

Article 7: Supplemental Use Regulations

7.1 INTENT AND PURPOSE

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

7.2 SUPPLEMENTAL USE REGULATIONS

7.2.1 Accessory Buildings

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

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

46 H. On a corner lot the accessory building shall not be built in the front yard or corner front
47 yard, and shall be located behind the front or corner front building façade.
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49 I. Accessory buildings in residential districts may only be used for storage, hobby, home
50 business use, or as an accessory dwelling unit (ADU) as regulated by Article 3.
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52 7.2.2 Accessory Dwelling Units (ADUs)
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54 A. Applicable Zoning Districts: ADUs are a permitted use in the [INSERT DISTRICTS] Zoning
55 Districts and are subject to Administrative Site Plan Review per the requirements of
56 Article 8.
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58 General Standards: One (1) detached ADU is allowed per residential lot subject to staff
59 review and approval that the following standards have been met.
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62 1. An ADU is permitted on a parcel that has (1) single-family dwelling as the permitted
63 principal use.
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65 2. The property owner shall occupy either the ADU or the single-family dwelling on the
66 property, except for temporary absences not to exceed a combined total of six (6)
67 months in a calendar year, and be the primary residence of the property owner.
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69 3. ADUs shall have their own separate entrance, kitchen, sleeping area, and full
70 bathroom facilities.
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72 4. All ADUs shall meet applicable building and fire codes.
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74 5. ADUs may be attached to a single-dwelling unit and may occupy a basement, first
75 floor, or second floor of the principal residential dwelling or may be a separate,
76 detached accessory building in the rear of the main residential building.
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78 6. Building materials and designs used on detached ADUs or additions to the principal
79 dwelling for an attached ADU shall be of a similar architectural style as that of the
80 main building.
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82 7. The minimum size of the ADU shall be three hundred and fifty (350) square feet. A
83 detached ADU shall not exceed 600 square feet.
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85 8. An ADU shall not be used as a Short-Term Rental. Leasing or rental of the ADU for
86 less than three (3) months is prohibited.
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88 9. At least one (1) off-street parking space shall be provided for the ADU. Side-to-side
89 or front-to-back parking in a driveway may count toward the off-street parking
90 requirement.

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

~~11. The ADU cannot exceed 1 1/2 stories and 16 feet or the height of the principal structure, whichever is less. The height of a detached ADU on a lot with a single-story house shall not exceed the height of the single-story house.~~

~~11.12. The roof peak of a detached ADU on a lot with a multi-story house shall not exceed the mid-point height of the roof on the multi-story house, or the height of the zoning district in which the lot is located, whichever is less.~~

~~12.13. ADUs are only allowed in a rear yard and must have a minimum side-yard setback of five (5) feet, and a rear-yard setback of 5 feet. If located on an alley, accessory building setbacks shall apply.~~

~~13.14. A deed restriction that runs with the land, on a form to be provided by the City, shall be filed with the Register of Deeds prior to issuance of a zoning permit, and it shall incorporate the following restrictions:~~

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

7.2.3 Accessory Uses

An accessory use shall only be located on a parcel with a primary use.

7.2.5 Bed and Breakfast Establishments

Refer to Chapter 6 of the City of Petoskey Codified Ordinances.

7.2.6 Deck or Patio Usage

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

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

- 1. A zoning and building permit for any deck must be first obtained from the City and Emmet County Building Department and is subject to construction of and

- 136 maintenance of guardrails and other protective features as required by the Emmet
137 County Building Code.
138
- 139 2. Any amplified musical instruments, music or sound that would violate the City's
140 noise ordinances and restrictions is prohibited.
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- 142 3. Lighting shall be shielded and pointed downward and shall not be a nuisance to
143 adjacent properties.
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- 145 4. Any structure on a deck or patio shall be in compliance with this Ordinance.
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147 7.2.8 Duplex, Triplex and Quad-Plex 148

149 A. Intent. To allow duplex, tri-plex, and quad-plex as a housing type in residential
150 neighborhoods in order to provide for additional housing consistent with the existing
151 development patterns, encourage high-quality development and provide creative design
152 solutions and options.
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154 B. Design Standards: 155

