing, and roofing.

1302
 1303 **SEXUALLY ORIENTED BUSINESS:** A business or commercial enterprise engaging in any of the following, or
 1304 other similar uses:

1305
 1306 a. **Adult Arcade:** Any place to which the public is permitted or invited wherein coin-operated or slug-
 1307 operated electronically or mechanically controlled still or motion picture machines, projectors, or
 1308 other image-producing devices are maintained to show images to five (5) or fewer persons per
 1309 machine at any one time and where the images so displayed are distinguished or characterized by
 1310 depicting or describing of Specified Sexual Activities or Specified Anatomical Areas.

1311
 1312 b. **Adult Bookstore or Adult Video Store:** A commercial establishment that, as one of its principal
 1313 business purposes, offers for sale or rental for any form of consideration one (1) or more of the
 1314 following:

1315
 1316 1. Books, magazines, periodicals or other printed matter or photographs, films, motion picture,
 1317 video cassettes or video reproductions, slides or other visual representations or media which
 1318 depict or describe Specified Sexual Activities or Specified Anatomical Areas; or

1319
 1320 2. Instruments, devices, or paraphernalia that are designed for use in connection with Specified
 1321 Sexual Activities.

1322
 1323 A commercial establishment may have other principal business purposes that do not involve the
 1324 offering for sale or rental of material depicting or describing Specified Sexual Activities or Specified
 1325 Anatomical Areas and still be categorized as an Adult Bookstore or Adult Video Store. The sale of
 1326 such material shall be deemed to constitute a principal business purpose of an establishment if it
 1327 occupies 25% or more of the floor area or visible inventory within the establishment.

1328
 1329 c. **Adult Cabaret:** A nightclub, bar, restaurant, or similar commercial establishment that regularly
 1330 features any of the following:

1331
 1332 1. Persons who appear in a state of nudity;

1333
 1334 2. Live performances that are characterized by the exposure of Specified Anatomical Areas or
 1335 by Specified Sexual Activities;

1336

- 1337 3. Films, motion pictures, video cassettes, slides, other photographic reproductions or visual
 1338 media that are characterized by the depiction or description of Specified Sexual Activities or
 1339 Specified Anatomical Areas; or
 1340
 1341 4. Persons who engage in lewd, lascivious, or erotic dancing or performances that are intended
 1342 for the sexual interests or titillation of an audience or customers.
 1343

1344 **d. Adult Motel:** A hotel, motel or similar commercial establishment that:
 1345

- 1346 1. Offers accommodation to the public for any form of consideration and provides patrons with
 1347 closed-circuit television transmissions, films, motion pictures, video cassettes, slides, other
 1348 photographic reproductions or visual media that are characterized by the depiction or
 1349 description of Specified Sexual Activities or Specified Anatomical Areas and has a sign visible
 1350 from the public right of way that advertises the availability of any of the above;
 1351
 1352 2. Offers a sleeping room for rent for a period of time that is less than twelve (12) hours; or
 1353
 1354 3. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time
 1355 that is less than twelve (12) hours.
 1356

1357 **e. Adult Motion Picture Theater:** A commercial establishment which for any form of consideration,
 1358 regularly and primarily shows films, motion pictures, video cassettes, slides, or other photographic
 1359 reproductions or visual media that are characterized by depiction or description of Specified Sexual
 1360 Activities or Specified Anatomical Areas.
 1361

1362 **f. Adult Theater:** A theater, concert hall, auditorium, or similar commercial establishment that
 1363 regularly features a person or persons who appear in a state of nudity or live performances that are
 1364 characterized by exposure of Specified Anatomical Areas or by Specified Sexual Activities.
 1365

1366 **g. Nude Model Studio:** Any place where a person who displays Specified Anatomical Areas is provided
 1367 to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other
 1368 persons who pay money or any form of consideration, but does not include an educational institution
 1369 funded, chartered, or recognized by the State of Michigan.
 1370

1371 **h. Nudity Or A State Of Nudity:** Knowingly or intentionally displaying in a public place, or for payment
 1372 or promise of payment by any person including, but not limited to payment of an admission fee, any
 1373 individual's genitals or anus with less than a fully opaque covering, or a female individual's breast
 1374 with less than a fully opaque covering of the nipple and areola. Public nudity does not include any of
 1375 the following:
 1376

- 1377 1. A woman's breastfeeding of a baby whether or not the nipple or areola is exposed during or
 1378 incidental to the feeding.
 1379
 1380 2. Material as defined in section 2 of Act No. 343 of the Public Acts of 1984, being section
 1381 752.362 of the Michigan Compiled Laws.
 1382
 1383 3. Sexually explicit visual material as defined in section 3 of Act No. 33 of Public Acts of 1978,
 1384 being section 722.673 of the Michigan Compiled Laws.

