



CITY OF MUNISING
**ZONING
ORDINANCE**

April 2023

CITY OF MUNISING
301 E Superior St
Munising, Michigan

TOC-1

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blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other components used in the system.

Wind Energy System, Medium: is a tower mounted wind energy system that converts wind energy into electricity through the use of equipment which includes any includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other components used in the system and does not exceed two hundred fifty (250) kilowatts. The total height does not exceed one hundred fifty (150) feet.

Wind Energy System, Small: is a tower mounted wind energy system that converts wind energy into electricity through the use of equipment which includes any includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other components used in the system. It does not exceed thirty (30) kilowatts. The total height does not exceed one hundred twenty (120) feet.

Wireless Communication Facilities: All structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio towers, television towers, telephone devices, personal communication transmission equipment and exchanges, microwave relay towers, telephone transmission equipment building and commercial mobile radio service facilities. This definition does not include "reception antenna" for an individual lot as otherwise defined and regulated in this Ordinance.

Woodlot: An area of one-fourth (1/4) acre or more containing eight (8) or more trees per one-fourth (1/4) acre, such trees having a four-inch (4) or greater diameter at a four-foot (4) height.

Yard, Required: A required open space on the same lot with a principal building, unoccupied and unobstructed by any building or structure or portion thereof from the ground upward, except as otherwise provided in this Ordinance.

Yard, Front: A required front yard is an open space extending the full width of the lot, the uniform depth of which is the minimum prescribed horizontal setback distance measured at right angles to the front lot line and is unoccupied space

Article 2: Districts
Division 4: Industrial

Section 235 Intent

- a. The I-1 Light Industrial District is designed to accommodate establishments where the finished product generally consists of small machine parts, small electronic equipment, or similar items. All manufacturing operations within this District will have less than 90 decibels emanating from the building.
- b. The I-2 Heavy Industrial District is designed to accommodate wholesale activities, warehouses, major repair operations, manufacturing operations and other industrial uses whose external and physical effects are such that require them to be separated from residential uses. The location of the industrial uses may be located on individual lots or as part of an industrial park.

Section 236 Uses Permitted

In the Industrial Districts, land, buildings, and other structures shall be used only for one (1) or more of the uses specified in the table below. Uses denoted by a “P” are permitted by right and uses denoted by “CLU” are uses which have additional specific requirements. These uses may be approved administratively, whereas uses denoted by “SLU” are considered special land uses and may be approved by the Planning Commission subject to the applicable general and specific standards in *Article X, Division X: Special Land Uses*. Any use requiring Planning Commission approval must be reviewed by a planning consultant and any other applicable consultants for compliance with zoning regulation and district intent.

	I-1	I-2	Requirements
Office and Service Uses			
Professional and Business Offices	P		
Drive-through window facilities	CUP		
Industrial, Construction & Storage			
Any production, processing, cleaning, testing, repairing, storage and distribution of materials, goods, foodstuffs, and products not involving a normal retail or service activity	P		

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on the lot (Research and development)			
Contractor's establishments not engaging in any retail activities on the site	P		
Log yards (sorting and/or storage)	P		
Research and testing laboratories		SLU	
Concrete/Asphalt Plant	P		
Heavy Equipment Sales and Service	P		
Stone cutting and monuments	SLU		Section 557(21)
Building supply and equipment stores and yards	P		
Storage facilities/units	CLU		Section 544(12)
Outdoor storage	P		
Paper Mill		SLU	
Manufacturing and processing establishments, selling at least fifty (50) percent of the entire output at retail on the premises	P		
Truck terminal		SLU	Section 557(22)
Extractive uses (commercial mining of sand, gravel, stone, and similar materials)	SLU		Section 557(9)
Kennel	SLU		Section 557(12)
Cemetery	SLU		Section 557(6)
Recreation and Entertainment Uses			
Fitness center or health club	CLU		Section 544(7)
Adult Entertainment Regulated Uses	SLU		Section 557(1)
Institutional, Educational, and Assembly Uses			
Public buildings/utilities	SLU	SLU	Section 557(8)
Essential public service buildings and structures	SLU	SLU	Section 557(8)

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Accessory			
Wireless Communications Facilities	SLU		Section 557(24)
Wind Turbine (Commercial)	SLU		
Solar Energy (Commercial)	SLU	SLU	Section 557(23)

Section 237 Requirements Applicable to All Uses

All uses permitted by right, by Conditional Land Use approval, and by Special Land Use approval shall be required to meet the following requirements:

- a. Conducted Within Enclosed Buildings. All businesses or services shall be conducted within a completely enclosed building except where display, storage, service, or sales is permitted as an accessory use and has been approved as part of the site plan in accordance with the standards of Article X, Division X for the respective use or as otherwise permitted.
- b. Accessory uses customarily incidental to the above permitted uses, only when conducted within a completely enclosed building.
- c. Site and Building Design. All sites and buildings shall comply with the building, landscaping, parking, access, circulation, and all other design requirements of the Zoning Ordinance.

Section 238 Provisions Applicable to Industrial Districts

- a. Industrial Design Standards
 - 1. Physical features and site relationships. All development in the district shall minimize its impact on the natural environment and adjacent properties. Site design shall preserve and incorporate any natural features unique to the site. Specifically:
 - a) Topography and grading. Site improvements shall be designed to minimize changes to existing topography. Topography and existing vegetation shall be utilized for screening, buffering, and transition of uses and developments. The project shall be designed to avoid massive grading to create flat building “pads” and shall maintain a naturally appearing grading design. Grading should be blended with the contours of adjacent properties.
 - b) Existing site features. The design shall retain existing site features that are worthy of preservation as determined by the planning commission. The design shall also incorporate natural site amenities such as creeks, wetlands, views, trees, natural ground forms, and similar features into the overall site design.

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- c) Building orientation. The design shall be sensitive to the existing terrain, existing buildings in the surrounding area in terms of size, design, and orientation of buildings. Outdoor spaces shall be sensitive to views, climate, and the nature of outdoor activities that could occur in association with the project. This list is not exclusive.
- d) Building design. The design of buildings shall neither impair nor interfere with the development or enjoyment of other properties in the area. Through site planning and design, projects proposed near dissimilar land uses shall carefully address potential negative impacts on existing uses. These impacts may include, but are not limited to, traffic, parking, circulation and safety issues, light and glare, noise, odors, dust control, and security concerns.
 - 1) Buildings shall have architectural variety but enhance the overall cohesive community character. Buildings shall possess a unified and cohesive design intent demonstrated through the basic attributes of form, symmetry, proportion, height, scale, and repetition. Building additions shall be compatible with the attributes of the existing building.
 - 2) Facade Articulation. Walls visible from the public right-of-way shall include architectural features customarily found on the front facade of a building, such as windows, awnings, cornice work, columns, edge detailing or other decorative finish materials. Wall massing shall be broken up with vertical pilasters or other architectural elements to reduce scale. Blank walls over 30 feet in length are not permitted.
 - 3) Windows. Window area shall make up at least twenty percent (20%) or more of the exterior wall area facing the principal street(s) from which access is gained, unless otherwise regulated elsewhere in this Division.
 - 4) Entrances. Customer entrances shall be clearly defined and highly visible. Features such as canopies, porticos, arcades, arches, wing walls, and integral planters are highly encouraged to identify such entrances. Entrances facing the street must be functional.
 - 5) Overhead loading doors shall not face a public street or residential district. The Planning Commission can waive this requirement upon a determination that there is no reasonable alternative, it is essential to the operation of the business, and the visual impact will be moderated through use of building materials, architectural features, or landscaping.

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- 6) Rooftop Equipment. Building-mounted mechanical equipment shall be screened.
- 2. Distance between buildings. In a development in which there is more than one building, the distance between buildings shall be limited. Covered walks, arcades, landscaping and/or special paving shall be provided to connect buildings with each other and with the street. A variety in building size and massing shall be encouraged provided that architectural and spatial consistency can be maintained through the use of proportion, height, materials, and design.
- 3. Rear façades of both new and existing buildings must be designed to permit public access from parking lots whenever appropriate.
- 4. Vehicular cross-access between properties shall be provided to minimize the number of curb cut openings onto public streets. Generally, vehicular access shall be limited, with no more than one access per street frontage.
- b. Existing buildings. The following shall apply to additions or remodeling of existing buildings or to accessory buildings on existing sites:
 - 1. Where a new wall material is proposed for an existing building wall, only that portion of the building being altered shall be subject to this Section. However, in considering the proposed alteration, the City may modify the material requirements of this Section to ensure consistency with the architecture of the remainder of the building.
 - 2. Where an addition is proposed to an existing building, the Planning Commission or Zoning Administrator may allow the use of existing or compatible wall materials for the addition; provided that the design of the alteration is consistent with the existing building wall design.

Section 239 Area, Height, Bulk, and Placement Regulations

All uses within the Industrial Districts shall adhere to the following area, height, bulk, and placement regulations:

	Min Lot Area (square feet)	Min Lot Width ^A (feet)	Setbacks ^B (feet)			Maximum Height (feet)	Maximum Lot Coverage (percentage)
			Front ^C	Side	Rear		
I-1	none	none	12	10	12	30	90%
I-2	25,000	125	50	25	50	40	30%

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Footnotes:

^aLot width shall be measured at front setback line and shall not include any encumbrances, such as easements or other such restrictions.

^bCornices, eaves, and gutters may project two feet into the required yard. Attached or unattached decks and porches shall comply with required front, side, and rear setbacks.

^cThe front setback shall be measured from the road right-of-way, except where a parcel abuts a water body. In that case, the front setback shall be measured from the ordinary high-water mark to the nearest facing side of the structure.

Section 240 Site Development Requirements

All principal uses and Special Land Uses are subject to the following site development requirements:

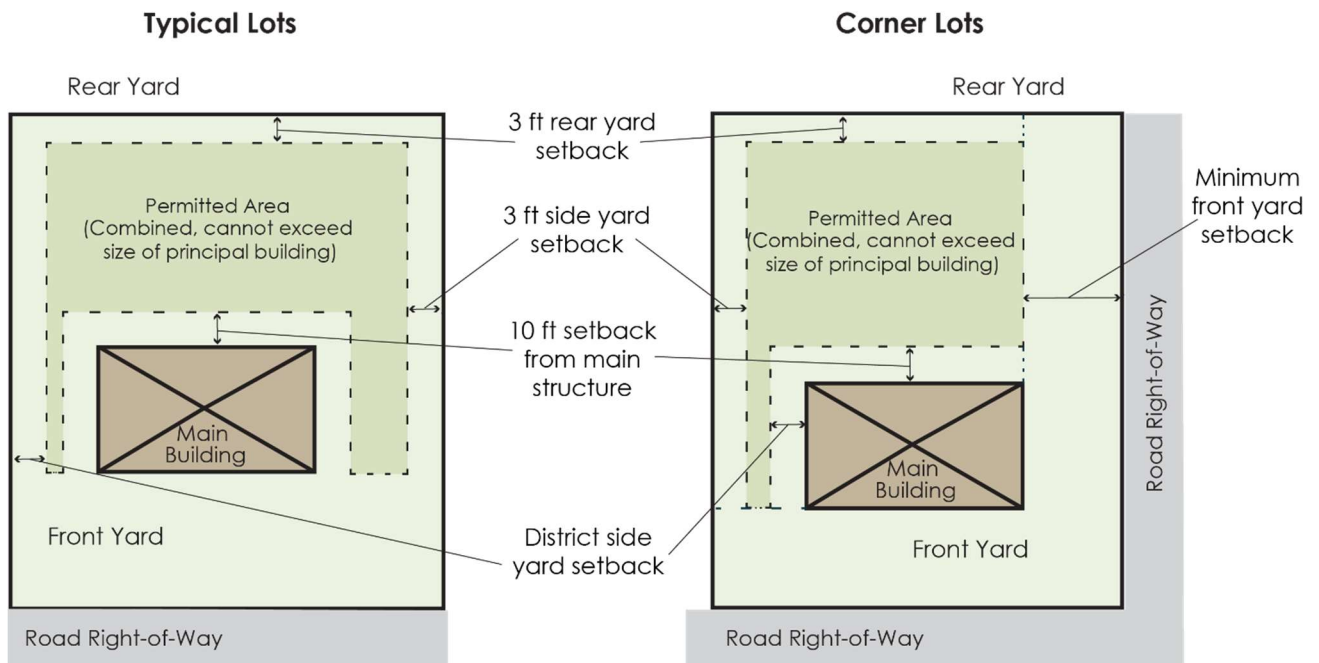
- a. Article 3: General Provisions
- b. Article 4 Division 1: Off-Street Parking And Loading Standards
- c. Article 4 Division 2: Access Management and Driveway Standards
- d. Article 4 Division 3: Landscape Standards and Tree Replacement
- e. Article 4 Division 4: Signs
- f. Article 4 Division 5: Lighting Standards
- g. Article 5 Division 1: Site Plan Review

Article 3: General Provisions
Division 1: Residential Districts

Section 300 Accessory Buildings, Structures, and Uses

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

- a. Relation to Principal Building
 1. Accessory buildings, structures, and uses are permitted only in connection with, incidental to and on the same lot with, a principal building that is occupied by a use permitted in the particular zoning district.
 2. No accessory building, structure, or use shall be occupied or utilized unless the principal structure to which it is accessory is occupied or utilized.
 3. Detached accessory buildings shall be set back a minimum of ten (10) feet from the principal building.
 4. A principal building must exist on the lot prior to the construction of accessory buildings.
- b. Locations for Detached Accessory Buildings
 1. Detached accessory buildings and structures shall only be located in the yards listed in the Table below.
 2. Accessory buildings shall not be located within a dedicated easement or right-of-way.
 3. Temporary Car Ports/Tents and shipping/storage containers are not permitted as a detached accessory building.



Locations Permitted		All Residential Districts
Front Yard		
Side Yard	<i>Building Setback</i> <i>Wall</i>	3 ft
Rear Yard	<i>Building Setback</i> <i>Wall</i>	3 ft
Side or Rear Yard	<i>Drip Setback</i> <i>Edge</i>	3 ft
Corner lot side-street yard		

- c. Size. In residential districts, a total of the combined buildings accessory to a residential building shall not exceed twice (2x) the ground floor area of the principal building. The total floor area of accessory buildings may not exceed 10% of the total lot area or the maximum listed below, whichever is greater.
- d. Number. Maximum two accessory buildings are permitted in residential districts.
- e. Height Limitations. The maximum height of detached accessory buildings shall be two (2) stories but not to exceed twenty-four (24) feet.
- f. Use. Accessory buildings shall not be occupied for dwelling purposes unless otherwise provided in this Ordinance. Accessory buildings used for a home occupation may not exceed 25% of the total square area is limited to homeowner use exclusively.
- g. Appearance. The design and building materials of any accessory building shall generally be consistent with the character of the principal building on the property (e.g., material, color), as determined by the Zoning Official.
- h. Roof. To alleviate ice dams sliding onto adjacent yards, snow guards shall be installed on any accessory building's roof located within 8 feet of a property line.
- i. Attached Garages. Garages that are structurally attached to a principal building by connection of walls or a roof shall be subject to, and must conform to, all regulations of this Ordinance applicable to the principal building, including setbacks and lot coverage, and not the regulations of this Section. Attached garages shall not exceed the height of the living portion of the dwelling.

Section 301 Accessory Dwelling Units (ADU)

- a. Purpose. Accessory dwelling units are allowed in certain situations to:
 1. Create new housing units while respecting the look and scale of single-dwelling development;
 2. Support more efficient use of existing housing stock and infrastructure;
 3. Offer environmentally friendly housing choices with less average space per person and smaller associated carbon footprints;

4. Provide housing that responds to changing family needs, smaller households, and increasing housing costs; and
 5. Provide accessible housing for seniors and persons with disabilities.
- b. Definition
1. A smaller secondary home on the same lot as a primary dwelling, having total square footage between 200 and 600. ADUs are independent, habitable, and provide basic requirements of shelter, heating, cooking, water, and sanitary services.
 2. Examples include converted garages, converted living space, attached garages, basements or attics; additions; or a combination thereof.
- c. Eligibility. An ADU may be added to a house on any residentially zoned lot.
- d. Number. One ADU is permitted per residentially zoned lot.
- e. Creation. An ADU may be created through new construction, conversion of an existing structure, addition to an existing structure, or conversion of a qualifying existing house while simultaneously constructing a new primary dwelling on the site.
- f. Density. ADUs are exempt from the residential density standards of this ordinance.
- g. Approval. Applications for ADUs must meet the following criteria.
1. The applicant must demonstrate that the ADU complies with all development and design standards of this Section.
 2. The applicant must demonstrate that the proposed modifications comply with applicable building and fire safety codes
- h. Occupancy and Use. Occupancy and use standards for an ADU shall be the same as those applicable to a primary dwelling on the same site.
- i. Design. Design standards for ADUs are stated in this Section. If not addressed in this Section, base zone development standards apply.
1. All ADUs must meet the following requirements:
 - a) Size. An ADU may be no more than 600 square feet or the size of the primary dwelling, whichever is less.
- j. Parking. No additional parking is required for an ADU. Existing required parking for the primary dwelling must be maintained or replaced on-site.
- k. Exterior finish materials. Exterior finish materials must visually match in type, size and placement, the exterior finish materials of the primary dwelling.
- l. Roof pitch. The roof pitch must be the same as the predominant roof pitch of the primary dwelling.
- m. Windows. If the street-facing façade of the ADU is visible from the street, its windows must match, in proportion and orientation, the windows of the primary dwelling.
- n. Eaves. If the primary dwelling has eaves, the ADU must have eaves that project the same distance from the building. If the primary dwelling does not have eaves, no eaves are required for the ADU.
- o. Design Standards.
1. Location of entrances. Only one entrance may be located on the facade of the primary dwelling facing the street, unless the primary dwelling contained additional entrances before the accessory suite was created. An exception to this regulation is entrances that do not have access from the ground such as entrances from balconies or decks.
 2. Exterior stairs. Fire escapes or exterior stairs for access to an upper level accessory suite shall not be located on the front of the primary dwelling.