- 156 1. Setbacks and Orientation: The front setback and the placement of the home on the
157 lot shall meet the prevailing setbacks of adjacent homes and the overall composition
158 shall contribute to established rhythms and design character of the street.
- 159 a) Homes shall comply with the lot coverage and setbacks of district in which
160 the property is located.
- 161 b) Homes shall be oriented toward the front of the lot to encourage an active
162 visual relationship with the street.
- 163 c) The front setback of an infill home or addition shall comply with the standards
164 of the zoning district.
165
- 166 2. Scale and Mass: A new infill home or addition to an existing home, shall be similar to
167 the overall scale mass, orientation, setbacks and rhythm of other adjacent homes.
- 168 a) Height and setback shall be consistent with the zoning code
169
- 170 3. Number of Stories:
- 171 a) Homes shall comply with the story and height requirements of the district in
172 which the property is located.
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- 174 4. Garages and Parking:
- 175 a) The garage and/or parking shall be placed at the side or rear of the home to
176 minimize its visibility from the street and shall be compatible with the
177 character and materials of the primary residence.
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- 179 5. Building Design: Architectural elements include the detailing of the home, such as
180 roofing, siding, windows, and doors. Infill homes and additions or renovations to
181 existing homes shall recognize the architectural style of established homes on the
182 block.

- 183 a) Architectural features and detailing should be proportional to the scale of the
184 home, as well as to other homes on the block.
185 b) Homes should take into consideration the primary gable orientation of most
186 of the neighboring homes.
187 c) Elements of the building design, such as materials, colors, textures, porches,
188 columns, balustrades, brackets, rafters, and decorative trim, light fixtures,
189 should provide a cohesive theme and work together for design consistency.
190 d) Homes and additions to the front facade of the home should have an entry-
191 feature that is readily identifiable from the streetscape view of a home.
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193 7.2.9 EV Charging Stations

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195 The intent of these provisions are to facilitate and encourage the use of electric vehicles and
196 to expedite the establishment of convenient, cost-effective electrical vehicle infrastructure
197 that such use necessitates.
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199 1. **Definitions.** For purposes of this provision, unless otherwise expressly stated, the
200 following words and phrases shall be defined as follows:

- 201 a) **ADA Accessible electric vehicle charging station.** An electric vehicle charging
202 station where the battery charging station is adjacent to an ADA access aisle
203 and electric vehicle parking space.
204 b) **Battery charging station.** An electrical component assembly or cluster of
205 component assemblies designed specifically to charge batteries within
206 electric vehicles.
207 c) **Battery electric vehicle.** Any vehicle that operates exclusively on electrical
208 energy from an off-board source that is stored in the vehicle's battery, and
209 produces zero emissions or pollution when stationary or operating.
210 d) **Charging.** An electric vehicle is parked at an electric vehicle charging station
211 and is connected to the battery charging station equipment.
212 e) **Charging levels.** The standardized indicators of electrical force, or voltage, at
213 which an electric vehicle's battery is recharged. The terms 1, 2 and 3 are the
214 most common charging levels, and include the following specifications:
215 1) Level 1 is considered slow charging. Voltage includes the range from
216 zero (0) through one hundred twenty (120).
217 2) Level 2 is considered medium charging. Voltage is greater than one
218 hundred twenty (120) and includes voltage up to and including two
219 hundred forty (240).
220 3) Level 3 is considered fast or rapid charging. Voltage is greater than
221 two hundred forty (240).
222 f) **Electric vehicle.** Any vehicle that is licensed and registered for operation on
223 public and private highways, roads, and streets, and is powered either
224 partially or exclusively on electrical energy from the grid or from an off-board
225 source that is stored on-board via a battery for purposes of producing
226 physical and mechanical motion. "Electric vehicle" includes: (1) a battery
227 electric vehicle; and (2) a plug-in hybrid electric vehicle.
228 g) **Electric vehicle charging station.** A public or private parking space that is
229 served by battery charging station equipment that has as its primary purpose

