

ORDINANCE NO. 751

AN ORDINANCE TO AMEND SECTIONS 401, 402, 1600 AND 1703 OF THE CITY OF PETOSKEY ZONING ORDINANCE

The City of Petoskey ordains:

1. Article IV, Sections 401 and 402, of the Zoning Ordinance of the City of Petoskey are hereby repealed and replaced by the following:

Sec. 401 PRINCIPAL USES PERMITTED

In a Single-Family Residential District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Ordinance:

1. Single-family detached dwellings provided that such dwellings meet the following minimum standards:
 - a. The dwelling and any additions to said dwelling shall be permanently anchored to a foundation. The foundation shall be constructed in accordance with the city building code and all state regulations.
 - b. The dwelling shall have permanently attached steps connected to the exterior door areas or to porches connected to said door areas where there is a difference in elevation between the dwelling floor and exterior grade or porch of seven and one-half (7-1/2) inches or more.
 - c. The dwelling unit shall have a minimum exterior width of twenty-four (24) feet and a minimum depth of twenty-four (24) feet. Attached garages shall not be included in width or depth measurements.
 - d. The dwelling roof shall meet the live load standards of the city building code.
 - e. Wheels, towing or transportation mechanisms shall be removed from mobile-or modular-type dwelling units. The mobile or modular dwelling units shall be installed pursuant to the manufacturer's setup instructions.
 - f. In addition to the requirements of paragraphs a., e. above, in the case of a mobile home, the mobile home shall be secured by an anchoring system compatible with those required by the Michigan Mobile Home Commission regulations. Mobile homes shall also comply with U.S. Department of Housing and Urban Development construction safety and energy standards. (Effective June 16, 1976).
2. Publicly owned marinas, libraries, parks, parkways and recreational facilities.
3. Cemeteries which lawfully occupied land at the time of the adoption of this Ordinance.
4. Public, parochial and other private elementary schools offering courses in general education and not operated for profit.
5. Accessory building and uses customarily incident to any of the above-permitted uses, including:

- a. Sales of personal items from a private residence, such as garage or yard sales, are allowed for no more than three (3) days in any ninety (90) day period.
- 6. Bed and breakfast operations as a subordinate use to single-family dwelling units and subject to city licensing provisions.
- 7. Home Businesses subject to the following:
 - a) Are incidental to the primary residential use.
 - b) Are conducted entirely within a structure and not evident in any way from the street or from any neighboring premises.
 - c) Do not involve any outdoor activities, and have no visible display or storage of goods from outside the dwelling unit.
 - d) Business is carried on only by the inhabitants of the building.
 - e) Do not change the character of the building in which it is conducted.
 - f) Do not constitute, create or increase a nuisance.
 - g) Employ only mechanical equipment which is similar in power usage and type used for household purposes, home offices, or hobby workshops.
 - h) Devote no more than the equivalent of twenty-five (25) percent of the principal building to the home business wherever located.
 - i) Business-related traffic is restricted to between the hours of 8:00 A.M. and 6:00 P.M.
 - j) Must not require business-related parking in excess of two (2) spaces.
 - k) Must not generate vehicle trips in excess of ten (10) trips per day.

Sec. 402. PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS

The following uses shall be permitted, subject to the conditions hereinafter imposed for each use and subject further to the review and approval of the site plan and Section 1717 Standards of Review.

- 1. Churches and other facilities normally incidental thereto subject to the following conditions:
 - a. Buildings of greater than maximum height allowed in Article XVI Schedule of Regulations may be allowed provided front, side and rear yards are increased above the minimum required yards by one (1) foot for each foot of building height that exceeds the maximum height allowed.
 - b. The site has frontage or direct access to an existing or planned principal or minor arterial.
- 2. Public, parochial and private intermediate and/or secondary schools offering courses in general education, not operated for profit when the site has frontage or direct access to an existing or planned principal or minor arterial.
- 3. Utility and public service buildings and uses (without storage yards) when operating requirements necessitate the locating of said building within the district in order to serve the immediate vicinity.