- 3. Height. The maximum height allowed for a garden cottage is the lesser of [20-25] feet or the height of the primary dwelling.
- p. Setbacks. Detached ADUs must be located at least ten (10) feet behind the primary dwelling, unless the ADU is in an existing detached structure that does not meet this standard.
- q. Building coverage. The building coverage may not be larger than the building coverage of the primary dwelling.
- r. Yard setbacks. No portion of an existing building that encroaches within a required yard setback may be converted to or used as an ADU unless the building complies with setback exemptions (ie. for garages, properties abutting alleys) available elsewhere in the ordinance.
- s. Alteration. If an ADU is proposed for an existing detached accessory structure that does not meet one or more of the above standards, the structure is exempt from the standard(s) it does not meet. Alterations that would move the structure out of conformance with standards it does meet are not allowed. If any floor area is added to a detached accessory structure, the entire structure must meet the standards of Sections i. Through s. above.

Section 302 Adult and Child Care Facilities

- a. Adult and Child Care facilities, as defined in Article X, Division X: Definitions, are allowed only as provided for in the following table. Applicable conditions are listed as footnotes to the table.

Type of Facility P = Permitted SLU = Special Land Use NA = Not permitted	R1, R2, L1, L2, H1, and H2
Adult Daycare Facilities	SLU as accessory
Adult Foster Care Family Home (6 or fewer adults 24 hours per day) (1)(2)(3)(4)(5)	P
Adult Foster Care Small Group Home (12 or fewer adults 24 hours per day) (1)(2)(3)(4)(5)(9)	SLU NA in L1
Adult Foster Care Large Group Home (13 to 20 adults 24 hours per day) (1)(2)(3)(4)(5)(9)	NA
Congregate Facility (more than 20 adults 24 hours per day) (1)(2)(3)(4)(5)(9)	NA
Foster Family Home (4 or fewer children 24 hours per day)	P
Foster Family Group Home (5 to 6 children 24 hours per day) (1)(2)(3)(4)(5)	P

City of Munising Zoning Ordinance

Type of Facility P = Permitted SLU = Special Land Use NA = Not permitted	R1, R2, L1, L2, H1, and H2
Family Day-Care Home (6 or fewer children less than 24 hrs. per day) (1)(2)(3)(4)(5)(6)(7)(8)(9)(10)	P
Group Day-Care Home (7 to 12 children less than 24 hours per day) (1)(2)(3)(4)(5)(6)(7)(8)(9)(10)	SLU
Child Care Center or Day-Care Center (more than 6 children less than 24 hours per day) (1)(2)(3)(4)(5)(6)(7)(8)(9)	SLU as accessory
Child Caring Institution (1)(2)(3)(4)(5)(6)(7)(8)(9)	NA

Footnotes:

¹The use shall be registered with the City of Munising Clerk’s Office and shall continually have on file with the City documentation of a valid license as required by the State.

²Since the State law preempts in this area, the facility shall be brought into compliance with all State building and fire codes pursuant to State Licensing Rules R400.1831-R400.1835.

³Documentation of such compliance with State requirements shall be provided.

⁴The site shall comply with the sign provisions of Article 4, Division 4, Signs.

⁵Off-street parking shall be provided for the maximum number of employees on-site at any one (1) time.

⁶The building shall have an appearance which is non-intrusive and consistent in color, materials, roof-line, and architecture with the single-family or multiple-family residential district in which it is located, as determined by the Planning Commission.

⁷Documentation of sufficient indoor classroom, crib, or play area meeting State requirements shall be provided. Documentation of approved areas, as licensed by the State, shall be provided.

⁸There shall be sufficient outdoor play area to meet State regulations. All required outdoor play areas shall be fenced with a four (4) foot tall fence, provided that no fenced outdoor play area shall be located in a front yard.

⁹There shall be sufficient drop-off parking spaces to allow maneuvers without creating a hazard to traffic flow.

¹⁰The lot shall be at least one thousand five hundred (1,500) feet from another group day care home or similar facility. This may be reduced by the Planning Commission upon a finding by the Planning Commission that the proposed facility will not contribute to an excessive concentration of State licensed residential care facilities in the area.

¹¹The facility shall operate not more than sixteen (16) hours per day.

¹²A State-licensed residential adult or child care facility existing prior to the effective date of this Ordinance (April 20th, 2023), that has been operating under a valid State license and is registered with the City no later than sixty (60) days following the effective date of this Ordinance (April 20th, 2023), shall be considered an approved special land use, provided such use conforms with the conditions of this Section. Any change in class of the use to a larger care facility shall require approval in accordance with the requirements of this Ordinance. Any modification to the use

shall require approval following the standards of Article X, Division X: Site Plan Review as applicable.

Section 303 Antennas and Towers

- a. Radio or television antennas or towers, or similar devices, including satellite dish antennas and transmission or reception antennas (hereinafter referred to as “regulated reception antenna”), may be erected or installed in a residential district as an accessory structure to a permitted use, and shall comply with the following requirements. Wireless communication facilities, such as cellular antenna, wireless internet antenna, and commercial broadcasting antenna, shall be subject to the requirements of Article 5, Division 4 Special Land Uses, (27) Wireless Communication Facilities.
- b. Ground-Mounted Antenna. Regulated reception antenna not exceeding one (1) meter (3.28 feet) in diameter are permitted in the residential district subject to the following conditions:
 1. Regulated reception antenna shall be located only in a rear yard and shall not be within the required side yard setback. A satellite dish antenna shall be located only in a rear yard.
 2. No portion of an antenna, including a satellite dish antenna, shall be located closer than six (6) feet, measured on a horizontal plane, from any side or rear lot line, or placed on any easement.
 3. The site must be approved by the Planning Commission, which shall require a sketch plan in accordance with Article 5, Division 1: Site Plan Review, indicating the location of the satellite dish and buildings, paved areas and other appropriate site features within one hundred (100) feet of the proposed location.
 4. The height of regulated reception antenna, with the exception of a satellite dish antenna, shall not exceed fifty (50) feet above mean grade or ten (10) feet above the peak of the roofline, in any residential district.
 5. The height of a satellite dish antenna, including any platform or structure upon which the antenna is mounted, shall not exceed fifteen (15) feet in height at its maximum point above mean grade.
- c. Building-Mounted Antennae. Regulated reception antenna having a diameter of one (1) meter (3.28 feet) or less in residential districts, provided that no portion of the satellite dish antenna extends more than thirty-six (36) inches above the highest point of the roof.
- d. General
 1. No advertising or identification display shall be placed on any portion of an antenna or tower, including a satellite dish antenna, except for the name of the manufacturer and serial number.
 2. No more than two (2) antennas, including a maximum of one (1) satellite dish antenna, shall be located on the same lot as a principal building. Antennae are permitted only in connection with, incidental to, and on the same lot as a principal building, structure, or use.
 3. The color of the antennae shall be of tones similar to the surroundings.
 4. All electrical and antenna wiring shall be placed underground where applicable.
 5. Antennas shall be securely mounted and anchored in accordance with manufacturer’s specifications and building code requirements.

6. The antenna shall be located and designed to meet the manufacturer's specifications to withstand a wind force of one hundred (100) miles per hour.
7. The installation of an antenna, including a satellite dish antenna, shall require issuance of a building permit by the Zoning Official prior to erection.
8. If a usable signal cannot be obtained by locating the ground-mounted antenna in the rear yard, the antenna may be located in the side yard of the property subject to the submission of a written affidavit and approval of the Zoning Board of Appeals (ZBA) provided the placing of an antenna in a side yard shall remain subject to all other conditions set forth in this Section.

Section 304 Building Grades

All new buildings and structures constructed on vacant lots adjacent to and in between existing buildings shall be constructed at the elevation of the average grade unless otherwise approved by the Planning Commission or Zoning Official. New grades shall not be established that would permit an increase in the runoff or surface water onto adjacent properties.

Section 305 Determination of Similar Use

Since every type of potential use cannot be addressed in this Ordinance, each district provides for similar uses, referencing this Section. All applications for a use not specifically addressed in any zoning district shall be submitted to the Zoning Official for review and decision, based on the following standards: (The Zoning Official may refer the review and decision to the Planning Commission.)

- a. A finding is made that the proposed use is not listed as a named permitted or special land use in any zoning district.
- b. If the use is not addressed in this Ordinance, the Zoning Official or Planning Commission may attempt to select a named use listed in this Ordinance which most closely resembles the proposed use. Such named use shall be determined using criteria such as potential impact on property values, nature of use, traffic generated, aesthetics, noise, vibration, dust, smoke, odor, glare, and other objectionable impacts on the health, safety, and welfare in the City.
- c. If a use is determined to be similar to a named use, the proposed use shall comply with any special land use standards or other Ordinance requirements that apply to the named use.
- d. Where the Zoning Official or Planning Commission determines a proposed use is not similar to any named use addressed in this Ordinance, the applicant may petition for an amendment to this Ordinance.
- e. The determination as to whether a proposed use is similar in nature and class to another named permitted or special land use within a district shall be considered as an interpretation of the use regulations, and not as a use variance. Any use determined by the Zoning Official Planning Commission to be similar shall thereafter be deemed to be included in the enumeration of the uses.

Section 306 Electric Distribution and Service Lines

The electric distribution system for new residential developments shall be placed underground in accordance with the rules of the Michigan Public Service Commission (Michigan Administrative Code Rules 460.511 - 460.512.) Electric lines servicing new office, commercial, and industrial developments shall be located underground in accordance with the rules of the Michigan Public Service Commission (Michigan Administrative Code Rule 460.513) unless the practical difficulty associated with such action shall result in an undue burden to the customer as determined by the City Commission.

Section 307 Essential Public Services

The erection, construction, alteration, or maintenance of essential public services and essential public service buildings, as defined in Article 1, Division 2: Definitions, authorized under any franchise in effect within the City shall be permitted subject to regulation as provided in any law in the State of Michigan or in this Ordinance or any City Ordinance. It is the intention of this Ordinance to ensure conformity of all structures and uses to the requirements of this Ordinance wherever such conformity shall be practical and not in conflict with the specific requirements of such franchise, State legislation, or City Ordinance. In absence of such conflict, the standards of this Ordinance shall prevail.

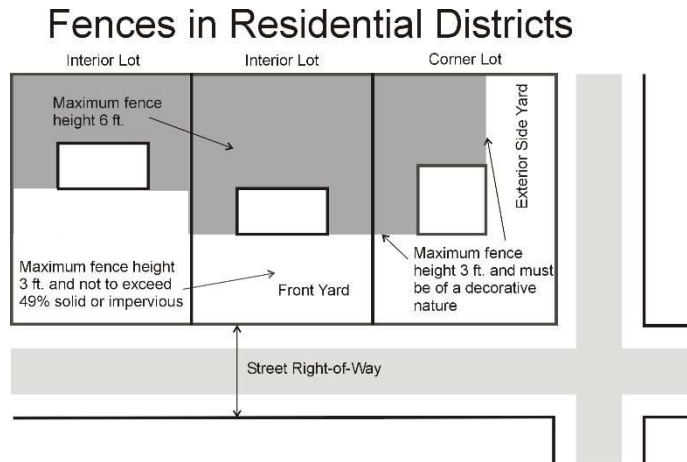
Section 308 Fences and Walls (*Also see Article 4, Division 3, Landscape Standards and Tree Replacement*)

General Requirements

1. Unless specifically authorized elsewhere in this Ordinance, fences and walls located within the side yard or rear yard in any district shall not exceed a height of six (6) feet.
2. Fences and walls shall not be erected within any public right-of-way or easement.
3. Fences or walls shall not be erected or maintained in such a way as to obstruct the vision of motorists exiting driveways.
4. Electronic fences buried beneath the ground are permitted in all districts.
5. All supporting posts, cross members and protruding bolts, screws and/or hardware of all fences shall be inside the lot and faced toward the interior lot or be centered between the two vertical exterior surfaces of the fence.

Residential Districts

1. Unless specifically authorized elsewhere in this Ordinance, fences may be located within the required exterior side yard for corner lots but shall not exceed six (6) feet in height, be in excess of forty-nine percent (49%) solid or impervious, and shall be tubular aluminum, black vinyl-coated chain link fence, or similar, as determined by the Zoning Administrator. It must also be determined that the fence will not be detrimental to



the property or its surroundings including neighboring properties, streetscape, or intersection visibility.

2. Any fence in the front yard shall be:
 - a) No more than three (3) feet in height or be in excess of forty-nine (49%) solid or impervious;
 - b) Constructed of wrought iron (tubular aluminum), wood or vinyl “picket”, or similar as determined by the Zoning Administrator, per the adopted design guidelines.

Section 309 Flagpoles

- a. The maximum height of flagpoles shall not exceed twenty (20) feet, measured from the average surrounding grade.
- b. A maximum of one (1) flagpole per property is allowed in single-family residential districts. A maximum of two (2) flagpoles is permitted on property developed as a multiple family residential development (minimum of 12 units.)
- c. Flagpoles shall be set back a minimum of ten (10) feet from any public right-of-way, private road access easement, access drive, or property line.
- d. A maximum of two (2) flags per flagpole shall be permitted.

Section 310 Front Yard Requirements

- a. Front yard requirements along rights-of-way shall be measured from the public road right-of-way line, private road access easement line, or the curb of any access road, drive, or internal driveway where no right-of-way or easement exists.
- b. Corner lots and through lots must provide the required front yard setback on each side of the lot which abuts a public street, private road, or access drive.
- c. All references to front yard requirements include the exterior side yard of corner lots unless otherwise noted.
- d. On curvilinear streets, the minimum front yard setback is measured along a curve parallel to the front lot line.

Section 311 Grading, Excavation, Filling, Soil Removal, Creation of Ponds, and Clearing of Trees

- a. The grading, excavation, filling, soil removal, creation of ponds, or clearing of trees within an area of less than one hundred (100) square feet, shall be permitted activities on any lot provided such activity is incidental to the uses on the lot and in accordance with applicable County and State regulations. Properties within the Floodplain Zone must permission from the State to conduct any construction on a property in the Floodplain Zone.
- b. Grading, excavation, filling, soil removal, creation of ponds, or tree clearing within an area over one hundred (100) square feet, on a one-time basis, on properties NOT in the Floodplain Zone, may be permitted after review and approval of a sketch plan by the Zoning Official in accordance with Article 5, Division 1, Site Plan Review and with applicable County and State regulations.
- c. Excavation and site preparation for building foundations is excepted from the excavating provisions of this Ordinance provided that such work is considered incidental to building construction and all necessary permits have been obtained.
- d. Excavation required for swimming pools is excepted from excavating provisions of this Ordinance provided that all necessary permits are obtained and the pool is completely constructed within six (6) months of the excavation.
- e. Any clearing of trees of over one-hundred (100) square feet on lots prior to site plan approval in accordance with Article 5, Division 1, Site Plan Review shall be prohibited.

Section 312 Height Exceptions and Limitations

The building height restrictions shall not apply to the following: cornices not exceeding four (4) feet in height, chimneys, elevator bulkheads, fire towers, water tanks, public monuments, church spires, belfries, cupolas, domes, ornamental towers, and penthouses or roof structures housing necessary mechanical appurtenances.

Section 313 Home Occupations

All home occupations must comply, and remain in continuous compliance with, the following standards:

- a. A home occupation permit must be obtained from the City and include a floor plan indicating the area(s) within the house or garage where the home occupation will be conducted.
- b. No person, other than members of the family residing in the dwelling, shall be engaged in the conduct of the home occupation.
- c. The use of the dwelling or garage for the home occupation shall be clearly accessory, incidental, and subordinate to its use for residential purposes, and not more than twenty percent (25%) of the gross floor area of the dwelling or garage shall be used for the conduct of the home occupation.

- d. There shall be no change in the outside appearance of the dwelling or garage or any other visible evidence of the conduct of the home occupation.
- e. There shall be no signs on any structure, in the windows or anywhere on the property.
- f. Traffic generated by the home occupation shall not be greater than would normally be expected in a residential neighborhood, or no more than an average of ten (10) vehicular trips per day.
- g. The home occupation shall be conducted entirely within the confines of the dwelling or garage, but shall not be conducted in other accessory structure (i.e. pole barn, shed).
- h. There shall be no sale of products or service on the premises where the home occupation is located. A retail showroom, sales area, outlet, or similar facility is prohibited as is outdoor display of goods.
- i. Any necessary parking spaces for vehicles generated by the conduct of the home occupation shall be provided on the site in a normal driveway, but not within any required yard.
- j. No equipment or process shall be used in the home occupation which creates noise, vibration, glare, fumes, or odors detectable to the normal senses off the premises on which the home occupation is located. In addition, no equipment or process shall be used in the home occupation which causes visual or audible interference in any radio or television receivers off the premises or causes fluctuation in the line voltage off the premises.

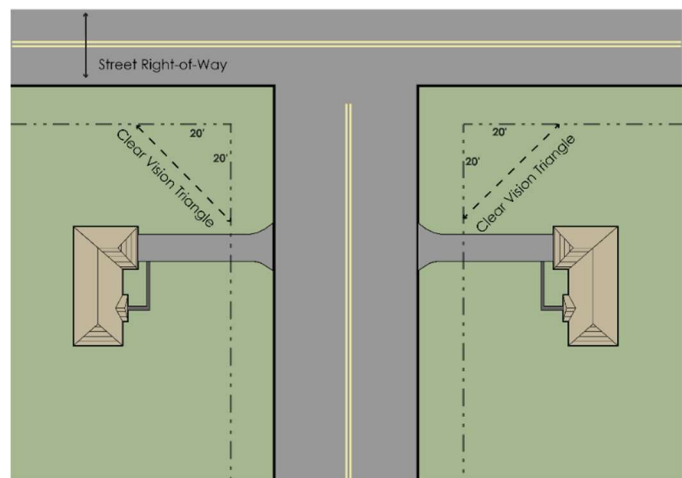
Section 314 In-Home Office

An in-home office is permitted by-right in any residential zoning district when in compliance with the following standards:

- a. Clients or customers shall not make visits to the office.
- b. The above conditions b and d through h of Section 313 Home Occupations, shall be met.