- 230 the transfer of electric energy (by conductive or inductive means) to a battery
231 or other energy storage device in an electric vehicle.
- 232 h) *Electric vehicle charging station—private restricted use.* An electric vehicle
233 charging station that is (1) privately owned with restrictive access (e.g.,
234 single-family home, executive parking, designated employee parking) or (2)
235 publicly owned and restricted from public access (e.g., fleet parking with no
236 access to the general public).
- 237 i) *Electric vehicle charging station—public use.* An electric vehicle charging
238 station that is (1) publicly owned and publicly available (e.g., Park and Ride
239 parking, public library parking lot, on-street parking) or (2) privately owned
240 and available to visitors for use (e.g., shopping center parking).
- 241 j) *Electric vehicle infrastructure.* Wiring conduit/wiring, structures, machinery,
242 and equipment necessary and integral to support an electric vehicle,
243 including battery charging stations and rapid charging stations. (E.g. Level 3)
- 244 k) *Electric vehicle parking space.* Any designated parking space that identifies
245 the use to be exclusively for the parking of an electric vehicle.
- 246 l) *Non-electric vehicle.* Any motor vehicle that does not meet the definition of
247 an electric vehicle.
- 248 m) *Plug-in hybrid electric vehicle.* An electric vehicle that (1) contains an internal
249 combustion engine and also allows power to be delivered to drive wheels by
250 an electric motor; (2) charges its battery primarily by connecting to the grid or
251 other off-board electrical source; (3) may additionally be able to sustain
252 battery charge using an on-board internal combustion-driven generator; and
253 (4) has the ability to travel powered by electricity.
- 254
- 255 2. **Compliance.** It is unlawful to construct or install, or cause to be constructed or
256 installed, any electric vehicle charging station upon any property within the City in
257 violation of the requirements of this section. Any charging station installed prior to
258 the adoption of this section shall be grandfathered until its replacement, provided it
259 is in compliance with the electrical code.
- 260
- 261 3. **Permit Required.** It shall be unlawful for any person to construct or erect an electric
262 vehicle charging station upon any property within the city without obtaining a zoning
263 permit from the City of Petoskey Zoning Administrator or other designated city
264 official. The permit application shall be accompanied by a plot plan prepared by a
265 licensed professional architect, engineer, landscape architect, professional
266 community planner, or land surveyor showing the type, size, and proposed location
267 of the electric vehicle charging station and payment of the permit fee established by
268 resolution adopted by City Council. The requirement for submission of an official plot
269 plan is not required for properties zoned residential when the electric vehicle
270 charging station is located inside a structure. If the electric vehicle charging station
271 is located outside of the structure for properties zoned residential, a plot plan drawn
272 to scale by the owner, occupant or interested party is required.
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- 274 4. **Permitted Locations.**
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- 276 a) Level 1 and Level 2 electric vehicle charging stations are permitted in every
277 zoning district, when accessory to the primary permitted use. Such stations

278 located at single-family, multifamily, and mobile home park dwellings shall
279 be designated as private restricted use only. Installation shall be subject to
280 review by the Zoning Administrator. Permit and inspection approval process
281 shall be administered by the Emmet County Building Department.

282 b) Level 3 electric vehicle charging stations are permitted in every zoning district
283 except in any residential zone, or residential properties located in non-
284 residential zoning districts. Installation shall be subject to review by the
285 Zoning Administrator. Permit and inspection approval process shall be
286 administered by the Emmet County Building Department.

287 c) If the primary use of the parcel is the retail electric charging of vehicles, then
288 the use shall be considered a gasoline service station (also known as vehicle
289 fueling station) for zoning purposes. Installation shall be located in and
290 subject to approval in zoning districts which permit gasoline service stations.
291

292 5. Development Standards

293 a) Parking.

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

300 ii. Public electric vehicle charging stations are reserved for parking and
301 charging electric vehicles only. Electric vehicles may be parked in any
302 space designated for public parking, subject to the restrictions that
303 would apply to any other vehicle that would park in that space.