1385
1386 **i. Specified Anatomical Areas:** Means and includes any of the following:
1387

1388 1. Less than completely and opaquely covered:
1389

1390 i. Human genitals;
1391

1392 ii. Pubic region;
1393

1394 iii. Buttocks;
1395

1396 iv. Female breast below a point immediately above the top of the areola.
1397

1398 2. Human male genitals in a discernible turgid state even if completely or opaquely covered.
1399

1400 **j. Specified Sexual Activities:** Means and includes any of the following:
1401

1402 1. Human genitals in a state of sexual arousal;
1403

1404 2. Acts of or simulated acts of human masturbation, sexual intercourse, sodomy, bestiality,
1405 fellatio, or cunnilingus; or
1406

1407 3. Fondling or other erotic touching of human genitals, pubic region, buttocks, or female breast.
1408

1409 4. Excretory functions as part of or in connection with any of the activities set forth in a – c
1410 above.
1411

1412 **SHIPPING (CARGO) CONTAINERS:** Originally designed for or used in the packing, shipping, movement or
1413 transportation of freight, articles, goods or commodities; and/or designed for or capable of being mounted
1414 or moved by rail, truck or ship by means of being mounted on a chassis or similar transport device. This
1415 definition includes the terms "transport containers," "shipping containers," and "portable site storage
1416 containers" having a similar appearance to and similar characteristics of cargo containers.
1417

1418 **SHOPPING CENTER:** More than one commercial establishment, planned, developed, owned and
1419 managed as a unit, with off-street parking provided on the property.
1420

1421 **SHORT TERM RENTAL:** see City Code
1422

1423 **SIGN:** Any writing, pictorial representation, illustration, decoration, emblem, symbol, design, trademark, or
1424 figure that is a structure or a part of a structure; is written, printed, painted, projected, constructed,
1425 illuminated, or otherwise placed or displayed upon any structure, building, or parcel of land; attracts attention
1426 to the subject thereof; is used as a means of identification, advertisement, announcement, expression, or
1427 decoration; and is visible from a street, right-of-way, sidewalk, alley, park, or other public property.
1428

1429 **SIGN, ABANDONED:** A sign which has not identified or advertised a current business, service, owner,
1430 product, or activity for a period of at least 180 days, in the case of billboard signs, or at least 360 days in the
1431 case of all other signs.
1432

- 1433 **SITE:** One or more lots of land included in or proposed to be included as part of a development.
1434
- 1435 **SMALL CELL WIRELESS FACILITY:** Means a wireless facility that meets both of the following requirements:
1436 Each antenna is located inside an enclosure of not more than six (6) cubic feet in volume or, in the case of
1437 an antenna that has exposed elements, the antenna and all of its exposed elements would fit within an
1438 imaginary enclosure of not more than six (6) cubic feet. All other wireless equipment associated with the
1439 facility is cumulatively not more than twenty-five (25) cubic feet in volume. The following types of associated
1440 ancillary equipment are not included in the calculation of equipment volume: electric meters, concealment
1441 elements, telecommunications demarcation boxes, grounding equipment, power transfer switches, cut-off
1442 switches, and vertical cable runs for the connection of power and other services.
1443
- 1444 **SMALL DISTILLER:** Means a manufacturer of spirits annually manufacturing in this state not more than
1445 60,000 gallons of spirits, of all brands combined.
1446
- 1447 **SMALL WINE MAKER:** Means a wine maker manufacturing or bottling not more than 50,000 gallons of
1448 wine in 1 calendar year. A small wine maker is not required to bottle wine it manufactures.
1449
- 1450 **SOLAR ENERGY CONVERSION SYSTEM, PERSONAL:** A ground- or roof-mounted solar installation used
1451 to distribute generated energy primarily on-site for consumption, however, excess energy output may be
1452 delivered to the power grid with or without compensation.
1453
- 1454 **SOLAR ENERGY CONVERSION SYSTEM, COMMERCIAL:** A ground- or roof-mounted solar installation
1455 used to distribute generated energy primarily through the utility grid but may also be utilized to meet on-site
1456 energy demand.
1457
- 1458 **SOLAR INSTALLATIONS, GROUND-MOUNTED:** A private system installed on the ground of a lot as a
1459 principal or accessory use that converts sunlight into electricity or thermal energy, whether by photovoltaics,
1460 concentrating solar thermal devices, or any other various experimental solar technologies. The primary
1461 purpose is for consumption of generated energy on site.
1462
- 1463 **SOLAR INSTALLATIONS, ROOF-MOUNTED:** A private system installed on the roof of a building as an
1464 accessory use that converts sunlight into electricity or thermal energy, whether by photovoltaics,
1465 concentrating solar thermal devices, or any other various experimental solar technologies. The primary
1466 purpose is for consumption of generated energy on site.
1467
- 1468 **SOLID WASTE TRANSFER FACILITY:** A place or facility where nonhazardous, nonrecyclable solid waste
1469 materials are taken from a collection vehicle, temporarily stored or stockpiled, and ultimately placed in a
1470 transportation unit for movement to another facility.
1471
- 1472 **SPECIAL EVENT:** An occurrence or noteworthy happening of seasonal, civic, or religious importance, that is
1473 organized and sponsored by a nonprofit community group, congregation, organization, club or society, and
1474 that offers a distinctive service to the community, such as public entertainment, community education, civic
1475 celebration, or cultural or community enrichment. Special events typically run for a defined short period (less
1476 than two (2) weeks) and are unlike the customary or usual activities generally associated with the property
1477 where the special event is to be located.
1478
- 1479 **SPECIAL LAND USE:** Special land uses are uses, either public or private, that possess unique characteristics
1480 and therefore cannot be properly classified as a use permitted by right in a particular zoning district or