Section 315 Intersection Visibility

- a. No fence, wall, sign, hedge, screen, or any planting shall be erected or maintained to obstruct vision between a height of three (3) feet and eight (8) feet within the triangular area formed by the intersection of the street right-of-way lines and a line connecting two (2) points which are located on those intersecting right-of-way lines twenty (20) feet from the point of intersection of the right-of-way lines. If the road is an access drive, these dimensions



- shall be measured from the pavement edge.
- b. The three (3) foot and eight (8) foot height limit shall be measured from the lowest elevation of the segment of the intersecting roads centerline which lies between the point of the intersection of the other centerline and the extension of the line drawn through the points twenty (20) feet from the intersection of the right-of-way lines.

Section 316 Keeping of Animals

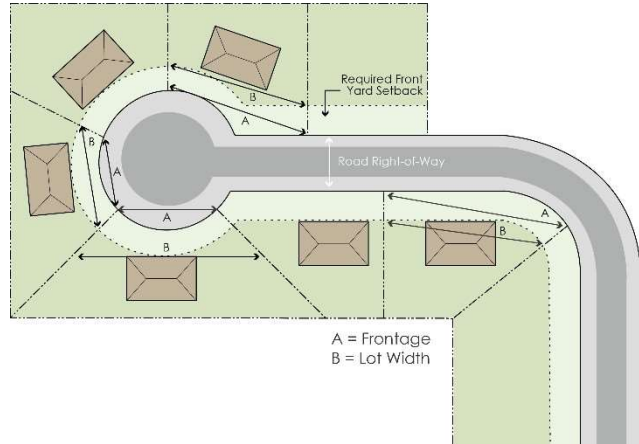
- a. The keeping of household pets, including dogs, cats, rabbits, fish, birds, hamsters, and other animals generally regarded as household pets is permitted as an accessory use in any residential district. Waterfowl, hens, roosters, wolves, and foxes shall not be regarded as household pets. However, no more than three (3) dogs or cats, four (4) months of age or older, in any combination, nor more than a total of five (5) animals, shall be kept or housed in or at one (1) dwelling unit.

Section 317 Lot Area Allocation

- a. No portion of a lot can be used more than once for determining compliance with the provisions for lot area and yard dimensions for construction or alteration of buildings.
- b. No lot, adjacent lots in common ownership, required yard, parking area, or other required open space shall be created, divided, or reduced in dimensions or area below the minimum requirements of this Ordinance. If already less than the minimum requirements of this Ordinance, a lot, adjacent lots in common ownership, required yard, parking area, or other open space shall not be divided or reduced in dimensions or area so as to increase its noncompliance with the minimum requirements of this Ordinance. Lots or yards created after the effective date of this Ordinance shall comply with the requirements of this Ordinance.

Section 318 Lot Width/Depth Ratio

Lots created after the effective date of this Ordinance having a lot area of less than ten (10) acres shall have a lot width which is equal to, or greater than, one fourth (1/4) the depth of the lot.



Section 319 Mechanical Equipment and Utilities

- a. Ground mounted mechanical equipment, such as blowers, ventilating fans, and air conditioning units are permitted only in non-required side yards and in any rear yard, as determined by the Zoning Official.
- b. Mechanical equipment shall be placed no closer than three (3) feet to any lot line.

Section 320 Principal Buildings, Structures, and Uses

- a. No lot may contain more than one (1) principal building, structure, or use.
- b. Groups of multiple-family dwellings, site condominiums, or other groups of buildings contained within a single, integrated complex, sharing parking, signs, access, and other similar features which together form a unified function and appearance may be deemed a principal use collectively, by the Zoning Administrator.
- c. In cases where there is more than one (1) use, the use comprising the greatest floor area shall generally be considered the principal use, except in cases where a use comprising a secondary amount of floor area is considered to have greater impact in terms of traffic generated, noise levels, disruption of views, and similar impacts, as determined by the Zoning Administrator.

Section 321 Private Road Standards

- a. The City may allow private roads only when meeting the standards of this Section. The regulations for private roads contained herein shall not apply to approved private roads within platted subdivisions regulated by the Ordinance No. 85 Platting and Subdividing of Lands of the City Munising Code of Ordinances, as amended, or internal access drives to parking within approved site plans for multiple-family developments or commercial access drives.
- b. Private roads are reviewed and approved by the City Commission after a recommendation from the Planning Commission. Documentation accepted by the City Commission, must support that the property possesses unusual configuration and/or

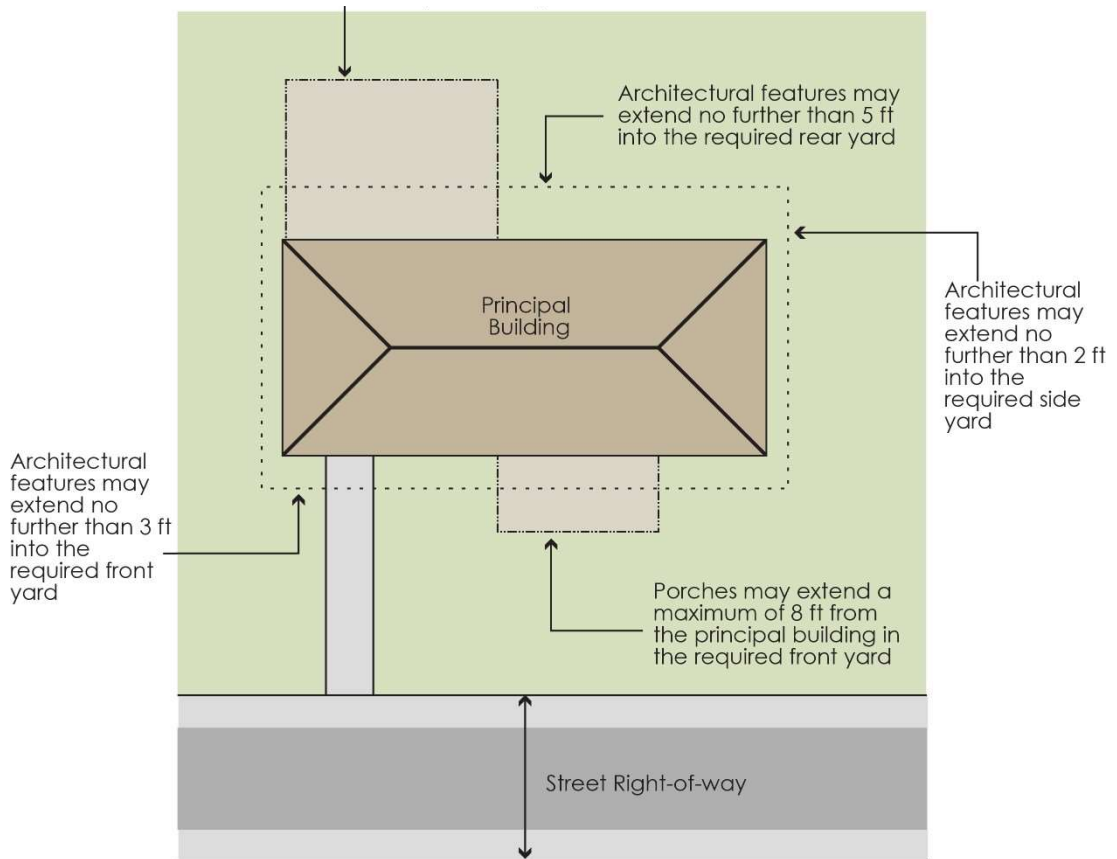
topography which would render construction of public streets under City standards for grades, radii, width, and/or materials impractical.

- c. An easement for private road access shall be provided of not less than twenty-four (24) feet in width for roads and utilities serving two (2) or fewer lots or single-family residential units and not less than sixty (60) feet in width for roads serving more than two (2) homes. This easement shall be recorded with the Alger County Register of Deeds office and a copy of the recorded easement provided to the Zoning Administrator.
- d. Any lot gaining access from a private road shall have at least the minimum lot frontage required herein for the zoning district in which the lot is located. The frontage for the lot shall be measured at the point between the lot lines designated by the Zoning Administrator as the side lot lines.
- e. Any lot created on a private road, along with accompanying buildings, shall comply with all site development standards applicable to the zoning district in which it is located. The easement for the private road shall not be included in the minimum lot width and lot area requirements.
- f. The maximum length of any private road cul-de-sac shall not exceed the City standard for public roads.
- g. The minimum roadway width of any private road shall be at least eighteen (18) feet, however if such roadway is within three hundred (300) feet of a fire hydrant, such width may be reduced to fourteen (14) feet upon approval of the City of Munising Fire Department.
- h. The surface and base material and construction of any private road shall be approved by the City Engineer and City of Munising Fire Department as being sufficient to accommodate emergency vehicles.
- i. Issuance of a building permit for the placement of buildings/structures on lots and/or parcels on a private road shall not be considered a guarantee or warranty that adequate access exists to the lot for emergency vehicles. The City assumes no responsibility for the maintenance of or improvements to private roads.
- j. The applicant shall submit a joint maintenance agreement or master deed in recordable form that runs with the land, binds benefiting parcels, and allows the City to make any repairs or conduct any maintenance it deems necessary, and charge the property owners or homeowners association served by the private road for such service.
- k. The applicant shall provide a recorded statement running with the land informing purchasers of lots accessed by the private road that the access road is private.

Section 322 Projections into Yards (See also Figure 2.1 Accessory Buildings and Structures Location Standards)

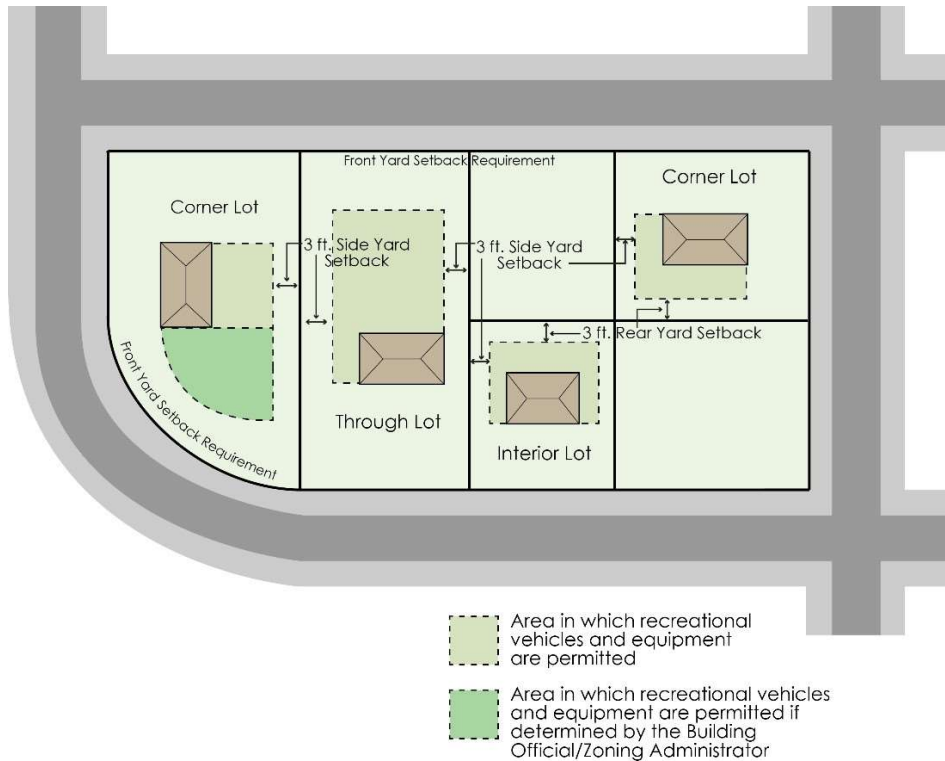
- a. Certain architectural features, such as cornices, eaves, gutters, chimneys, pilasters, and similar features may project no farther than listed below. A "required" yard shall mean the setback area of the yard.
 1. Three (3) feet into a required front yard.
 2. Five (5) feet into a required rear yard.
 3. Two (2) feet into a required side yard.

- b. Projection of building appurtenances such as unenclosed porches, patios, decks, balconies, stoops, window awnings, or similar features which are elevated six (6) inches or more above grade, into a required side yard shall be prohibited. An unenclosed porch, patio, deck, stoop, balcony, or window awning may project no farther than:
 - 1. Eight (8) feet into a required front yard.
 - 2. Maximum of 33% into required rear yard setback.
- c. At-grade patios can extend into required side and rear yards but must meet the accessory structure setback.



Section 323 Recreational Equipment and Vehicle Parking and Storing

The purpose of these standards is to regulate and control the parking and storage of recreational vehicles and equipment on private property to promote the public health, safety, and welfare and to preserve property values.



a. Location Standards

1. Generally. Recreational vehicles and/or recreational equipment shall be prohibited in the front yard unless otherwise permitted in this Section. Recreational vehicles or equipment shall be placed or parked in the rear yard or side yard behind the front building line, on a hard paved surface not closer than ten (10) feet from any structure and set back a minimum of three (3) feet from any lot line, except as provided in paragraphs 2. through 6. below.
2. Placement on Lot. Recreational vehicles and equipment are permitted to be parked or stored only on a lot with a principal building, structure, or use unless it is adjacent lot which is under the same ownership.
3. Corner Lots. In the case of corner lots, as defined in this Ordinance, the regulations of this Section shall apply to both the front yard and the exterior side yard.
4. Through Lots. In the case of through lots, as defined in this Ordinance, parking and storage shall be permitted in the rear yard, as determined by the Zoning Administrator, provided the parked vehicle meets the front and side yard principal building setback requirements of the zoning district.
5. Through Corner Lots. In the case of through lots on a corner (i.e. lots with frontage along three (3) streets), parking shall be allowed only in the side yard. The Zoning Administrator may permit parking in the rear yard, upon determination that such parking is allowed on the adjacent lot.

- b. Owner or Legal Tenant. The owner of any recreational vehicle or equipment placed or parked on a lot shall be the owner of the lot or the legal tenant.

- c. Condition and Licensing Requirements. All recreational vehicles and/or recreational equipment stored or parked in any Residential District shall be in an operable condition, as determined by the Zoning Administrator.
- d. Detachable Camper Tops. Detachable camper tops shall not be stored in any Residential District except in accordance with above guidelines. Further, camper tops that are not installed on a licensed and operable vehicle must be placed on the ground and stabilized.
- e. Permanent Special Exceptions. A recreational vehicle and/or recreational equipment which is officially licensed as a vehicle for a disabled person in accordance with State law and which is used as the regular means of transportation by or for a disabled person may be parked within the required setback area. Appropriate landscaping must be provided to screen the recreational vehicle from adjacent residential structures.

Section 324 Recreational Vehicle as a Dwelling Unit

- a. A recreational vehicle, having a valid state license/registration, may be used on a lot without a principal building for dwelling purposes for period not exceeding 120 total calendar days in the H-1 and H-2 Districts.
- b. A recreational vehicle, having a valid state license/registration, may be used on a lot without a principal building for dwelling purposes for a period not exceeding 30 total days and not more than twice within a five-year span.
- c. One recreational vehicle shall be allowed per lot.
- d. The placement of the recreational vehicle must conform to the setback requirements of a principal structure in the district located.
- e. Persons using a recreational vehicle for such use must register with the Zoning Administrator.
- f. Vehicle and telephone number visibly placed on the vehicle.

Section 325 Short-Term Rentals (STR)

- a. Intent.
 - 1. It is in the public interest to preserve and retain the residential community character of residential districts of the City;
 - 2. It is in the public interest that short-term rentals (STR) permitted by this ordinance resemble and be in harmony with existing and/or traditional residential uses made by resident owners and lessees.
 - 3. Allowing short-term rentals is in the public interest because doing so increases the number and type of lodging facilities available to members of the public.
 - 4. It is in the public interest to limit the number of short-term rentals available in the City so that rentals that are not short-term rentals continue to be available to members of the public.
- b. Applicability. All requirements of this Ordinance are in addition to any other applicable requirements, regulations, and/or standards imposed in other ordinances of the City of

Munising, the County of Alger, and laws of the State of Michigan including, without limitation, applicable building and fire codes and applicable health and sanitation regulations.

c. Definitions Specific to Short-Term Rentals:

1. Local Contact Person. A property manager, owner, or agent of the owner who is available to respond to concerns of a citizen, a tenant, a neighbor, the City Police Department, and/or City administrative personnel 24 hours a day, seven days a week, and who resides in the short-term rental property or not more than twenty five road miles from the short-term rental property. This person shall have full access to the short-term rental property and full authority to make and implement decisions about the property, remedial, managerial, or otherwise.
2. Operator. The person in control of a short-term rental property, and legally responsible for the property, be it owner, lessee, mortgagee in possession, licensee, rental agent, or other agent. In any situation where a question exists as to who the operator of a short-term rental property is, the owner is deemed to be the operator.
3. Owner. The person or entity that holds legal or equitable title to the property used as a short-term rental.
4. Bedroom. A bedroom is defined as a space, not smaller than 100 square feet, with four walls, a heat run, an egress window, and a door.

d. Regulations Pertaining to Short-Term Rentals. All short-term rental properties must comply with the following regulations:

1. All short-term rental space must be located entirely within the dwelling unit identified in the site plan referred to subsection 2 and not in a recreational vehicle, camper, tent or other temporary structure.
2. If a property identified with a property tax identification number has more than one standalone building housing a dwelling unit or dwelling units located upon it, and if the owner of that property intends to use more than one such structure as a short-term rental, on either a simultaneous or alternating basis, the owner shall submit a site plan for and obtain a Special Land Use permit for each structure to be so used. A property identified with a property tax identification number having only one building with a dwelling unit or dwelling units located upon it need only submit a site plan for and obtain one Special Land Use permit for the building and dwelling unit or units.
3. A Special Land Use Permit shall not be granted for any building with more than four dwelling units in it and the operator of any building with more than four dwelling units in it shall not use any of the dwelling units as a Short-term rental.
4. The operator of a short-term rental shall appoint a local contact person. The name, address, telephone number, and email address of this person shall be provided to the City of Munising, all neighbors within 300 feet of the short term rental property, and shall be posted prominently in the short-term rental. An operator or owner can be a local contact person.
5. The operator or owner of a short-term rental shall provide parking for the short-term rental that complies with Article 4, Division 1, Off-Street Parking, of this ordinance; provided, however, that all such parking shall be off-street and located entirely within the boundaries of the property upon which the short-term rental is operated.