304 b) ADA Accessible electric vehicle spaces. An ADA accessible electric vehicle
305 charging station, if provided, shall be located in close proximity to the
306 building or facility entrance.

307 c) Lighting. Lighting shall be provided where an electric vehicle charging station
308 is installed, unless charging is for daytime purposes only or on residential
309 zoned properties or residential properties located in non-residential zoning
310 districts. Lighting shall not encroach upon abutting properties.

311 d) Equipment standards and protection.

312 i. Battery charging station outlets and connector devices shall be no
313 less than thirty-six (36) inches above grade and no higher than forty-
314 eight (48) inches above grade where mounted. Equipment mounted
315 on pedestals, lighting posts, bollards, or other devices shall be
316 designed and located so as not to impede pedestrian travel or create
317 trip hazards on sidewalks.

318 ii. Adequate battery charging station protection, such as concrete-filled
319 steel bollards shall be used and shall be in accordance with Section
320 312 of the International Fire Code (IFC). Curbing may be used in lieu
321 of bollards if the battery charging station is set back a minimum of
322 twenty-four (24) inches from the face of the curb.

323 iii. Electric vehicle charging stations shall be installed not less than 10
324 Feet from any building or structure and have a means of emergency

- 325 power disconnect (Knox Remote Power Box) in non-residential
326 structures.
- 327 iv. Electric vehicle charging systems shall be installed in accordance
328 with NFPA 70. Electric Vehicle charging systems equipment shall be
329 listed and labeled in accordance with Underwriters Laboratory (U.L),
330 2022. Electric vehicle supply equipment shall be listed and labeled in
331 accordance with U.L. 2594.
- 332 e) Usage fees. Commercially zoned or occupied properties are not restricted
333 from collecting a service fee for the use of an electric vehicle charging station
334 made available to employees or visitors of the property.
- 335 f) Signage.
- 336 i. Design specifications for signage shall be obtained from the Zoning
337 Administrator.
- 338 ii. Information shall be posted identifying voltage and amperage levels
339 or safety information related to the electric vehicle charging station.
340 Commercial use shall include hours of operation and fees.
- 341 iii. Each electric vehicle charging station space shall be posted with
342 signage indicating the space is only for electric vehicle charging
343 purposes.
- 344 g) Maintenance. Information shall be posted identifying voltage and amperage
345 levels or safety information related to the electric vehicle charging station.
346 Commercial use shall include hours of operation and fees.

347 7.2.10 Home Businesses

348 Home businesses may be permitted in residential districts provided the following conditions
349 are satisfied:
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- 351 A. Are incidental to the primary residential use.
- 352 B. Are conducted entirely within a structure and are not evident in any way from the street
353 or from any neighboring premises.
- 354 C. Do not involve any outdoor activities and have no visible display or storage of goods from
355 outside the dwelling unit.
- 356 D. Business is carried on only by the inhabitants of the building.
- 357 E. Do not change the character of the building in which it is conducted.
- 358 F. Do not constitute, create or increase a nuisance.
- 359 G. Employ only mechanical equipment that is similar in power usage and type used for
360 household purposes, home offices, or hobby workshops.
- 361 H. Devote no more than the equivalent of 25 percent of the principal building to the home
362 business, wherever located.
- 363 I. Business-related traffic is restricted to between the hours of 8:00 a.m. and 6:00 p.m.
- 364 J. Must not require business-related parking in excess of two spaces.
- 365 K. Must not generate vehicle trips in excess of ten trips per day.

366 7.2.11 Mobile Homes and Trailer Courts.