1481 districts. Special land uses include regulated land uses. After due consideration of the impact of each such
 1482 proposed use upon the neighboring land and of the public need for the particular use at the proposed
 1483 location, such special land uses may be permitted following review and approval, subject to the terms of this
 1484 Ordinance.

1485
 1486 **STACKED FLAT:** A series of dwelling units stacked vertically. Dwelling units may occupy more than one floor
 1487 of the building, and more than one dwelling unit may occupy each floor.

1488
 1489 **STORY:** That part of a building included between the surface of one floor and the surface of the next floor,
 1490 or if there is no floor above, then the ceiling next above. A basement is not included as a story

1491
 1492 **STORY, HALF:** Means the portion of a building between the top floor and a sloping roof, with at least two
 1493 opposite exterior walls meeting the sloping roof not over four feet above such floor level.

1494
 1495 **STREET:** Any public or private thoroughfare or right-of-way, other than a public or private alley, dedicated
 1496 to or designed for travel and access to any land or lot, whether designated as a road, avenue, highway,
 1497 boulevard, drive lane, place, court, or any similar designation. Various types of streets are defined as follows:
 1498

- 1499 a. **Private Street:** Any street that is to be privately maintained and has not been accepted for
 1500 maintenance by the City of Petoskey, Emmet County, the State of Michigan, the federal government,
 1501 or any other governmental unit, but that meets the requirements of this Ordinance or has been
 1502 approved as a private road by the City under any prior ordinance. A new private road must be a
 1503 minimum of thirty (30) feet in width.
- 1504 b. **Public Street:** Any street or portion of a road that has been dedicated to and accepted for
 1505 maintenance by the City of Petoskey, Emmet County, State of Michigan, the federal government or
 1506 any other governmental unit.
- 1507 c. **Arterial Street:** A street that carries a high volume of traffic and serves as an avenue for circulation
 1508 of traffic into, out of, or around the City. An arterial road may also be a major thoroughfare.
- 1509 d. **Collector Street:** A street whose principal function is to carry traffic between local streets and arterial
 1510 streets but may also provide direct access to abutting properties. Also known as a secondary street.
- 1511 e. **Cul-De-Sac:** A street that terminates in a vehicular turnaround.
- 1512 f. **Local Street:** A street whose principal function is to provide access to abutting properties.
- 1513 g. **Major Thoroughfare:** See **Arterial Street**

1514
 1515
 1516
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 1520
 1521 **STREET LOT LINE:** A dividing line between the street and a lot, also known as the right-of-way line or front
 1522 property line.

1523
 1524 **STRUCTURAL ADDITION:** Any alteration that changes the location of an exterior wall of a building or
 1525 modifies the area of a building.

1526
 1527 **STRUCTURE:** Anything constructed or erected, the use of which requires location on the ground or
 1528 attachment to something having location on the ground.