6. Occupancy of a short-term rental is limited to not more than the number of bedrooms in the short-term rental unit multiplied by 3.
7. Outdoor events, such as yard parties and weddings, are limited to the number of allowed occupants of the short-term rental.
8. The operator shall keep complete, legible copies of City ordinances addressing the following matters in the short-term rental, make them readily available to tenants, and provide tenants with notice that the City will enforce violations of these ordinances against the tenant, operator, or owner, as is appropriate: Animals, Snowmobiles and Off Road Vehicles, Noise, Open Burning, and Blight.
9. The operator shall post phone numbers for the following emergency service providers in a prominent place in the Short-term Rental: 911, Munising Memorial Hospital, Alger County Sheriff's Department, Michigan State Police, Munising City Police.
10. The exterior and grounds of the short-term rental shall be maintained in a manner that is harmonious and compatible with the character of the other buildings in the district and neighborhood where the short-term rental is located so that, from the exterior and grounds, it is not readily apparent that a short-term rental is being operated on the property.
11. Overhead, flood-type yard lighting of a short-term rental is prohibited; provided, however, that safety lighting at entranceways, in character with other residential lighting in the neighborhood where the short-term rental is located, is not prohibited.
12. Signs advertising the property as a short-term rental are prohibited.
13. Any violation of State or County Building Codes, State or County Fire Codes, the City of Munising Water and Sewer Ordinance, or health and sanitation rules and regulations of the Luce, Mackinac, Alger, Schoolcraft District Health Department shall be a violation of this ordinance.
14. An applicant for a Special Land Use Permit to operate a short-term rental shall file two site plans with the City: A preliminary plan identifying any improvements that are to be made; and a final, as built, site plan. The final plan shall not depart from the preliminary plan in any material way. A Special Land Use permit may be issued, provisionally, based on the preliminary plan. A Special Land Use permit so granted is rescinded if a final site plan is not submitted or if the final site plan submitted departs from the preliminary plan in a material way. Site plans shall include a floor plan of the short-term rental showing room sizes and uses, showing all exterior exits, including lawful egress windows, and identify and locate all fire extinguishers and exit signs in the short-term rental. Not filing a final site plan before renting the short-term rental is a violation of this ordinance and operating a short-term rental upon a rescinded Special use permit is a violation of this ordinance.
15. The operator of any short-term rental that exists on the effective date of this ordinance shall file a site plan that complies with subsection 2 and demonstrates the short-term rental property complies with this ordinance within 90 days of the effective date of this ordinance. Not filing such a site plan within that time frame is a violation of this ordinance.
16. Providing false or intentionally providing misleading information on a site plan filed with the City pursuant to this ordinance is a violation of this ordinance.

17. By January 31st of each year, the operator or the owner of a property currently permitted under the City of Munising Zoning Ordinance as a short-term rental shall notify City, in writing, that the property will, or will not, be used as a short-term rental for that calendar year. If the operator or owner does not use the property as a short-term rental for two consecutive years any Special Land Use permit issued for the property shall expire without further action by City.
 18. The street address or fire number assigned to the property where a short-term rental operates shall appear in all advertising for the short-term rental.
- e. Penalties. Penalties for violation of this ordinance are provided for in Article 2, Division 2, of the City of Munising Zoning Ordinance. For purposes of expansion and clarification, the following apply to any violation of this ordinance:
1. The requirements of Section 325(d) of this Ordinance are hereby deemed to be additional “conditions pertaining to the granting of the permit” and “conditions set by the Planning Commission” for purposes of Article 5, Division 4, violation of which may thereby result in revocation of a Special Land Use Permit.
 2. For any short-term rental operating pursuant to a Special Land Use permit issued under the City of Munising Zoning Ordinance, as an additional penalty for any third violation of this ordinance in the same calendar year the Planning Commission shall revoke the Special Use Permit.
 3. A short-term rental operated in violation of this ordinance is “maintained” in violation of Section 1404(C) of the City of Munising Zoning Ordinance.
 4. The City Police Department is authorized to issue civil infraction violation citations under this ordinance and the City Attorney is authorized to prosecute those civil infraction citations.
 5. The operator and the owner of a short-term rental property are jointly and severally liable for civil fines, costs, and other sanctions resulting from violations of this ordinance.
- f. Severability. If any Section, clause, or provision of this Ordinance is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, that declaration shall not affect the validity of the remainder of the Ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid. Date introduced, date adopted, date published, date effective and signature by the City Clerk.

Section 326 Sidewalks, Bikepaths, and Walkways

- a. Any development shall provide pedestrian pathways meeting the following requirements:
1. Sidewalks. Sidewalks shall be required on both sides of the street or road in accordance with City of Munising Code of Ordinances.
 2. All sidewalks shall be a minimum five (5) feet wide and constructed of concrete to the specifications of the American Society of Highway and Transportation Officials (ASHTO).
 3. Sidewalks abutting parking areas shall be a minimum of seven (7) feet wide to accommodate vehicle overhang.
 4. In lieu of concrete sidewalks, the Planning Commission may permit asphalt, stone or wood chip paths, or wooden boardwalks in open space areas or areas with

sensitive environmental features such as wetlands. The path or boardwalk shall provide direct access to all lots where the Planning Commission waives the requirement for concrete sidewalks.

- b. Bikepaths. Bikepaths shall be at least eight (8) feet wide and constructed of concrete or asphalt in accordance with the specifications of the ASHTO.
- c. Walkways from the Sidewalk to Building Entrances
 - 1. A continuous pedestrian walkway shall be provided from any adjacent street sidewalk to building entrances.
 - 2. The walkways shall incorporate a mix of landscaping, benches, drop-off bays, and bicycle facilities for at least fifty percent (50%) of the length of the walkways.
 - 3. Walkways shall be connected to adjacent sites wherever practical and connect to other pedestrian systems.

Section 327 Walkways from Parking Areas to Building Entrances in Multiple Family Residential Developments

- a. Internal pedestrian walkways shall be developed for persons who need access to the building(s) from internal parking areas. The walkways shall be located within the parking areas and shall be designed to provide safe, guided access from these areas to the entrances of the building(s).
- b. The walkways shall be designed to separate people from moving vehicles as much as possible.
- c. The walkways must be designed for disabled access according to the adopted building code for the City of Munising and other applicable laws.
- d. The walkways shall be distinguished from the parking and driving areas by use of any of the following materials: special pavers, bricks, raised elevation, scored concrete, or pavement markings. Other materials may be approved by the Planning Commission if appropriate to the overall design of the site and building.
- e. Unless otherwise permitted by this Ordinance, sidewalks, bikepaths, and walkways shall be installed by the developer or property owner within the dedicated street right-of-way or private road access easement. A special easement may be provided where grades or other factors prevent placement within the right-of-way or access easement.
- f. Crosswalk pavement markings and signs may be required in areas of potential vehicular and pedestrian conflict.

Section 328 Solar Panel Energy Systems

- a. Freestanding solar panels shall be considered an accessory building and shall be subject to the following requirements for such, together with all other applicable building codes and ordinances:
 - 1. Solar energy systems are a permitted use in all zoning districts except solar energy commercial operations, which are prohibited as a principle use except in the I-2 industrial district. (These are systems whose main purpose is to generate energy for sale back into the energy grid system, rather than being consumed on site.)
 - 2. Solar energy systems are subject to the following:

- a) Roof mounted systems on the principal building shall not exceed the height limits in the district, nor be more than three (3) feet higher than the finished roof to which it is mounted, whichever is less. In no instance shall any part of the system extend beyond the edge of the roof.
- b) Ground mounted systems and systems attached to accessory buildings shall adhere to the setback requirements in the district.
3. Solar energy systems are prohibited in front yards, and shall not be located past the front wall of the principle building.
4. The number of solar panels and supporting equipment shall be considered as one system.
5. Ground mounted solar energy systems shall not be categorized as accessory buildings.
6. If solar energy systems are attached to accessory buildings the number of accessory buildings allowed shall be regulated in accordance with the provisions set forth in Article 3, Division 1, Section 300: Accessory Buildings, Structures, and Uses.
7. The height of ground mounted solar energy systems and systems included on accessory buildings shall not exceed 10 feet in height.
8. No more than 20% of a lot may be covered with a solar energy system.
9. Ground mounted systems shall be located on lots of one half (1/2) acre or more.
10. Zoning and construction permits are required.

Section 329 Storage and Repair of Vehicles

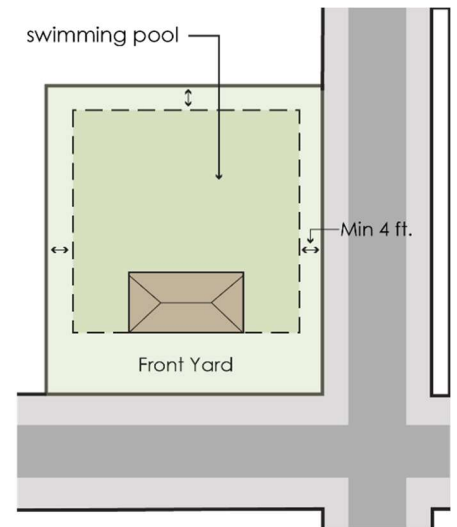
- a. The parking of commercial vehicles, as defined in Article 1, Division 2: Definitions, shall be prohibited in all zoning districts except Commercial and Industrial Districts, unless otherwise permitted.
- b. Commercial vehicles shall not be permitted in a Residential District except as permitted below:
 1. The vehicle shall be used as the principal means of transportation for a resident in the conduct of such resident's employment or profession or is the resident's sole means of motor vehicle transportation.
 2. The vehicle shall not be a commercial trailer, dump truck, stake truck, flat-bed truck, wrecker, or semi-tractor
 3. No part of the vehicle may exceed ten (10) feet in overall height, measured from grade
 4. The vehicle shall not have more than four (4) rear wheels
 5. The vehicle shall not exceed eleven thousand (11,000) pounds gross weight.
- c. In any Multiple-Family Residential District, the property owner or the controlling association shall provide a designated area, approved by the Planning Commission, to park or store commercial vehicles. Parking spaces required to meet the parking requirements of this Ordinance shall not be used for the parking or storage of commercial vehicles.
- d. The parking or storage of essential public service vehicles where the vehicle is operated by the homeowner or the occupant is exempt from these provisions.
- e. The outdoor storage of inoperable and/or unregistered vehicles shall be prohibited, as regulated in the City of Munising Code of Ordinances.

Section 330 Street Access and Design

- a. Any lot created after the effective date of this Ordinance shall have frontage upon a public street right-of-way, at least sixty (60) feet in width, unless a private road of lesser width has been approved by the City Commission.
- b. A building permit shall not be issued for the construction of any principal building unless said lot has the minimum frontage required on an improved public street, at least sixty (60) feet in width, unless a private road of lesser width has been approved by the City Commission.
- c. Access driveways shall be surfaced with a durable pavement having an asphalt or cement binder and be constructed to the City standards.
- d. All street access shall meet the standards of Article X, Division X: Access Management and Driveway Standards.
- e. All streets shall be constructed in accordance with the City of Munising Code of Ordinances.
- f. All streets shall be constructed with curb and gutter unless waived by the City Commission.

Section 332 Swimming Pools

- a. Swimming pools, spas, hot tubs, and similar devices shall be built in accordance with the Michigan Building Code.
- b. Swimming pools, spas, hot tubs, and similar devices shall not be located in any front yard.
- c. Swimming pools, spas, hot tubs, and similar devices shall not be located less than four (4) feet from any lot line.
- d. Swimming pools shall be considered in computing impervious surface calculations.
- e. All swimming pools, spas, hot tubs, and similar devices shall be enclosed by a barrier (i.e. fence or other enclosure) where



required by State law and as approved by the Zoning Official.

Section 324 Voting Place

The provisions of this Ordinance shall not be construed as to interfere with the temporary use of any property as a voting place in connection with a municipal or other public election.

Article 3: General Provisions

Division 2: Non-Residential

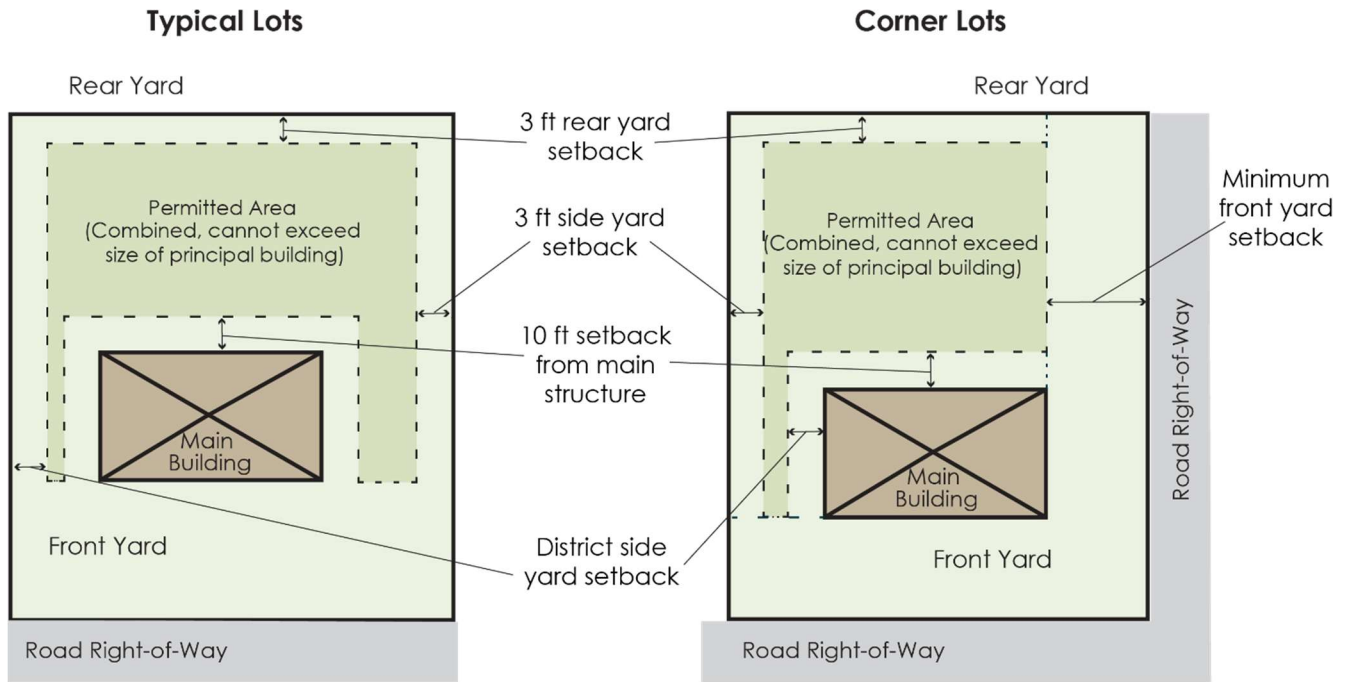
Section 340 Accessory Buildings, Structures, and Uses

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

- a. Relation to Principal Building
 - 1. Accessory buildings, structures, and uses are permitted only in connection with, incidental to and on the same lot with, a principal building that is occupied by a use permitted in the particular zoning district.
 - 2. No accessory building, structure, or use shall be occupied or utilized unless the principal structure to which it is accessory is occupied or utilized.
 - 3. Detached accessory buildings shall be set back a minimum of ten (10) feet from the principal building.
 - 4. A principal building must exist on the lot prior to the construction of accessory buildings.
- b. Locations for Detached Accessory Buildings
 - 1. Detached accessory buildings and structures shall only be located in the yards listed in below.
 - 2. Accessory buildings shall not be located within a dedicated easement or right-of-way.
 - 3. Temporary Car Ports/Tents and shipping/storage containers are not permitted as a detached accessory building.

Locations Permitted		All Residential Districts
Front Yard		
Side Yard	<i>Building Wall Setback</i>	3 ft
Rear Yard	<i>Building Wall Setback</i>	3 ft
Side or Rear Yard	<i>Drip Edge Setback</i>	3 ft
Corner lot side-street yard		

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- c. Appearance. The design and building materials of any accessory building shall generally be consistent with the character of the principal building on the property (e.g., material, color), as determined by the Zoning Official.
- d. Roof. To alleviate ice dams sliding onto adjacent yards, snow guards shall be installed on any accessory building's roof located within 8 feet of a property line.

Section 341 Adult and Child Care Facilities

- a. Adult and Child Care facilities, as defined in Article 1, Division 2: Definitions, are allowed only as provided for in the following table. Applicable conditions are listed as footnotes to the table.