4. Non-public recreational areas and recreation facilities when not operated for profit and primarily intended to serve residents of a planned development.
 5. Colleges, universities and other such institutions of higher learning, public and private, offering courses in general, technical, or religious education and not operated for profit, subject to the following conditions:
 - a. Any use permitted herein shall be developed only on sites of at least forty (40) acres in area.
 - b. All access to said site shall be directly from a principal or minor arterial.
 - c. No building shall be closer than eighty (80) feet to any property line.
 6. Cemeteries subject to the following:
 - a. All sides of the cemetery shall be adequately screened from any residential view.
 - b. All access to said site shall be directly from a principal or minor arterial.
 7. Municipal office buildings when in character with the neighborhood.
 8. Accessory buildings and uses customarily incident to any of the above permitted uses.
 9. Two-family attached dwellings subject to the following standards:
 - a. All regulations as contained in Article XVI, Section 1600, Schedule of Regulation for Uses, in accordance with the district in which the parcel is located.
 - b. A two-family dwelling shall meet parking requirements of Section 1704.
 - c. A two-family dwelling shall not allow a garage to protrude beyond the front building plane.
2. Article XVI, Section 1600 of the Zoning Ordinance of the City of Petoskey is hereby repealed and replaced by the following:

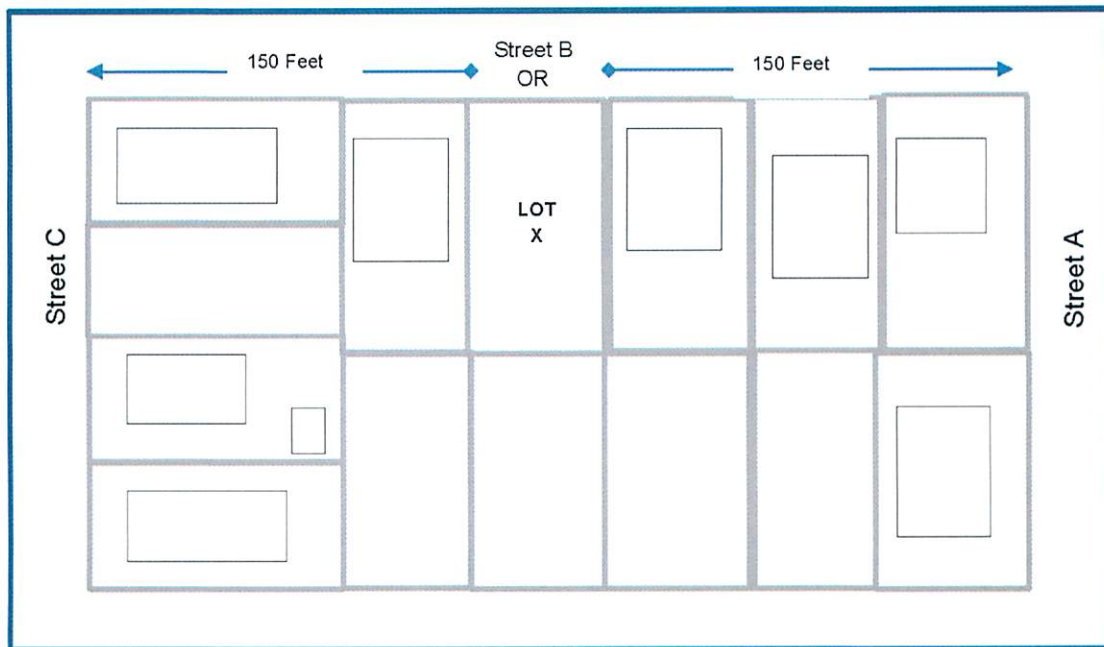
ARTICLE XVI - SCHEDULE OF REGULATIONS
SEC. 1600. SCHEDULE LIMITING HEIGHT, BULK, DENSITY AND AREA BY ZONING DISTRICT

ZONING DISTRICT	Min. Lot Size Per Unit		Max. Height of Structure		Minimum Yard Setbacks (Per lot in Feet)				Max. Lot Coverage (All Buildings)
	Area in Sq. Ft.	Width in Ft.	In Stories	In Feet	Front	Side Yards Side (one) Side (total of two)	Rear		
R-1 SINGLE FAMILY	8,400 (a)	70 (a)	2.5	25	(b)	10 (c)	20	35	30%
R-2 SINGLE FAMILY	7,200 (a)	60 (a)	2.5	25	(b)	5 (c)	15	35	33% lots 7,200 Sq. Ft or greater 35% lots less than 7,200 Sq. Ft.
R-3 SINGLE FAMILY	6,000 (d)	50	2.5	25	25 (b)	5 (c)	15	35	
RM-1 MULTI-FAMILY	(e)	(e)	2	25	50 (f)	10 (f)	20 (f)	35 (f)	25%
RM-2 MULTI-FAMILY	(e)	(e)	3	33	25 (f)	10 (f)	20 (f)	35 (f)	30%
B-1 LOCAL BUSINESS			2	25	20 (b,g)	(h,g)	(h,g)	20 (g)	
B-2 CENTRAL BUSINESS			3	40	0 (p)	0	0	0	
B-2A TRANSITIONAL BUSINESS			3	33	0 (q)	5	10	0	
B-2B MIXED USE CORRIDOR			3	33	5	5	10	5	
B-3 GENERAL BUSINESS			2	25	20 (b,g)	(h,g)	(h,g)	20 (g)	
B-3a RESORT COMMERCIAL		150	2	25	50 (f)	20 (g)	40 (g)	40 (f,g)	
B-3b BUSINESS INDUSTRIAL		(o)	2	25	15 (m)	10	30	20 (n)	
O-S OFFICE SERVICE			3	30	20 (g)	(h,g)	(h,g)	20 (g)	
I-1 LIGHT INDUSTRIAL			2	25	30 (f)	20 (g, i)	40 (g, i)	(f,g,k)	
I-2 GENERAL INDUSTRIAL			3	35	50 (f)	30 (g, i)	60 (g, i)	(f,g,k)	