1529
1530
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SUBDIVISION PLAT: The division of a tract of land for the purpose of sale or building development, in accordance with the Land Division Act, Michigan Public Act 288 of 1967, as amended, and the Municipal land division regulations.

SYNAGOGUE: See **RELIGIOUS INSTITUTION**

SWIMMING POOL: Any permanent, non-portable structure or container, located wither partially or totally below grade, designed to hold water to a depth of greater than twenty-four (24) inches, intended for swimming or bathing. A swimming pool shall be considered an accessory structure for the purposes of computing lot coverage.

14.2.20 "T" Terms

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TASTING ROOM: means any of the following locations:

- a. A location on the manufacturing premises of a brewer or micro brewer where the brewer or micro brewer may provide samples of or sell at retail for consumption on or off the premises, or both, beer it manufactures.
- b. A location on or off the manufacturing premises of a wine maker or small wine maker where the wine maker or small wine maker may provide samples of or sell at retail for consumption on or off the premises, or both, shiners, wine it manufactured, or, for a small wine maker only, wine it bottled.
- c. A location on or off the manufacturing premises of a distiller or small distiller where the distiller or small distiller may provide samples of or sell at retail for consumption on or off the premises, or both, spirits it manufactured.
- d. A location on the manufacturing premises of a mixed spirit drink manufacturer where the mixed spirit drink manufacturer may provide samples of or sell at retail for consumption on or off the premises, or both, mixed spirit drinks it manufactured.
- e. A location on or off the manufacturing premises of a brandy manufacturer where the brandy manufacturer may provide samples of or sell at retail for consumption on or off the premises, or both, brandy it manufactured.

TAVERN: see **DRINKING ESTABLISHMENT**

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1565
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1569

TELECOMMUNICATION ANTENNA: A device used to transmit and/or receive radio-frequency signals, microwave signals, or other signals to or from other antennas or telecommunication facilities for commercial or municipal purposes.

1570
1571
1572
1573
1574
1575

TELECOMMUNICATION TOWER: Any structure which is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio, or other communication purposes. Such structures may be freestanding, such as self-supporting lattice, guyed, or monopole towers; or attached to an existing structure, such as artificial trees, steeples, light poles, poles supporting power lines, or similar mounting structures that effectively camouflage or minimize the visual impact of antennas and towers.

1576 **TEMPLE:** see **RELIGIOUS INSTITUTION**

1577

1578 **TEMPORARY EVENT:** An event permitted to exist for a limited period under conditions and procedures
1579 provided for in this Ordinance.

1580

1581 **TEMPORARY USE:** A use of property that is not the principal use and has a limited duration, such as a special
1582 event.

1583

1584 **THEATER:** An outdoor area, building or part of a building devoted to showing motion pictures, or for
1585 dramatic, dance, musical, or other live performances.

1586

1587 **THOROUGHFARE:** See **STREET**

1588

1589 **TOWNHOUSE:** see **ROWHOUSE**

1590

1591 **TRAINING FACILITY:** A specialized instructional establishment that provides on-site training.

1592

1593 **TRIPLEX:** A building designed as a single structure, containing three separate living and housekeeping units,
1594 each of which is designed to be occupied as a separate permanent residence for one family.

1595

1596

14.2.21 "U" Terms

1597 **USE:** The principal purpose for which land or a building is arranged, designed, or intended; or for which land
1598 or a building is or may be occupied.

1599

1600 **USE, CHANGE OF:** Any alteration in the primary use of a lot for zoning purposes that may entail
1601 consideration of additional ordinance requirements.

1602

1603 **USABLE FLOOR AREA:** The area used for, or intended to be used for, the sale of merchandise or services;
1604 the area for serving patrons, clients, or customers; and the area devoted to employee workspace. Such floor
1605 area which is used, or intended to be used, principally for the storage of merchandise, hallways, elevator or
1606 stair bulkheads, utilities, or sanitary facilities shall be excluded from this computation of "usable floor area."
1607 Measurement of usable floor area shall be the horizontal areas of the floor(s) of the building, measured from
1608 the interior faces of the exterior walls.

1609

1610 **UTILITY POLE:** Means a pole or similar structure that is or may be used in whole or in part for cable or
1611 wireline communications service, electric distribution, lighting, traffic control, signage, or a similar function,
1612 or a pole or similar structure that meets the height requirements and is designed to support small cell wireless
1613 facilities. Utility pole does not include a sign pole less than fifteen (15) feet in height above ground.