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Type of Facility	D, T, C, LC	I1 and I2
Adult Daycare Facilities	SLU	SLU
Adult Foster Care Family Home (6 or fewer adults 24 hours per day) (1)(2)(3)(4)(5)	NA	NA
Adult Foster Care Small Group Home (12 or fewer adults 24 hours per day) (1)(2)(3)(4)(5)(9)	NA	NA
Adult Foster Care Large Group Home (13 to 20 adults 24 hours per day) (1)(2)(3)(4)(5)(9)	NA	NA
Congregate Facility (more than 20 adults 24 hours per day) (1)(2)(3)(4)(5)(9)	NA	NA
Foster Family Home (4 or fewer children 24 hours per day)	NA	NA
Foster Family Group Home (5 to 6 children 24 hours per day) (1)(2)(3)(4)(5)	NA	NA
Family Day-Care Home (6 or fewer children less than 24 hrs. per day) (1)(2)(3)(4)(5)(6)(7)(8)(9)(10)	NA	NA
Group Day-Care Home (7 to 12 children less than 24 hours per day) (1)(2)(3)(4)(5)(6)(7)(8)(9)(10)	NA	NA
Child Care Center or Day-Care Center (more than 6 children less than 24 hours per day) (1)(2)(3)(4)(5)(6)(7)(8)(9)	SLU	SLU

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Type of Facility	D, T, C, LC	I1 and I2
	Child Caring Institution (1)(2)(3)(4)(5)(6)(7)(8)(9)	SLU

Footnotes:

¹The use shall be registered with the City of Munising Clerk’s Office and shall continually have on file with the City documentation of a valid license as required by the State.

²Since the State law preempts in this area, the facility shall be brought into compliance with all State building and fire codes pursuant to State Licensing Rules R400.1831-R400.1835.

³Documentation of such compliance with State requirements shall be provided.

⁴The site shall comply with the sign provisions of Article 4, Division 4, Signs.

⁵Off-street parking shall be provided for the maximum number of employees on-site at any one (1) time.

⁶The building shall have an appearance which is non-intrusive and consistent in color, materials, roof-line, and architecture with the single-family or multiple-family residential district in which it is located, as determined by the Planning Commission.

⁷Documentation of sufficient indoor classroom, crib, or play area meeting State requirements shall be provided. Documentation of approved areas, as licensed by the State, shall be provided.

⁸There shall be sufficient outdoor play area to meet State regulations. All required outdoor play areas shall be fenced with a four (4) foot tall fence, provided that no fenced outdoor play area shall be located in a front yard.

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⁹There shall be sufficient drop-off parking spaces to allow maneuvers without creating a hazard to traffic flow.

¹⁰The lot shall be at least one thousand five hundred (1,500) feet from another group day care home or similar facility. This may be reduced by the Planning Commission upon a finding by the Planning Commission that the proposed facility will not contribute to an excessive concentration of State licensed residential care facilities in the area.

¹¹The facility shall operate not more than sixteen (16) hours per day.

¹²A State-licensed residential adult or child care facility existing prior to the effective date of this Ordinance (April 20th, 2023), that has been operating under a valid State license and is registered with the City no later than sixty (60) days following the effective date of this Ordinance (April 20th,2023), shall be considered an approved special land use, provided such use conforms with the conditions of this Section. Any change in class of the use to a larger care facility shall require approval in accordance with the requirements of this Ordinance. Any modification to the use shall require approval following the standards of Article X, Division X: Site Plan Review as applicable.

Section 342 Antennas and Towers

- a. Radio or television antennas or towers, or similar devices, including satellite dish antennas and transmission or reception antennas (hereinafter referred to as “regulated reception antenna”), may be erected or installed in any zoning district as an accessory structure to a permitted use, and shall comply with the following requirements. Wireless communication facilities, such as cellular antenna, wireless internet antenna, and commercial broadcasting antenna, shall be subject to the requirements of Article 5, Division 4, Section 557(27) Special Land Uses, Wireless Communication Facilities.
- b. Ground-Mounted Antenna. Regulated reception three (3) meters (9.84 feet) in Non-Residential Districts, are permitted in all zoning districts subject to the following conditions:

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1. Regulated reception antenna shall be located only in a rear yard and shall not be within the required side yard setback. A satellite dish antenna shall be located only in a rear yard.
 2. No portion of an antenna, including a satellite dish antenna, shall be located closer than six (6) feet, measured on a horizontal plane, from any side or rear lot line, or placed on any easement.
 3. The site must be approved by the Planning Commission, which shall require a sketch plan in accordance with Article 5, Division 1, Site Plan Review, indicating the location of the satellite dish and buildings, paved areas and other appropriate site features within one hundred (100) feet of the proposed location.
 4. The height of regulated reception antenna, with the exception of a satellite dish antenna, shall not exceed one hundred (100) feet above mean grade in any non-residential zoning district.
 5. The height of a satellite dish antenna, including any platform or structure upon which the antenna is mounted, shall not exceed fifteen (15) feet in height at its maximum point above mean grade.
 6. The diameter of a regulated reception antenna shall not exceed twelve (12) feet.
- c. Building-Mounted Antennae. Regulated reception antenna having a diameter of two (2) meters (6.56 feet) in non-residential districts may be attached to the roof of a building, provided that no portion of the satellite dish antenna extends more than thirty-six (36) inches above the highest point of the roof.
- d. Roof-mounted regulated reception antenna over two (2) meters (6.56 feet) in diameter are permitted in non-residential districts only, provided that the antenna complies with the height requirements of the district in which they are located. Roof-mounted regulated reception antenna shall not be placed on the front of any primary structure.
- e. General
1. No advertising or identification display shall be placed on any portion of an antenna or tower, including a satellite dish antenna, except for the name of the manufacturer and serial number.
 2. No more than two (2) antennas, including a maximum of one (1) satellite dish antenna, shall be located on the same lot as a principal building. Antennae

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are permitted only in connection with, incidental to, and on the same lot as a principal building, structure, or use.

3. The color of the antennae shall be of tones similar to the surroundings.
4. All electrical and antenna wiring shall be placed underground where applicable.
5. Antennas shall be securely mounted and anchored in accordance with manufacturer's specifications and building code requirements.

6. The antenna shall be located and designed to meet the manufacturer's specifications to withstand a wind force of one hundred (100) miles per hour.
7. The installation of an antenna, including a satellite dish antenna, shall require issuance of a building permit by the Zoning Official prior to erection.
8. If a usable signal cannot be obtained by locating the ground-mounted antenna in the rear yard, the antenna may be located in the side yard of the property subject to the submission of a written affidavit and approval of the Zoning Board of Appeals (ZBA) provided the placing of an antenna in a side yard shall remain subject to all other conditions set forth in this Section.

Section 343 Building Grades

All new buildings and structures constructed on vacant lots adjacent to and in between existing buildings shall be constructed at the elevation of the average grade unless otherwise approved by the Planning Commission or Zoning Official. New grades shall not be established that would permit an increase in the runoff or surface water onto adjacent properties.

Section 344 Determination of Similar Use

Since every type of potential use cannot be addressed in this Ordinance, each district provides for similar uses, referencing this Section. All applications for a use not specifically addressed in any zoning district shall be submitted to the Zoning Official for review and decision, based on the following standards. (The Zoning Official may refer the review and decision to the Planning Commission.)

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- a. A finding is made that the proposed use is not listed as a named permitted or special land use in any zoning district.
- b. If the use is not addressed in this Ordinance, the Zoning Official or Planning Commission may attempt to select a named use listed in this Ordinance which most closely resembles the proposed use. Such named use shall be determined using criteria such as potential impact on property values, nature of use, traffic generated, aesthetics, noise, vibration, dust, smoke, odor, glare, and other objectionable impacts on the health, safety, and welfare in the City.
- c. If a use is determined to be similar to a named use, the proposed use shall comply with any special land use standards or other Ordinance requirements that apply to the named use.
- d. Where the Zoning Official or Planning Commission determines a proposed use is not similar to any named use addressed in this Ordinance, the applicant may petition for an amendment to this Ordinance.
- e. The determination as to whether a proposed use is similar in nature and class to another named permitted or special land use within a district shall be considered as an interpretation of the use regulations, and not as a use variance. Any use determined by the Zoning Official Planning Commission to be similar shall thereafter be deemed to be included in the enumeration of the uses.

Section 345 Donation Boxes

In all nonresidential districts donation boxes shall be allowed with the following conditions:

- a. Approval must be obtained from the Zoning Administrator or other official designated by the City.
- b. Donation boxes can only be located to the rear of a building.
- c. They cannot cause the elimination of required parking spaces.
- d. They cannot impede the orderly flow of traffic in the site.

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- e. In those instances where donation boxes cannot be located in the rear of the building, a location in the side yard may be allowed but cannot be highly visible to any abutting residential district or from a public street.
- f. There must be proof that unique circumstances exist that make compliance with items a through d above impractical.

Section 346 Essential Public Services

The erection, construction, alteration, or maintenance of essential public services and essential public service buildings, as defined in Article X, Division X: Definitions, authorized under any franchise in effect within the City shall be permitted subject to regulation as provided in any law in the State of Michigan or in this Ordinance or any City Ordinance. It is the intention of this Ordinance to ensure conformity of all structures and uses to the requirements of this Ordinance wherever such conformity shall be practical and not in conflict with the specific requirements of such franchise, State legislation, or City Ordinance. In absence of such conflict, the standards of this Ordinance shall prevail.

Section 347 Fences and Walls (Also see Article 4, Division 3, Landscape Standards and Tree Replacement)

- a. General requirements:
 - 1. Unless specifically authorized elsewhere in this Ordinance, fences and walls located within the side yard or rear yard in any district shall not exceed a height of six (6) feet.
 - 2. Fences and walls shall not be erected within any public right-of-way or easement.
 - 3. Fences or walls shall not be erected or maintained in such a way as to obstruct the vision of motorists exiting driveways.
 - 4. Chain link fences shall not be erected in any non-residential front or exterior side yard, except the Industrial District, unless enclosing a retention pond

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approved by the Zoning Official or Planning Commission. The chain link fence must be black vinyl coated.

5. Electronic fences buried beneath the ground are permitted in all districts.
6. All supporting posts, cross members and protruding bolts, screws and/or hardware of all fences shall be inside the lot and faced toward the interior lot or be centered between the two vertical exterior surfaces of the fence.

Section 348 Flagpoles

- a. The maximum height of flagpoles shall not exceed forty (40) feet, measured from the average surrounding grade.
- b. A maximum of two (2) flagpoles are allowed per site in non-residential zoning districts.
- c. Flagpoles shall be set back a minimum of ten (10) feet from any public right-of-way, private road access easement, access drive, or property line.
- d. A maximum of two (2) flags per flagpole shall be permitted.

Section 349 Front Yard Requirements

- a. Front yard requirements along rights-of-way shall be measured from the public road right-of-way line, private road access easement line, or the curb of any access road, drive, or internal driveway where no right-of-way or easement exists.
- b. Corner lots and through lots in all zoning districts must provide the required front yard setback on each side of the lot which abuts a public street, private road, or access drive.
- c. All references to front yard requirements include the exterior side yard of corner lots unless otherwise noted.
- d. On curvilinear streets, the minimum front yard setback is measured along a curve parallel to the front lot line.

Section 350 Grading, Excavation, Filling, Soil Removal, Creation of Ponds, and Clearing of Trees

- a. The grading, excavation, filling, soil removal, creation of ponds, or clearing of trees within an area of less than one hundred (100) square feet, shall be permitted activities on any lot provided such activity is incidental to the uses on the lot and in accordance with applicable County and State regulations. Properties within the Floodplain Zone must permission from the State to conduct any construction on a property in the Floodplain Zone.
- b. Grading, excavation, filling, soil removal, creation of ponds, or tree clearing within an area over one hundred (100) square feet, on a one-time basis, on properties NOT in the Floodplain Zone, may be permitted after review and approval of a sketch plan by the Zoning Official in accordance with Article X, Division X: Site Plan Review and with applicable County and State regulations.
- c. Excavation and site preparation for building foundations is excepted from the excavating provisions of this Ordinance provided that such work is considered incidental to building construction and all necessary permits have been obtained.
- d. Excavation required for swimming pools is excepted from excavating provisions of this Ordinance provided that all necessary permits are obtained and the pool is completely constructed within six (6) months of the excavation.
- e. Any clearing of trees of over one-hundred (100) square feet on lots prior to site plan approval in accordance with Article X, Division X: Site Plan Review shall be prohibited.

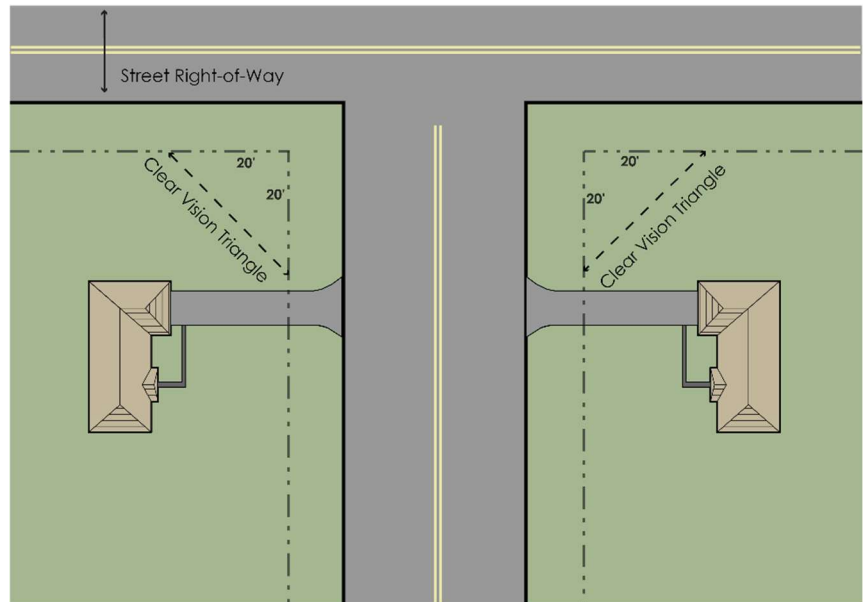
Section 351 Height Exceptions and Limitations

The building height restrictions of all zoning districts shall not apply to the following: parapet walls and cornices not exceeding four (4) feet in height, chimneys, cooling towers, elevator bulkheads, fire towers, gas tanks, grain elevators, silos, stacks, stage

towers and scenery lofts, water tanks, public monuments, church spires, belfries, cupolas, domes, ornamental towers, and penthouses or roof structures housing necessary mechanical appurtenances.

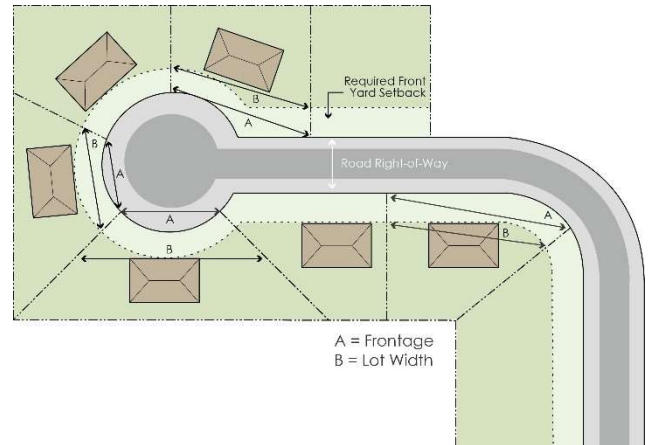
Section 352 Intersection Visibility

- a. No fence, wall, sign, hedge, screen, or any planting shall be erected or maintained to obstruct vision between a height of three (3) feet and eight (8) feet within the triangular area formed by the intersection of the street right-of-way lines and a line connecting two (2) points which are located on those intersecting right-of-way lines twenty (20) feet from the point of intersection of the right-of-way lines. If the road is an access drive, these dimensions shall be measured from the pavement edge.
- b. The three (3) foot and eight (8) foot height limit shall be measured from the lowest elevation of the segment of the intersecting roads centerline which lies between the point of the intersection of the other centerline and the extension of the line drawn through the points twenty (20) feet from the intersection of the right-of-way lines.



Section 353 Lot Area Allocation

- a. No portion of a lot can be used more than once for determining compliance with the provisions for lot area and yard dimensions for construction or alteration of buildings.
- b. No lot, adjacent lots in common ownership, required yard, parking area, or other required open space shall be created, divided, or reduced in dimensions or area below the minimum requirements of this Ordinance. If already less than the minimum requirements of this Ordinance, a lot, adjacent lots in common ownership, required yard, parking area, or other open space shall not be divided or reduced in dimensions or area so as to increase its noncompliance with the minimum requirements of this Ordinance. Lots or yards created after the effective date of this Ordinance shall comply with the requirements of this Ordinance.



Section 354 Lot Width/Depth Ratio

Lots created after the effective date of this Ordinance having a lot area of less than ten (10) acres shall have a lot width which is equal to, or greater than, one fourth (1/4) the depth of the lot.

Section 355 Mechanical Equipment and Utilities

- a. Ground mounted mechanical equipment, such as blowers, ventilating fans, and air conditioning units are permitted only in non-required side yards and in any rear yard, as determined by the Zoning Official.
- b. Mechanical equipment shall be placed no closer than three (3) feet to any lot line.

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- c. Any ground, building, or roof mounted mechanical equipment or utilities, including water and gas meters, utility boxes, transformers, elevator housings, stairways, tanks, heating, ventilation and air conditioning equipment (HVAC), and other similar equipment, shall comply with the following standards:
 - 1. All such equipment shall be screened by a solid wall, fence, landscaping, and/or architectural features that are compatible in appearance with the principal building.
 - 2. For all commercial and industrial buildings, roof-mounted equipment shall not exceed a height of ten (10) feet above the surrounding roof surface, and shall occupy no more than fifteen percent (15%) of the total roof area. All roof-mounted mechanical units must be screened so they are not visible from ground level, even if not specifically addressed as part of site plan review.