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- 369 A. Mobile home courts may be permitted in the "I" districts provided the following
370 conditions are satisfied:
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 - 372 1. Trailer courts for the parking of two or more trailers shall be developed pursuant to
373 the requirements of Act 243 of the Public Acts of the State of Michigan, 1959, as
374 amended [MCL § 125.-1001 et seq.].
375
 - 376 2. No land shall hereafter be utilized for the erection, construction, operation and/or
377 maintenance of a residential mobile home or trailer coach park as defined by the
378 laws of the State of Michigan, except upon application for a permit from the city
379 signed by the person, firm or corporation seeking the permit and by the owner and
380 legal title holder of the property sought to be used for such purposes.
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 - 382 3. The land parcel being proposed for trailer courts shall be of such land areas as to
383 provide for a minimum of at least 20 trailer coach sites.
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 - 385 4. Trailer coach sites shall contain a minimum area of at least 4,000 square feet. All
386 such trailer site areas shall be computed exclusive of service drives, facilities and
387 recreation space.
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 - 389 5. All trailer courts shall have access to major or secondary thoroughfares within the
390 city by directly abutting thereon. Frontage on said thoroughfare shall be equal to at
391 least 200 feet in width.
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 - 393 6. A wall, or obscuring fence four feet and six inches in height shall be provided on all
394 sides of the trailer court, with the exception of that portion providing ingress and
395 egress to the site.
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 - 397 7. Fences when provided around trailer lots shall be uniform in height and shall not
398 exceed 30 inches in height and shall be constructed in such a manner as to provide
399 firemen access to all sides of each trailer.
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 - 401 8. Recreation space and landscaping as follows:
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 - 403 a) There shall be provided an area of not less than 100 square feet for recreation,
404 for each trailer space in the trailer park, with a minimum area of not less than
405 5,000 square feet, which shall be no longer than two times its width. Such
406 area shall be developed and maintained by the management so as to provide
407 healthful recreation for the children housed in the mobile home park.
 - 408 b) The front yard and the side yard adjacent to a street shall be landscaped and
409 the entire trailer park shall be maintained in a clean, presentable condition at
410 all times.
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 - 412 9. The sum of the side yards at the entry side of and non-entry side of a mobile home
413 stand shall be not less than 20 feet; provided however, there shall be a side yard of
414 not less than 15 feet at the entry side of the mobile home stand and a side yard of not
415 less than five feet at the non-entry side of the mobile home stand. There shall be a
416 rear yard of not less than five feet at the rear end of the stand and a front yard of not

417 less than ten feet at the front end of the mobile home stand. For irregularly shaped
418 side yards, the sum is determined as the sum of the average width of each side yard,
419 provided that the required minimums above are maintained at all points in the side
420 yard.

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422 10. No mobile home shall be located closer than 50 feet to the right-of-way line of a major
423 thoroughfare, or 20 feet to any mobile home park property line.

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425 7.2.12 Open Air Retail Merchandise Display.

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

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432 1. The layout and arrangement of the outdoor display shall be presented to the planning
433 commission for review and approval during site plan review. The planning
434 commission shall consider such factors as the amount of front yard proposed to be
435 utilized for display and the arrangement of the display to assure that it is aesthetically
436 pleasing to the street view and its impact upon the value of adjacent properties.

437
438 2. The commission may require introduction of landscaping islands, walkways or other
439 amenities necessary to improve appearance of such a use.

440
441 3. When the display abuts an adjacent property, a semi-opaque screening barrier shall
442 be provided.

443
444 4. Repair and service facilities for such uses shall only be accessory and shall have
445 service bays or doors in the side or rear yard only.

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447 7.2.13 Service Stations

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

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

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

462
463 3. A service station having its fuel pumps and canopy in other than the side or rear yard
464 setback shall provided a fifteen-foot landscaped front yard with a berm, a fence, a

465 wall, or vegetation at the interior edge providing screening of the pump islands drives
466 to a height of 42 inches.

467
468 4. There shall be no outdoor storage of automobiles, parts, or equipment after business
469 hours.

470
471 B. Automotive repair facilities shall be required to meet the following standards:

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473 1. Incidental repair services for vehicles, as defined in Article 3 of this ordinance, may
474 be provided within two or less service bays located in the side or rear yard. Vehicles
475 stored for service may only be located in a side or rear yard and shall be screened
476 from view, if adjacent to a residential district

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478 7.2.14 Wireless Communications, Antennas, and Towers

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480 Wireless communications equipment shall be governed by the provisions outlined in PA 110
481 of 2006, as amended, known as the Michigan Zoning Enabling Act, specifically MCL
482 125.3514.