3. Article XVI, Section 1600(1)(b) and Section 1600(1)(c) of the Zoning Ordinance of the City of Petoskey are hereby repealed and replaced by the following:

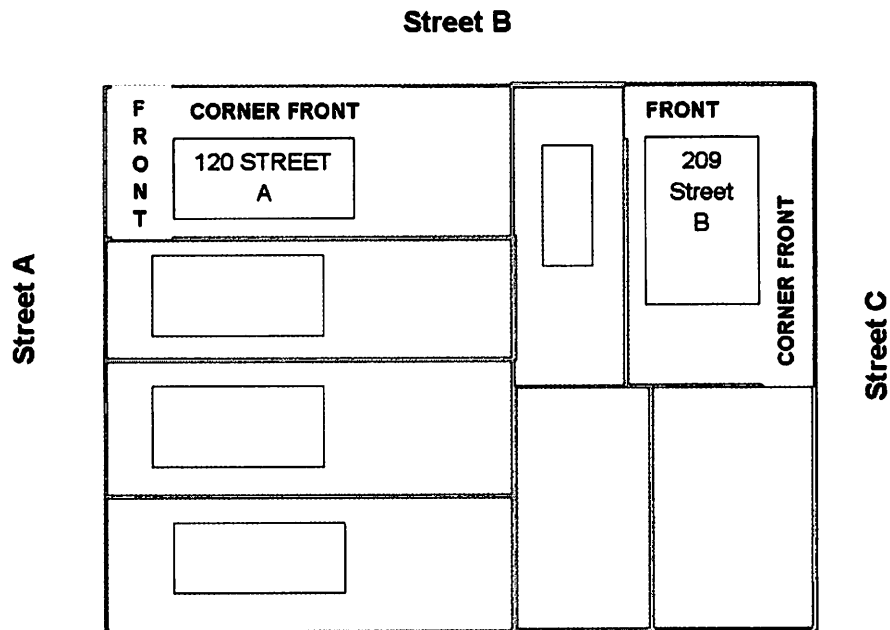
Section 1600(1)(b) The minimum front yard setback is the average of the front yard setbacks for the houses within 150 feet on either side of the subject property. See Lot X in Figure A below

Figure A
Front Yard Setback Averaging



Section 1600(1)(c) The minimum corner-front yard setback shall be the average of the front-yard setback of the existing houses within 150 feet on the same side of the block.

Figure B
Front and Corner Front Yards



4. Article XVII, Section 1703(4), 1703(5) and 1703(7) of the Zoning Ordinance of the City of Petoskey is hereby repealed and replaced by the following

1703(4) A single-story detached building not exceeding 14 feet in height, accessory to a residential building shall be located no closer than three (3) feet from any side or rear lot line.

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.

1703(5) A detached accessory building in R-1 through R-3, RM-1, RM-2, O-S and P-1 Districts may have a maximum height of one and one-half stories and 16 feet, or the height of the principal structure, whichever is less.

A detached accessory structure greater than 14 feet in height shall have a setback of no less than (5) feet.

1703(7) Accessory buildings in residential districts may only be used for storage, hobby or home business use as regulated by Section 401(7).

5. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section, or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.
6. This Ordinance shall take effect fifteen (15) days following its enactment and shall be published once within seven (7) days after its enactment as provided by Charter.

Adopted, enacted and ordained by the City of Petoskey City Council this 3rd day of August 2015.


W.J. Fraser
Its Mayor


Alan Terry
Its Clerk