Section 356 Outdoor Dining

- a. Outdoor dining may be allowed only as conditionally approved accessory to otherwise allowed restaurants, subject to the following requirements:
 - 1. Outside of public right-of-way or on easements for public use. Outdoor dining is allowed by permit, between April 1 and October 31 subject to approval by the zoning administrator, when located outside of public rights-of-way or easements for public use and comply with the following:
 - a) Additional signage shall not be permitted.
 - b) There shall be no outdoor preparation of food or beverages.
 - c) Confirmation of appropriate liquor licenses shall be submitted to the City, if proposed. Outdoor dining areas in the public right-of-way or on an easement for public use, must apply and receive an outdoor dining permit. Outdoor dining permits must be re-applied for every six months.
 - d) Pedestrian circulation and access to the building entrance shall not be impaired. A minimum sidewalk width of five feet along the curb and

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leading to the entrance to the establishment must be maintained free of tables, chairs, and other encumbrances. The seating in an outdoor dining area must be accessible to people with disabilities. Americans with Disabilities Act (ADA) accessibility requirements must be met within the outdoor dining area. Five percent (5%), or at least one (1), of the seating spaces in the outdoor café area must be accessible to people with disabilities. An accessible route connecting the outdoor dining area, the business entrance, and the restrooms must be provided.

- e) The seating area on the public sidewalk shall only be limited to the area directly in front of the permitted restaurant use to which the seating area is accessory and shall not extend into adjoining sites. Seating may also be permitted within the front, side and rear yard area of the lot.
- f) The seating area shall be kept free of debris and litter. Written procedures for cleaning and trash containment and removal must be submitted.
- g) Tables, chairs, umbrellas, canopies, planters, waste receptacles, and other street furniture shall be compatible with the architectural character of the principal building.
- h) Outdoor dining, including any canopies or covers associated with such dining, shall be permitted within the required setback. Said canopies or covers may be affixed to the ground.
- i) Except as provided above, all fixtures and furnishings in the outdoor dining area including, but not limited to, tables, chairs, bar, server stations, and sources of heat shall be portable and not affixed to the ground, building, or other permanent structures. Permanent railings or fences may be permitted only where and to the extent that the building code requires an affixed fence for safety purposes. Permanent attachment of railings must be approved by the building department and permit emergency egress.
- j) The hours of operation of outdoor dining shall not extend past the normal operating hours of the main use, the restaurant.
- k) Outdoor dining located inside or rear yards, abutting or across from a residential district, shall not operate before 9 a.m. or after 11 p.m.

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- l) No sound or audio or video entertainment, including but not limited to television or radio playing of music and/or sports events, may be piped into, or played so as to be visible or audible from the outdoor dining area before 9 a.m. or after 11 p.m. on Fridays and Saturdays and before 9 a.m. or after 10 p.m. on Sundays through Thursdays.
 - m) Outdoor dining areas shall not have permanent fixtures, tables or seating.
 - n) Tables, seating, barriers, and other furniture may be required to be removed at the end of every business day, if identified as a condition of the outdoor dining permit.
 - o) Heating is permitted in outdoor dining areas. Heaters must be portable and be removed at the end of every business day.
 - p) Outdoor grills are not permitted in outdoor dining areas.
 - q) Outdoor dining areas shall follow any other applicable zoning regulations, such as signs, etc.
 - r) Outdoor cafes provide an alternative to sitting inside but are not intended to be permanent expansions of a restaurant's capacity.
 - s) Lighting in the outdoor dining area must meet lighting standards as specified Article 4, Division 5, Lighting.
 - t) Requests for outdoor dining shall include submission of a sketch plan to determine compliance with the above requirements. The request may be administratively approved by the zoning administrator and building department. At the time of approval, a performance guarantee is required that provides liability coverage in an amount determined by the city.
2. Outdoor dining on private property.
- a) Outdoor dining is allowed by permit subject to approval by the zoning administrator.
 - b) Permanent fences or barriers may be installed where safety is a concern or where such permanence is required by building code. They shall be shown on all applications and permits.

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- c) The hours of operation of outdoor dining shall not extend past the normal operating hours of the main use, the restaurant.
- d) Outdoor dining located inside or rear yards, abutting or across from a residential district, shall not operate before 9 a.m. or after 11 p.m.
- e) No sound or audio or video entertainment, including but not limited to television or radio playing of music and/or sports events, may be piped into, or played so as to be visible or audible from the outdoor dining area before 9 a.m. or after 11 p.m. on Fridays and Saturdays and before 9 a.m. or after 10 p.m. on Sundays through Thursdays.
- f) The seating in an outdoor dining area must be accessible to people with disabilities. Americans with Disabilities Act (ADA) accessibility requirements must be met within the outdoor dining area. Five percent, or at least one, of the seating spaces in the outdoor dining area must be accessible to people with disabilities. An accessible route connecting the outdoor dining area, the business entrance, and the restrooms must be provided.
- g) Lighting in the outdoor dining area must meet lighting standards as specified in Article 4, Division 5, Lighting.

Section 357 Performance Standards

- a. No land use otherwise allowed shall be permitted within zoning district that does not conform to the following standards of use, occupancy, and operation. These performance standards are hereby established as the minimum requirements to be maintained.
 - 1. Smoke
 - a) Generally. It shall be unlawful for any person to permit the emission of any smoke from any source, excepting smoke from a chimney for a fireplace or wood/coal burning stove in a residential structure, to a density greater than that density described as No. 1 of the Ringelmann Chart; provided that the following exceptions shall be permitted: smoke, the shade or appearance of which is equal to, but not darker than No. 2 of the Ringelmann Chart, for a period, or periods, aggregating four (4)

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minutes in any thirty (30) minute period. The provisions set forth in Chapter 35, Outdoor Furnaces, of the City Code, shall also be adhered to.

- b) Method of Measurement. For the purpose of grading the density of smoke, the Ringelmann Chart, as now published and used by the United States Bureau of Mines, which is hereby made a part of this Ordinance, shall be the standard. However, the umbra scope readings of smoke densities may be used when correlated with the Ringelmann's Chart.
- 2. Radioactive, Toxic and Hazardous Materials. Radioactive materials and wastes, including electromagnetic radiation such as X-ray machine operation, shall not be emitted in excess of quantities established as safe by the American National Standards Institute, when measured at the property line. All transportation, including by rail, of radioactive materials, hazardous waste, and toxic waste shall be within permissible standards set by the Federal government.
- 3. Noise. Operations or activities which exceed the maximum sound intensity levels defined below shall be prohibited. A sound level meter and an octave band analyzer shall be used to measure the intensity and frequency of the sound or noise levels. Sounds with very short duration, which cannot be accurately measured with a sound level meter, shall be measured by an impact noise analyzer; and the maximum levels indicated in the following table may be exceeded by no more than five (5) decibels. Where questions on noise arise, the current standards recognized by the American National Standards Institute shall apply.

Maximum Permitted Sound Intensity Levels	
Center Frequency (Cycles per second)	Sound Pressure Level in Decibels (0.0002 dyne/cm ²)

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	Residential Districts	Non-Residential Districts
31.5	72	77
63	71	76
125	65	70
250	57	62
500	51	56
1,000	45	50
2,000	39	44
4,000	34	39
8,000	32	37

Source: American National Standards Institute

The following sources of noise are exempt:

- a) Transportation vehicles not under the control of an on-site use.
- b) Occasionally used safety signals, warning devices and emergency pressure-relief valves.
- c) Temporary construction activity between 6:00 a.m. and 7:00 p.m.
- d) Warning or alarm devices that have the purpose of signaling unsafe or dangerous situations or calling for police.

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- e) Noises resulting from authorized public activities such as parades, fireworks displays, sports events, musical productions, and other activities that have the approval of the City Commission or its designee.
 - f) The requirements of Chapter 16, Noise Control, of the City Code, shall also be met.
4. Dust, Dirt, and Fly Ash
- a) Generally. No person, firm, or corporation shall operate or maintain any process, furnace, or combustion device for the burning of coal or other fuels, unless such processes or devices are equipped with recognized and approved equipment, methods, or technology to effectively reduce the quantity of gas-borne or airborne solids or fumes emitted into the open air, which is operated in conjunction with the process, furnace, or combustion device so that the quantity of gas-borne or air-borne solids shall not exceed 0.20 grains per cubic foot of carrying medium at a temperature of five hundred (500) degrees Fahrenheit. These standards are not intended to apply to residential uses, such as chimneys for a fireplace or wood/coal burning stove.
 - b) Method of Measurement. For the purpose of determining the adequacy of such devices, these conditions are to be conformed to when the percentage of excess air in the stack does not exceed fifty percent (50%) at full load. The foregoing requirement shall be measured by the A.S.M.E. Test Code for dust-separating apparatus. All other forms of dust, dirt, and fly ash shall be completely eliminated insofar as escape or emission into the open air is concerned. The Zoning Administrator may require such additional data as is deemed necessary to show that adequate and approved provisions for the prevention and elimination of dust, dirt, and fly ash have been made.
5. Fire and Explosive Hazards. The storage, utilization, or manufacture of materials, goods, or products ranging from free or active burning to intense burning, as determined by the Fire Chief, is permitted subject to compliance with these performance standards and all other standards of this Ordinance, and providing that the following conditions are met:

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- a) Such materials or products shall be stored, utilized, or produced within completely enclosed buildings or structures having incombustible exterior walls, which meet the requirements of the building code.
- b) All such buildings or structures shall be set back at least forty (40) feet from lot lines and all buildings or structures shall be protected throughout by an automatic sprinkler system complying with installation standards prescribed by NFPA prevention codes.
- c) The storage and handling of flammable liquids, liquefied petroleum, gases, and explosives shall comply with the State rules and regulations as established by the Michigan Zoning Enabling Act (Public Act 110 of 2006), as amended, and the NFPA.

Section 358 Principal Buildings, Structures, and Uses

- a. No lot may contain more than one (1) principal building, structure, or use.
- b. Groups of multiple-family dwellings, site condominiums, retail business buildings, or other groups of buildings contained within a single, integrated complex, sharing parking, signs, access, and other similar features which together form a unified function and appearance may be deemed a principal use collectively, by the Zoning Administrator.
- c. In cases where there is more than one (1) use, the use comprising the greatest floor area shall generally be considered the principal use, except in cases where a use comprising a secondary amount of floor area is considered to have greater impact in terms of traffic generated, noise levels, disruption of views, and similar impacts, as determined by the Zoning Administrator.
- d. Single-family residential use is permitted when incidental to a permitted business use. To be considered incidental, the dwelling must be occupied by the business owner or operator.

Section 359 Private Road Standards

- a. The City may allow private roads only when meeting the standards of this Section. The regulations for private roads contained herein shall not apply to approved

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private roads within platted subdivisions regulated by the Ordinance No. 85 Platting and Subdividing of Lands of the City Munising Code of Ordinances, as amended, or internal access drives to parking within approved site plans for multiple-family developments or commercial access drives.

- b. Private roads are reviewed and approved by the City Commission after a recommendation from the Planning Commission. Documentation accepted by the City Commission, must support that the property possesses unusual configuration and/or topography which would render construction of public streets under City standards for grades, radii, width, and/or materials impractical.
- c. An easement for private road access shall be provided of not less than twenty-four (24) feet in width for roads and utilities serving two (2) or fewer lots or single-family residential units and not less than sixty (60) feet in width for roads serving more than two (2) homes. This easement shall be recorded with the Alger County Register of Deeds office and a copy of the recorded easement provided to the Zoning Administrator.
- d. Any lot gaining access from a private road shall have at least the minimum lot frontage required herein for the zoning district in which the lot is located. The frontage for the lot shall be measured at the point between the lot lines designated by the Zoning Administrator as the side lot lines.
- e. Any lot created on a private road, along with accompanying buildings, shall comply with all site development standards applicable to the zoning district in which it is located. The easement for the private road shall not be included in the minimum lot width and lot area requirements.
- f. The maximum length of any private road cul-de-sac shall not exceed the City standard for public roads.
- g. The minimum roadway width of any private road shall be at least eighteen (18) feet, however if such roadway is within three hundred (300) feet of a fire hydrant, such width may be reduced to fourteen (14) feet upon approval of the City of Munising Fire Department.
- h. The surface and base material and construction of any private road shall be approved by the City Engineer and City of Munising Fire Department as being sufficient to accommodate emergency vehicles.
- i. Issuance of a building permit for the placement of buildings/structures on lots and/or parcels on a private road shall not be considered a guarantee or warranty

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that adequate access exists to the lot for emergency vehicles. The City assumes no responsibility for the maintenance of or improvements to private roads.

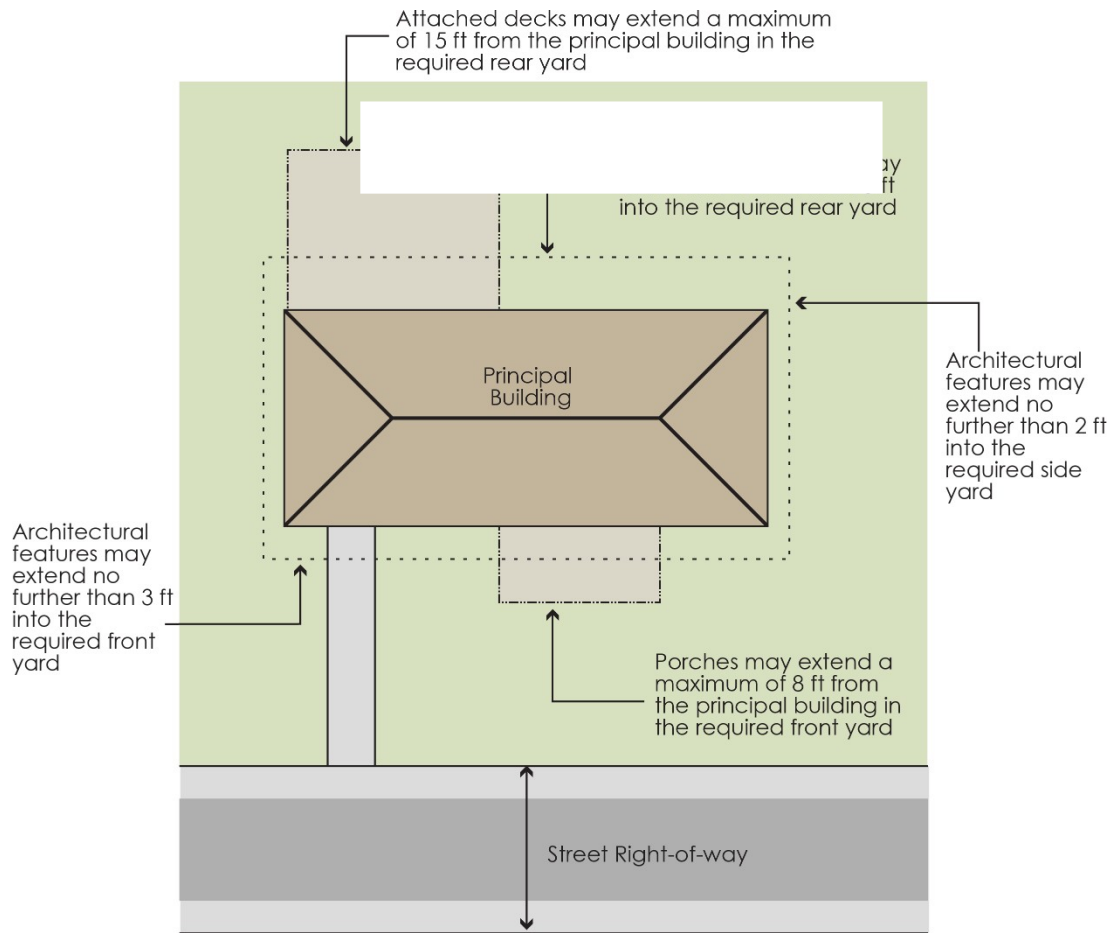
- j. The applicant shall submit a joint maintenance agreement or master deed in recordable form that runs with the land, binds benefiting parcels, and allows the City to make any repairs or conduct any maintenance it deems necessary, and charge the property owners or homeowners association served by the private road for such service.
- k. The applicant shall provide a recorded statement running with the land informing purchasers of lots accessed by the private road that the access road is private.

Section 360 Projections into Yards

- a. Certain architectural features, such as cornices, eaves, gutters, chimneys, pilasters, and similar features may project no farther than:
 - 1. Three (3) feet into a required front yard.
 - 2. Five (5) feet into a required rear yard.
 - 3. Two (2) feet into a required side yard.
- b. Projection of building appurtenances such as unenclosed porches, patios, decks, balconies, stoops, window awnings, or similar features which are elevated six (6) inches or more above grade, into a required side yard shall be prohibited. An unenclosed porch, patio, deck, stoop, balcony, or window awning may project no farther than:
 - 1. Eight (8) feet into a required front yard.
 - 2. Maximum of 33% into required rear yard setback.

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3. Five (5) feet into the right-of-way in the Downtown and Lakefront Commercial districts if such feature is located at least eight (8) feet above ground level.



- c. At-grade patios can extend into required side and rear yards but must meet the accessory structure setback.

Section 361 Sidewalks, Bikepaths, and Walkways

- a. Any development shall provide pedestrian pathways meeting the following requirements:
 1. Sidewalks. Sidewalks shall be required on both sides of the street or road in accordance with City of Munising Code of Ordinances.
 2. All sidewalks shall be a minimum five (5) feet wide and constructed of concrete to the specifications of the American Society of Highway and Transportation Officials (ASHTO).

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3. Sidewalks abutting parking areas shall be a minimum of seven (7) feet wide to accommodate vehicle overhang.
4. In lieu of concrete sidewalks, the Planning Commission may permit asphalt, stone or wood chip paths, or wooden boardwalks in open space areas or areas with sensitive environmental features such as wetlands. The path or boardwalk shall provide direct access to all lots where the Planning Commission waives the requirement for concrete sidewalks.
- b. Bikepaths. Bikepaths shall be at least eight (8) feet wide and constructed of concrete or asphalt in accordance with the specifications of the ASHTO.
- c. Walkways from the Sidewalk to Building Entrances
 1. A continuous pedestrian walkway shall be provided from any adjacent street sidewalk to building entrances.
 2. The walkways shall incorporate a mix of landscaping, benches, drop-off bays, and bicycle facilities for at least fifty percent (50%) of the length of the walkways.
 3. Walkways shall be connected to adjacent sites wherever practical and connect to other pedestrian systems.