1614

1615 **UTILITY ROOM:** A utility room is a room used primarily for storage, for housing a heating unit, or for laundry
1616 purposes.

1617

1618 **UTILITY TRAILER:** A small trailer that is not self-propelled that is designed to be pulled by an automobile,
1619 van, or pick-up truck.

1620

14.2.22 “V” Terms

VARIANCE: A modification of the literal provisions of the Zoning Ordinance granted by the Zoning Board of Appeals when strict enforcement of the Zoning Ordinance would cause practical difficulties or unnecessary hardship owing to circumstances unique to the individual property on which the variance is granted.

VEHICLE: See **AUTOMOBILE**

VEHICLE AND RECREATIONAL VEHICLE SALES AREA: An outdoor area used for the storage, display, sale, or rental of motor vehicles or recreational vehicles, new or used, in operable condition.

VEHICLE CHARGING STATION (ELECTRIC VEHICLE): A device or station that provides power to charge the batteries of an electric vehicle.

VEHICLE GASOLINE STATION: Any building, land area, or other premises, or portion thereof, used for retail sales and dispensing of vehicular fuels and/or convenience items to the general public.

VEHICLE REPAIR, MAJOR: An establishment engaged in the general repair, overhaul, or reconditioning of motor vehicles and recreational vehicles. Services include engine and transmission rebuilding; collision repair services, such as body, frame, or fender straightening and repair; major welding activities; and overall painting and undercoating of automobiles.

VEHICLE REPAIR, MINOR: An establishment engaged in the general mechanical repair and maintenance of passenger automobiles and trucks weighing less than 7,000 pounds. Services include muffler, suspension and brake repairs, upholstery repair, oil changes, general lubrication services, and tire services, but not including major automobile repairs.

VEHICLE SERVICE ESTABLISHMENT: A retail establishment engaged in light motor services such as: Changing engine oil, filters, and fluids; replacing spark plugs; and general lubrication services.

VEHICLE WASH: Any facility used for the commercial washing of motor vehicles.

VETERINARY SERVICES: A place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Use as a kennel shall be limited to short-time boarding and shall be only incidental to such hospital use.

VIEW CORRIDOR: A line-of-sight corridor from a public activity area such as a pedestrian walkway, outdoor recreation area, outdoor eating/drinking facility, outdoor attraction, or similar area to Little Traverse Bay.

VIEWSHED: A visually attractive, aesthetic, or significant area, such as Little Traverse Bay, that is visible from a defined observation point.

VISIBLE LIGHT TRANSMITTANCE: A measure of the amount of visible light that passes through the glazing material of a window, door, or skylight.

1665 **VISION TRIANGLE:** The area at an intersection formed by extending a straight line 20 feet along the back of
1666 each curb from its radius spring point and connecting these two points (see Figure 8
1667

1668 **14.2.23 “W” Terms** 1669

1670 **WALL:** An upright structure, typically constructed of wood, masonry, or stone materials, that
1671 encloses, divides, or protects an area.
1672

1673 **WAREHOUSING AND DISTRIBUTION:** A use engaged in storage, wholesale, and distribution of
1674 manufactured products, supplies, and equipment, excluding bulk storage of materials that are inflammable
1675 or explosive or that present hazards or conditions commonly recognized as offensive. May include frequent,
1676 heavy truck traffic, open storage of materials, or nuisances such as dust, noise and odors, and wholesale
1677 activities, but does not include onsite manufacturing.
1678

1679 **WHOLESALE ACTIVITIES:** Activities primarily engaged in selling and/or distributing merchandise to retailers;
1680 to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as
1681 agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies. This
1682 is not considered a general commercial use.
1683

1684 **WIND ENERGY CONVERSION SYSTEM, PERSONAL:** A wind energy conversion system established as an
1685 accessory use to distribute generated energy primarily on-site for consumption, however, excess energy
1686 output may be delivered to the power grid with or without compensation.
1687

1688 **WIND ENERGY CONVERSION SYSTEM, COMMERCIAL:** A wind energy conversion system established as
1689 an accessory or principal use to distribute generated energy primarily through the utility grid, but may also
1690 be utilized to meet on-site energy demand.
1691

1692 **WIND ENERGY CONVERSION SYSTEM:** Any device or assemblage which converts wind energy into
1693 electricity through the use of a wind turbine generator which may include turbines, blades, towers and
1694 supporting structures and such directly connected facilities as generators, alternators, inverters, batteries,
1695 and associated electrical equipment. This does not include wiring to connect the wind energy system to the
1696 grid.
1697

1698 **WINERY:** A state-licensed facility or facilities that manufactures wine and is owned or controlled by a state-
1699 licensed Wine Maker, as defined and regulated by the Michigan Liquor Control Commission.
1700

1701 **WIRELESS COMMUNICATION EQUIPMENT:** The set of equipment and network components used in the
1702 provision of wireless communication services, including, but not limited to, antennas, transmitters, receivers,
1703 base stations, equipment shelters, cabinets, emergency generators, power supply cables, coaxial and fiber
1704 optic cables, but excluding wireless communications support structures.
1705

1706 **WIRELESS SUPPORT STRUCTURE:** Means a freestanding structure designed to support or capable of
1707 supporting small cell wireless facilities. Wireless support structure does not include a utility pole.
1708

1709 **WIRELESS TELECOMMUNICATION FACILITY:** All facilities, structural, attached, accessory or otherwise,
1710 related to the use of the radio frequency spectrum for the purposes of transmitting or receiving radio signals
1711 and may include, but is not limited to: radio and television towers; telephone devices and exchanges;

1712 microwave relay towers; telephone transmission equipment buildings; and commercial mobile radio service
 1713 facilities. Not included within this definition are: citizen band radio facilities; short wave facilities; ham and
 1714 amateur radio facilities; television reception antennae; satellite dishes; and governmental facilities that are
 1715 subject to state and federal law or regulations that preempt municipal regulatory authority.
 1716

1717 **WIRELESS TELECOMMUNICATION SUPPORT STRUCTURE - TOWER:** Any wireless telecommunication
 1718 facility erected or modified to support attached wireless telecommunication facilities, or other antennae or
 1719 facilities, including supporting lines, cables, wires, braces and masts intended primarily for the purpose of
 1720 mounting an attached wireless telecommunication facility or similar apparatus above grade. This includes,
 1721 but is not limited to, any ground or roof-mounted pole, monopole, lattice tower, light pole, utility pole, wood
 1722 pole, guyed wire tower, spire, other similar structure or combination thereof, or other structures that appear
 1723 to be something other than a mere support structure.
 1724

1725 **14.2.24 "X" Terms**

1726 **14.2.25 "Y" Terms**

1727 **YARD:** The open space (on the same lot with a main building) unoccupied and unobstructed from the ground
 1728 upward except otherwise provided in this ordinance.
 1729

- 1730 a. **Front Yard:** An open space extending the full width of the lot, the depth of which is the minimum
 1731 horizontal distance between the front lot line and the nearest point of the main building.
 1732
- 1733 b. **Side Yard:** An open space between a main building and the side lot line; extending from the front
 1734 yard to the rear yard; the width of which is the horizontal distance from the nearest point on the side
 1735 lot line to the nearest point of the main building.
 1736
- 1737 c. **Rear Yard:** An open space extending the full width of the lot, the depth of which is the minimum
 1738 horizontal distance between the rear lot line and the nearest point of the main building. In the case
 1739 of a corner lot, the rear yard may be opposite either street frontage.
 1740

1741 **14.2.26 "Z" Terms**

1742 **ZERO LOT LINE:** The location of a building on a lot in such a manner that one or more of the building's
 1743 sides rests directly on a lot line.
 1744

1745 **ZONING ADMINISTRATOR:** The City official(s) authorized to administer and interpret the Zoning Ordinance
 1746 on a day-to-day basis, including but not limited to processing applications, granting ministerial approvals,
 1747 maintaining the records of Planning Commission actions, sending notices of public hearing, and similar work.
 1748

1749 **ZONING BOARD OF APPEALS:** The Body appointed pursuant to the provisions of Michigan Zoning Enabling
 1750 Act, Public Act 110 of 2006, as amended, to serve as the Zoning Board of Appeals for the City of Petoskey,
 1751 Emmet County, Michigan.
 1752

1753 **ZONING DISTRICT:** A portion of the incorporated area of the City within which on a uniform basis, certain
 1754 uses of land and buildings are permitted and within which certain yards, open spaces, lot areas, and other
 1755 requirements are established under the provisions of this Ordinance.
 1756

1757 **ZONING PERMIT:** A standard form issued by the Zoning Administrator upon application and declaration

1758 by the owner or his/her duly authorized agent regarding proposed construction and use of land, thereon,
1759 granting approval for the construction or use applied for. A zoning permit is also known as a land use
1760 permit.