Section 362 Walkways from Parking Areas to Building Entrances

- a. Internal pedestrian walkways shall be developed for persons who need access to the building(s) from internal parking areas. The walkways shall be located within the parking areas and shall be designed to provide safe, guided access from these areas to the entrances of the building(s).
- b. The walkways shall be designed to separate people from moving vehicles as much as possible.
- c. The walkways must be designed for disabled access according to the adopted building code for the City of Munising and other applicable laws.
- d. The walkways shall be distinguished from the parking and driving areas by use of any of the following materials: special pavers, bricks, raised elevation, scored concrete, or pavement markings. Other materials may be approved by the

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Planning Commission if appropriate to the overall design of the site and building.

- e. Unless otherwise permitted by this Ordinance, sidewalks, bikepaths, and walkways shall be installed by the developer or property owner within the dedicated street right-of-way or private road access easement. A special easement may be provided where grades or other factors prevent placement within the right-of-way or access easement.
- f. Crosswalk pavement markings and signs may be required in areas of potential vehicular and pedestrian conflict.

Section 363 Solar Panel Energy Systems

- a. Freestanding solar panels shall be considered an accessory building and shall be subject to the following requirements for such, together with all other applicable building codes and ordinances:
 - 1. Solar energy systems are a permitted use in all zoning districts except solar energy commercial operations, which are prohibited as a principle use except in the I-2 industrial district. (These are systems whose main purpose is to generate energy for sale back into the energy grid system, rather than being consumed on site.)
 - 2. Solar energy systems are subject to the following:
 - a) Roof mounted systems on the principal building shall not exceed the height limits in the district, nor be more than three (3) feet higher than the finished roof to which it is mounted, whichever is less. In no instance shall any part of the system extend beyond the edge of the roof.
 - b) Ground mounted systems and systems attached to accessory buildings shall adhere to the setback requirements in the district.
 - 3. Solar energy systems are prohibited in front yards, and shall not be located past the front wall of the principle building.
 - 4. The number of solar panels and supporting equipment shall be considered as one system.
 - 5. Ground mounted solar energy systems shall not be categorized as accessory buildings.

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6. If solar energy systems are attached to accessory buildings the number of accessory buildings allowed shall be regulated in accordance with the provisions set forth in Article 3, Division 2, Section 340, Accessory Buildings, Structures, and Uses.
7. The height of ground mounted solar energy systems and systems included on accessory buildings shall not exceed 10 feet in height.
8. No more than 20% of a lot may be covered with a solar energy system.
9. Ground mounted systems shall be located on lots of one half (1/2) acre or more.
10. Zoning and construction permits are required.

Section 364 Storage and Repair of Vehicles

- a. Commercial vehicles which are employed in conjunction within a Non-Residential District shall be parked or stored in compliance with the following provisions:
 1. For sites with a site plan approved subsequent to the effective date of this Section, such vehicles shall be parked or stored in parking or loading spaces designated for that purpose on the site plan and per site plan approval.
 2. For situations not covered under 1. above, commercial vehicles shall not be parked or stored in the front yard.
 3. The parking or storage of commercial vehicles for residential, office, or storage purposes shall not be permitted.
- b. The outdoor storage of inoperable and/or unregistered vehicles shall be prohibited, as regulated in the City of Munising Code of Ordinances.

Section 365 Street Access and Design

- a. Any lot created after the effective date of this Ordinance shall have frontage upon a public street right-of-way, at least sixty (60) feet in width, unless a private road of lesser width has been approved by the City Commission.
- b. A building permit shall not be issued for the construction of any principal building unless said lot has the minimum frontage required on an improved

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public street, at least sixty (60) feet in width, unless a private road of lesser width has been approved by the City Commission.

- c. Access driveways shall be surfaced with a durable pavement having an asphalt or cement binder and be constructed to the City standards.
- d. All street access shall meet the standards of Article X, Division X: Access Management and Driveway Standards.
- e. All streets shall be constructed in accordance with the City of Munising Code of Ordinances.
- f. All streets shall be constructed with curb and gutter unless waived by the City Commission.

Section 366 Temporary Buildings, Structures, Seasonal/Special Events, and Uses

Temporary principal or accessory buildings, structures, uses and special events may be permitted, subject to the following conditions:

- a. Temporary Construction, Buildings, and Structures/Offices. With the exception of moving/storage pods, temporary buildings and construction structures may only be used for the storage of construction materials, tools, supplies and equipment, for construction management and supervision offices, and for temporary on-site sanitation, solid waste, or fuel facilities, related to construction activity on the same lot.
 - 1. Moving pods are allowed without a permit for up to seven (7) days, no more than twice during a calendar year, and must be placed upon a hard surface such as a driveway.
 - 2. No temporary building or structure shall be used for dwelling purposes.
 - 3. The placement of temporary buildings and structures shall be in conformance with the requirements of Article 5, Division 1, Site Plan Review. A building permit for such building or structure shall be issued by the Zoning Official prior to installation.
 - 4. Temporary buildings and structures shall be removed from the lot within fifteen (15) days after an occupancy permit is issued by the Zoning Official for

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the permanent structure on such lot, or within fifteen (15) days after the expiration of a building permit issued for construction on such lot.

- b. Seasonal, and Special Events. Seasonal or special events may be allowed in any district upon issuance of a permit by the Zoning Administrator, when meeting the standards listed below:
1. Seasonal, and special events may be allowed on any lot with a permitted principal building.
 2. Seasonal, and specials events may be allowed on a vacant lot when providing the minimum setback for all buildings, structures, and parking required for the appropriate zoning district.
 3. The seasonal or special event must not prevent the continued use of sidewalks, rights-of-way, fire lanes, etc.
 4. If the petitioner is not the owner of the property, the petitioner shall provide written permission of the owner of the property to allow such an event prior to beginning such seasonal or special event.
 5. A minimum of one (1) parking space shall be provided for each eight hundred (800) square feet of gross lot area used for the activity (not including storage areas) plus additional parking space for any structure utilized for retail sales computed in accordance with the requirements for retail stores.
 6. A sketch plan (to scale) shall be provided illustrating:
 - a) Property lines.
 - b) Adjacent uses and zoning districts.
 - c) Existing and proposed buildings and structures.
 - d) Location of any areas for storage such as inventory not being displayed.
 - e) Fire hydrants.
 - f) Layout of parking.
 - g) Boundaries of proposed sales areas.
 - h) Location and size of any proposed sign (off-premise signs shall also be mapped).
 7. All equipment, materials, goods, poles, wires, signs, and other items associated with the seasonal or special event shall be removed from the premises within five (5) days of the end of the event. Following the five (5) day period, the City shall use the escrow fee to clear such items from the property.

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8. The length of a seasonal or special event shall not exceed four (4) days, except seasonal sales of items such as Christmas trees, pumpkins, and seasonal road side stands which are permitted for up to sixty (60) days.
 9. Two (2) permits for a seasonal or special event by a single business or property are permitted each calendar year.
- c. Temporary Uses. Temporary uses may be allowed in any commercial, office, or industrial district upon approval by the Planning Commission, when meeting the standards listed below:
1. Temporary uses may be allowed on any lot with a permitted principal building.
 2. Temporary uses may be allowed on a vacant lot when providing the minimum setback for all buildings, structures, and parking required for the appropriate zoning district.
 3. In no case shall the setbacks for any buildings, structures or parking be less than ten (10) feet except in the Downtown or Lakefront Commercial districts.
 4. The temporary use must not prevent the continued use of sidewalks, rights-of-way, fire lanes, etc.
 5. If the petitioner is not the owner of the property, the petitioner shall provide written permission of the owner of the property to allow such an activity prior to beginning such a temporary use.
 6. A minimum of one (1) parking space shall be provided for each eight hundred (800) square feet of gross lot area used for the activity (not including storage areas) plus additional parking space for any structure utilized for retail sales computed in accordance with the requirements for retail stores.
 7. A sketch plan (to scale) shall be provided illustrating:
 - a) Property lines.
 - b) Adjacent uses and zoning districts.
 - c) Existing and proposed buildings and structures.
 - d) Location of any areas for storage such as inventory not being displayed.
 - e) Fire hydrants.
 - f) Layout of parking.
 - g) Boundaries of proposed sales areas.
 - h) Location and size of any proposed sign (off-premise signs shall also be mapped).

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8. All equipment, materials, goods, poles, wires, signs, and other items associated with the temporary use shall be removed from the premises within five (5) days of the end of the activity. Following the five (5) day period, the City shall use the escrow fee to clear such items from the property.
 9. The length of a temporary use shall not exceed three (3) months.
 10. One (1) temporary use permit by a single business or property is permitted each year and there must be a minimum three (3) month gap between temporary uses on a property.
 11. Special standards for carnivals, circuses, farmer's markets, flea markets, and similar events shall be as follows:
 - a) Such uses shall be approved by the City Commission. The City Commission shall consider the intensity of the proposed use in relation to adjacent land uses and sufficiency of parking. The City Commission may require site improvements, such as fencing, increased setbacks, and restricted hours of operation to help ensure compatibility with surrounding land uses.
 - b) The applicant shall provide information establishing that a reasonable amount of liability insurance coverage is carried, as determined by the City's insurance carrier.
 - c) The sketch plan for the event shall include a description of traffic flow and parking management to ensure safe and efficient traffic operations without creating unreasonable congestion on City streets.
 - d) Farmer's markets which are to occur on a regular schedule shall be permitted only in commercially zoned districts. The City Commission may extend the time period for the temporary use permit so that a separate permit is not required for each event within any one (1) calendar year, provided the number of dates and a schedule are established at the time of application and that the conditions and requirements of the City Commission are maintained.
- d. Review and Approval Procedures, Permit Fees, and Required Escrow for Temporary Uses and Sales Events
1. Review. Except as otherwise noted above for carnivals, circuses, farmer's markets, and similar events as defined by the Zoning Administrator, the Zoning Administrator shall review and approve requests for a temporary use

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or seasonal event. Where appropriate, the Zoning Administrator shall consult with the Police Chief and Fire Department official. If the request is denied, the Zoning Administrator shall state the reasons for denial in writing and provide a copy to the applicant.

2. Use Fee. The applicant shall pay a nonrefundable permit fee to the City Clerk. The fee shall be established and modified, from time to time, by the City Commission. The amount of the permit fee may vary depending upon the type of event.
3. Use Escrow. The proprietor of the temporary use or seasonal event shall deposit a cash bond or similar type of escrow, in an amount established by the Zoning Administrator, prior to the issuance of a permit. The escrow shall be used by the City to pay the cost of returning the property to its state prior to commencement of the event or refunded to the proprietor upon compliance with the requirements of this Ordinance and any other applicable ordinances.
4. Sign Fee and Escrow. The sign standards provided in Article 4, Division 4, Signs permits the use of temporary signs, to be reviewed concurrent with use permit.

Section 367 Temporary Sales Stand

- a. A temporary sales stand is permitted in the D, C, T, and LC Districts. A temporary sales stand, other than those under the auspices of a community or charitable organization or in connection with a community or charitable event or activity, shall comply with the following regulations:
 - a. One stand per parcel.
 - b. The stand to be operated during daylight hours only.
 - c. The maximum total floor area of the stand is 320 square feet.
 - d. Off-street parking shall be provided for a minimum of four vehicles.
 - e. The stand must be located a minimum of five feet from the road right-of-way.
 - f. The temporary sales stand is for a maximum of 180 days within a calendar year.

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- g. The stand must be removed within 14 days of ceasing operations.
- b. Temporary sales stand operated under the auspices of a community or charitable organization or in connection with a community or charitable event or activity shall operate for a maximum of seven consecutive days.
- c. Other than those operated under the auspices of a community or charitable organization or in connection with a community or charitable event or activity, a permit shall be obtained from and payment of a fee must be paid to the city prior to operating a temporary sales stand.

Section 368 Voting Place

The provisions of this Ordinance shall not be construed as to interfere with the temporary use of any property as a voting place in connection with a municipal or other public election.

Section 3699 Waste Receptacles and Enclosures

- a. Waste receptacles, including dumpsters or compactors, shall be required for all nonresidential uses unless interior facilities are provided. Waste receptacles shall not be permitted as accessory to any single-family residential use.
- b. All outdoor waste receptacles shall be enclosed on three (3) sides and screened. The enclosure shall be constructed of brick or decorative concrete block material or solid wood fencing, consistent with the building materials of the principal building.
- c. The enclosure shall also include a gate, made of wood or other high-quality material, as determined by the Planning Commission, on the fourth side. The gates shall remain close when not being emptied and must always be maintained as approved. If the waste receptacle is a dumpster it must have an enclosing lid or cover.

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- d. The enclosure shall have a minimum height of six (6) feet or one (1) foot above the height of the waste receptacle, whichever is greater. The enclosure must be spaced at least three (3) feet from the waste receptacle.
- e. Waste receptacles and enclosures shall be located in the rear yard, not closer than three (3) feet from the rear lot line, or non-required side yard, unless otherwise approved by the Planning Commission and shall be as far as practical, but in no case be less than twenty (20) feet, from any residential district. If practical, the back side of the waste receptacle enclosure should be placed against the building. In this circumstance the wall may act as one side of the enclosure.
- f. Waste receptacles shall be easily accessed by refuse vehicles without potential to damage automobiles parked in designated parking spaces or interfering with the normal movement of vehicles on or off the site. If possible, the opening shall not directly face the driveway.
- g. The waste receptacle base shall be at least nine (9) feet by six (6) feet in area, constructed of six (6) inches of reinforced concrete pavement. The base shall extend six (6) feet beyond the waste receptacle pad or gate to support the front axle of a refuse vehicle.
- h. The unloading of waste receptacles shall only occur between the hours of 7 a.m. and 11 p.m.
- i. The shared use of receptacles shall be allowed by adjoining businesses where sharing will not create a health or safety concern and where it does not result in the accumulation of visibly excessive quantities of waste. Necessary shared use agreements are required.

Article 5: Approval Procedures
Division 1: Site Plan Review

Section 500 Purpose

- a. It is the intent of this Article to require site plan review approval by the Planning Commission prior to issuance of a building permit for certain buildings, structures, and uses that can be expected to have an impact on natural resources, traffic patterns, adjacent parcels, and the character of future development, and for all special land uses, to ensure that all such buildings, structures, and uses are in conformity with the provisions of this Article.
- b. It is further the intent of this Article to require the eventual upgrade of existing sites that do not conform with current standards of this Article and ensure that the arrangement, location, design, and materials within a site are consistent with the character of the City and the goals and design guidelines in the City of Munising Master Plan.

Section 501 Uses Requiring Site Plan Review

Uses Requiring Site Plan Review				
	Use or Activity	Requires Site Plan Review	Sketch Plan Review (Administrative Approval)	Exempt
a.	New construction of any non-residential or multiple-family development.	•		
b.	All uses subject to special conditions.	•		
c.	Site condominium developments.	•		
d.	Planned Developments (PDs) in accordance with Article 5, Division 2: PUD, Planned Unit Development Overlay District Standards.	•		
e.	Erection of a tower, antenna, or other communication facility; essential public service buildings and storage yards.	•		
f.	Co-location of a communication antenna upon an existing tower.		•	
g.	Adult and child residential care facilities including day-care centers, foster care homes, family day-care homes and group homes.	Section 302 and 331		

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Uses Requiring Site Plan Review				
	Use or Activity	Requires Site Plan Review	Sketch Plan Review (Administrative Approval)	Exempt
h.	Home occupations.		•	
i.	Temporary uses, buildings, structures, and seasonal events.		•	
j.	An increase in floor area of uses subject to site plan review up to 1,000 square feet or 5% of existing floor area, whichever is less.		•	
k.	Change in use to one permitted in zoning district and requires no significant changes to building footprint, parking, landscaping, lighting, signs, bike paths, or sidewalks.		•	
l.	Improvements to outdoor recreational uses and parks.		•	
m.	Expansion, replacing or alteration of landscaping areas consistent with this Article.		•	
n.	Improvements or installation of walls, fences, or lighting.		•	
o.	Alterations to off-street parking layout or installation of pavement or curbing improvements provided total number of spaces does not change the number of parking spaces by more than five percent (5%) or to meet various Federal, State, or Americans with Disabilities Act requirements and the construction plans, and lot construction are approved by the appropriate City staff.		•	
p.	Construction or relocation of a waste receptacle or enclosure.		•	

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Uses Requiring Site Plan Review				
	Use or Activity	Requires Site Plan Review	Sketch Plan Review (Administrative Approval)	Exempt
q.	Changes to facade, architectural features, or wall signs (elevation plan showing changes and construction materials is required) pursuant to Section 230 Provisions Applicable to commercial Districts, and in compliance with the Munising Downtown Design Guidelines.	•		
r.	Approved changes to utility systems.		•	
s.	Grading, excavation, filling, soil removal, creation of swimming pool, creation of ponds, or tree clearing over 100 square feet.		•	
t.	Grading, excavation, filling, soil removal, creation of ponds, installation of a swimming pool, or clearing of trees within an area of less than 100 square feet.			•
u.	Modifications to nonconforming uses, buildings, or sites, including a change to a more conforming situation; modifications to nonconforming single-family dwelling units shall be in accordance with Article 6, Division 1: Nonconforming Uses, Structures, and Lots.		•	
v.	Modifications to upgrade a building to improve barrier free design, comply with Americans with Disabilities Act or other Federal, State or County regulations.		•	
w.	Construction or erection of permitted accessory buildings and structures accessory to a single- or two-family dwelling unit.			•

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Uses Requiring Site Plan Review				
	Use or Activity	Requires Site Plan Review	Sketch Plan Review (Administrative Approval)	Exempt
x.	Construction, reconstruction, erection and/or expansion of single-family or two-family dwelling on parcel zoned solely for residential purposes.			•
y.	Development regulated by the Land Division Act of 1997 (P.A. 112) Ordinance No. 2006-02, Subdivisions of the Code of Ordinances, City of Munising.			•
z.	Erection of essential public service local distribution lines.			•
aa.	Construction, erection, or relocation of permitted accessory buildings and structures less than 100 square feet in area accessory to a multiple-family, commercial, office, essential service, municipal, or industrial use.			•
bb.	Keeping of animals as an accessory use without additional structures, except kennels under the Special Land Use requirements.			•
cc.	Construction of accessory building or structure for the keeping of animals.		•	
dd.	Accessory outdoor display of general retail items as determined by the Zoning Administrator.		•	
ee.	Internal construction or change in the floor plan for a conforming use that does not increase gross floor area, provided the construction cost over a 12-month period does not exceed 50% of the building SEV or affect parking requirements on a site.			•

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Uses Requiring Site Plan Review				
	Use or Activity	Requires Site Plan Review	Sketch Plan Review (Administrative Approval)	Exempt
ff.	Construction or erection of signs, antennas, cooling/heating or other mechanical equipment, telephone booth, newspaper boxes, or similar structures which conform to other City standards and where site plan review is not specifically required under other sections of this Article.			•
gg.	Any proposed building or use which does not qualify for sketch plan or exempt from any site plan review.	•		

Section 502 Planned Unit Developments, Site Condominiums, and Condominium Subdivisions

Site plans for planned unit developments shall be subject to the provisions of Article 5, Division 2: Planned Unit Development Overlay, and site condominiums and condominium subdivisions shall be subject to the provisions of Article 5, Division 5: Condominium Development Standards, and the Condominium Act (MCLA 559.101 et seq.).

Section 503 Projects Exempt from Site Plan Review

Projects identified as exempt from site plan review must still meet all applicable zoning ordinance, code requirements, and obtain a Certificate of Zoning Compliance prior to application for a building permit or construction.

Section 504 Projects Eligible for Sketch Plan Review and Administrative Approval

- a. Intent. The intent of this section is to permit submittal of sketch plan in certain specific instances where a complete site plan is not considered essential to ensure compliance with the intent and standards of this Ordinance. The intent is to also provide for an administrative review by City staff or Planning Commission approved site plans for compliance with conditions as imposed by the Planning Commission.
- b. Eligibility. A sketch plan, rather than a complete site plan package, may be submitted for uses or activities identified in this Section 501: Uses Requiring Site Plan Review.
- c. Procedure
 1. Sketch Plan. The process for administrative approval of a sketch plan shall involve submittal of the sketch plan and required application form, and fee to the Zoning Administrator. The Zoning Administrator shall review the sketch plan in accordance with the same standards used by the Planning Commission for a full site plan. The Zoning Administrator shall make a report of administrative reviews to the Planning Commission.
 2. The minimum contents of a sketch plan submitted for administrative review include:
 - a) Cover sheet including:
 - 1) Completed application form and fee.
 - 2) Title block with sheet number/title; name, address, and telephone number of the applicant and firm or individual who prepared the plans; and date(s) of submission and any revisions (month, day, year).
 - 3) Scale and north-point.
 - 4) Location map drawn to a separate scale with north-point, showing surrounding land, water features, zoning, and streets within a quarter mile.
 - 5) Legal and common description of property including net acreage.
 - 6) Identification and seal of registered or licensed architect, engineer, land surveyor, or landscape architect who prepared drawings.
 - 7) Zoning classification of petitioner's parcel and all abutting parcels.
 - 8) A note on each plan sheet stating ``Not to Be Used as Construction Drawings."''
 - b) Buildings and Structures
 - 1) Existing and proposed buildings and parking lots with dimensions, setbacks, and percent coverage.
 - 2) Floor plan indicating existing and proposed uses.

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- 3) Building elevations including materials and colors for all sides with proposed changes. Building material samples shall be submitted to the Zoning Administrator for approval.
 - c) Parking and Access
 - 1) Existing and proposed parking calculations.
 - 2) Existing and proposed driveways.
 - d) Site Data
 - 1) Existing and proposed landscaping illustrated on the plan and described in a plant list.
 - 2) Proposed changes to grading and other natural features.
 - 3) Existing and proposed lighting and screening.
 - 4) Proposed changes to utilities.
 - 5) Any other items requested by the Zoning Administrator to assist in the administrative review.
3. Planning Commission Approved Site Plan. If the administrative review consists of a review of an approved site plan with conditions by the Planning Commission, the complete site plan must be submitted with all revisions highlighted in such a manner that all modifications are easily identified.
 4. Additional Information. The Zoning Administrator retains the option to require additional information or a complete site plan for review by the Planning Commission, particularly for sites which do not comply with previously approved site plans, sites with parking deficiencies, sites abutting residential districts, or sites experiencing problems with drainage, traffic, noise, aesthetics, or other general health and safety issues. If a full site plan is required, the Zoning Administrator shall inform the applicant to submit a set of plans in accordance with this Article within fourteen (14) days of receipt of the application.

Section 505 (Optional) Conceptual Site Plan Review

The site plan approval process includes a review, at the option of the applicant, of a conceptual site plan by the Planning Commission. This option is recommended for site plans affecting locations designated in the City of Munising Master Plan as having significant natural features, sites containing floodplain or within the flood hazard zone, sites containing or potentially containing EGLE designated/regulated wetlands, special land uses, and complex developments. The review of a conceptual site plan allows the Planning Commission and City staff to review and comment on the project's compliance with the requirements of this Article prior to the preparation of all the required site plan review materials. The process is illustrated in Development Review Process below.

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Section 506 Site Plan Submittal Requirements

The site plan shall include all the following information, unless the Zoning Administrator determines that some of the required information is not reasonably necessary:

- a. Application, Form, and Fees. A completed application form, supplied by the City, and an application fee; a separate escrow deposit may be required for administrative charges to review the site plan submittal. An application will not be placed on the Planning Commission agenda until the Zoning Administrator determines that the application is complete as reviewed by City staff and consultants.
- b. Proof of Ownership. Current proof of ownership of the land to be utilized or evidence of a contractual ability to acquire such land, such as an option or purchase agreement.
- c. Project Schedule. A narrative indicating the period within which the project will be completed.
- d. Copies. x) copies of the site plan:
 1. Sheet Size. Sheet size of submitted drawings shall be twenty-four (24) inches by thirty-six (36) inches, with graphics at an engineer's scale of one (1) inch equals twenty (20) feet for sites of twenty (20) acres or less; and one (1) inch equals one hundred (100) feet or less (i.e. one (1) inch equals twenty (20) to one hundred (100) feet) for sites over twenty (20) acres.
- e. Cover Sheet. Cover sheet providing:
 1. Applicant's name.
 2. Name of the development.
 3. Preparer's name and professional seal of architect, engineer, surveyor, or landscape architect indicating license in the State of Michigan.
 4. Date of preparation and revision dates.
 5. North arrow.
 6. Property lines and dimensions.

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7. Complete and current legal description and size of property in acres.
 8. Small location sketch of sufficient size and scale to determine the site's location within the City.
 9. Note on each plan sheet stating, "Not to Be Used as Construction Drawings."
- f. Site Plan sheet(s) indicating:
1. Zoning and current land use of applicant's property and all abutting properties and of properties across any public or private street from the site.
 2. Lot lines and all structures on the property and within one hundred (100) feet of the site's property lines.
 3. Location of any vehicle access points on both sides of the street within one hundred (100) feet of the site along streets where vehicle access to the site is proposed.
 4. Existing buildings and any public or private easements, noting those which will remain, and which are to be removed.
 5. Layout and typical dimensions of proposed lots, footprints and dimensions of proposed buildings and structures; uses with the acreage allotted to each use; for residential developments, the number, type, and density of proposed housing units; if a multi-phase development is proposed, identification of the areas included in each phase.
 6. Elevations showing height, materials, and colors for all proposed structures, including any residential units, shall be provided, and considered part of the approved site plan; the building elevations must show all rooftop mechanical units along with the proposed method of screening.
 7. Building footprints, setbacks, typical floor plans, and a sketch of any ground mounted equipment to scale along with required screening.
 8. Proposed lot coverage percentage and impervious surface percentage.
 9. Existing and proposed locations of utility services (with sizes), including storm drainage, retention or detention ponds, fire hydrants, and any public or private easements; notes shall be provided clearly indicating which existing services will remain and which will be removed.
 10. Locations of all natural, historical, and architectural features; natural features shall include all woodlands, trees (in accordance with Article 4, Division 3, Incentives to Preserve Existing Trees), non-EGLE regulated wetlands, lakes, rivers, drainageways, topography, etc.
 11. Location(s) of any EGLE- regulated wetland, including submission of a wetland delineation by a qualified wetland consultant, and indication of the status of application for an EGLE wetland permit or copy of permit received including description of any wetland mitigation required; and location of other non-regulated wetland areas over two (2) contiguous acres.
 12. Location(s) of all properties within the Floodplain.
 13. Location and method of screening for all waste receptacles including dumpsters and compactors, meeting the requirements of Article 3, Division 2, Section 360, Waste Receptacles and Enclosures.

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14. Location and dimensions of parking lots and spaces, and loading/unloading areas (including vehicle pathway to access loading area), and calculations to meet the requirements of Article 4, Division 1: Off-Street Parking and Loading-Unloading Standards.
15. Details of exterior lighting meeting the requirements of Article 4, Division 5: Lighting Standards including locations, height, method of shielding; and a photometric grid overlaid on the proposed site plan indicating the overall light intensity throughout the site (in footcandles).
16. Size, type, and location of proposed identification signs including:
 - a) Location, type, height, and method of lighting for identification signs.
 - b) Location and type of any directional or regulatory/traffic control signs, with details for any sign not conforming to the Michigan Manual of Uniform Traffic Control Devices.
 - c) Details of site circulation and access design, including:
 - i. Dimensions of existing and proposed right-of-way lines, including those abutting the site, and names of abutting public streets.
 - ii. Indication of pavement widths and pavement type including internal service and access drives.
 - iii. Street horizontal and vertical dimensions, including curve radii.
 - iv. Locations and dimensions of access points, including deceleration or passing lanes, distance from adjacent driveways or intersection streets, including those across a street.
 - v. Location of existing sidewalks and location and dimensions for proposed sidewalks and bicycle paths.
 - vi. Written verification of access easements or agreements, if applicable.
- g. Landscape Plan. A landscape plan in accordance with Article 4, Division 3: Landscape Standards and Tree Replacement, indicating proposed plant locations with common plant name, number, and size in caliper at installation. Berms, retaining walls or fences shall be shown with elevations from the surrounding average grade.
- h. Grading Plan. A site grading plan for all developments where grading will occur, with existing and proposed topography at a minimum of two-foot contour levels and with topography extending a minimum of fifty (50) feet beyond the site in all directions and a general description of grades within one hundred (100) feet, and further where required to indicate stormwater runoff into an approved drain or detention/retention pond.
- i. Stormwater Management Plan. A general description and location of stormwater management system shall be shown on the grading plan, including pre- and post-site development runoff calculations used for determination of stormwater management, and location and design (slope) of any retention/detention ponds. Stormwater outfall structures or basins constructed

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in an EGLE-regulated wetland may require an EGLE wetland permit; and, if constructed below the ordinary high-water mark of an inland lake or stream, will require a permit under the Inland Lakes & Streams Act, PA 346 of 1972, as amended. Status of all such EGLE permit applications or copies of permits with attached conditions shall be provided as applicable.

- j. Additional Items. Any additional graphics or written materials requested by the Planning Commission or City Commission to assist the City in determining the compliance with the site plan standards, such as aerial photography, photographs, traffic impacts using trip generation rates recognized by the Institute of Transportation Engineers (ITE) for an average day and peak hour of the affected roadways, and impact on significant natural features and drainage.

Section 507 Standards for Site Plan Approval

Based upon the following standards, the Planning Commission may recommend approval, approval with conditions, or denial of the site plan:

- a. General. All elements of the site plan shall be designed to take into account the site's topography, existing historical and architectural features, the size and type of plot, the character of adjoining property, and the traffic operations of adjacent streets. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Article.
- b. Building Design. The building design shall relate to the surrounding environment regarding texture, scale, mass, proportion, and color. High standards of construction and quality materials will be incorporated into the new development in accordance with the requirements of Article 3, Division 2, Section 230, Site Development Standards.
- c. Preservation of Significant Natural Features. Judicious effort shall be used to preserve the integrity of the land, existing topography, and natural features, in particular woodlands, EGLE-designated/regulated wetlands, and, to a lesser extent, wetlands which are not regulated by the EGLE.
- d. Landscaping. The landscape shall be preserved in its natural state, insofar as practical, by removing only those areas of vegetation or making those alterations to the topography which are reasonably necessary to develop the site in accordance with the requirements of this Article. Landscaping shall be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property.

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Landscaping, landscape buffers and greenbelts shall be provided and designed in accordance with the provisions of Article 4, Division 3: Landscape Standards and Tree Replacement.

- e. Streets. All streets shall be developed in accordance with the Ordinance 2006- 02, City of Munising Subdivision Control Ordinance, and construction standards, unless developed as a private road in accordance with the requirements of the City's Private Road Standards.
- f. Access, Driveways, and Circulation. Safe, convenient, un-congested, and well defined vehicular and pedestrian circulation within and to the site shall be provided and shall meet the following criteria:
 - 1. Drives, streets, parking, and other elements shall be designed to discourage through traffic, while promoting safe and efficient traffic operations within the site and at its access points.
 - 2. All driveways shall meet the design and construction standards of the City.
 - 3. Access to the site shall be designed to minimize conflicts with traffic on adjacent streets, particularly left turns into and from the site.
 - 4. For uses having frontage and/or access on a major traffic route, as defined in the City of Munising Master Plan, the number, design, and location of access driveways and other provisions for vehicular circulation shall comply with the provisions of Article 4, Division 2: Access Management and Driveway Standards.
- g. Emergency Vehicle Access. All buildings or groups of buildings shall be arranged to permit necessary emergency vehicle access as required by the City fire and police departments.
- h. Sidewalks, Pedestrian and Bicycle Circulation. The arrangement of public or common ways for vehicular and pedestrian circulation shall be connected to existing or planned streets and sidewalks/pedestrian or bicycle pathways in the area in accordance with Article 3, Division 2, Section 361, Sidewalks, Bike paths, and Other Walkways.
 - 1. A pedestrian circulation system shall be separated from vehicular circulation system.
 - 2. To ensure public safety, special pedestrian measures, such as crosswalks, crossing signals, and other such facilities may be required in the vicinity of primary and secondary schools, playgrounds, local shopping areas, fast food/service restaurants, and other high traffic areas of pedestrians or bicycles.
- i. Barrier-free Access. The site has been designed to provide barrier-free parking and pedestrian circulation.

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- j. **Parking.** The number and dimensions of off-street parking spaces shall be sufficient to meet the minimum required by Article 4, Division 1: Off-Street Parking and Loading Standards. However, where warranted by overlapping or shared parking arrangements, the Planning Commission or City Commission may reduce the required number of parking spaces as permitted in 403, Shared Parking and Parking Lot Deferment.
- k. **Loading and Storage.** All loading and unloading areas and outside storage areas shall be screened as determined by the Planning Commission in accordance with Article 4, Division 3: Landscape Standards and Tree Replacement.
- l. **Soil Erosion Control.** The site shall have adequate lateral support to ensure that there will be no erosion of soil or other material. The final determination as to adequacy of, or need for, lateral support shall be made by the City Engineer.
- m. **Utilities.** Public water and sewer facilities shall be available or shall be provided for by the developer as part of the site development, where such systems are available.
- n. **Stormwater Management.** Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Provisions shall be made to accommodate stormwater which complements the natural drainage patterns and wetlands, prevent erosion, and the formation of dust. Sharing of stormwater facilities with adjacent properties shall be encouraged. The use of detention/retention ponds may be required. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic or create standing water.
- o. **Lighting.** Exterior lighting, in accordance with Article 4, Division 5: Lighting Standards, shall be arranged so that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets. Flashing or intermittent lights shall not be permitted.
- p. **Noise.** The site has been designed, buildings so arranged, and activities/equipment programmed to minimize the emission of noise, particularly for sites adjacent to residential districts.
- q. **Mechanical Equipment and Utilities.** Mechanical equipment and utilities, roof, building and ground mounted, shall be screened in accordance with the requirements of Article 3, Division 2, Section 355, Mechanical Equipment and Utilities.

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- r. Waste Receptacles. Waste receptacles shall be provided as required in Article 3, Division 2, Section 369, Waste Receptacles and Enclosures.
- s. Signs. The standards of Article 4, Division 4: Signs must be met.
- t. Hazardous Materials or Waste. For businesses utilizing, storing, or handling hazardous material such as automobile service and automobile repair stations, automobile body repair stations, dry cleaning plants, metal plating industries, and other industrial uses, documentation of compliance with state and federal requirements shall be provided.
- u. Other Agency and Department Reviews. The applicant has provided documentation of compliance with other appropriate agency and department review standards, including, but not limited to, the EGLE, MDOT, Alger County Drain Commission, Alger County Health Department, Michigan Department of Floodplain Management, City of Munising Police, Fire, Building, etc., and other Federal and State agencies, as applicable.

Section 508 Site Plans with Multiple Phases

The Planning Commission shall review site plans with multiple phases as a site plan meeting the submission requirements of Section 506: Site Plan Submittal Requirements. Any future phases identified on a site plan must be reviewed by the Planning Commission in the form of a site plan submission. The Planning Commission may require that the conceptual layout for future phases and out lots be shown on site plans to ensure proper development of the overall site. When a future phase of development is identified on a site plan, however, the Planning Commission is not bound by any aspect of that portion of the plan until a site plan meeting the requirements of this Article have been provided. In addition, any phase of a site plan where construction has not commenced within one (1) year from the date of approval must return to the Planning Commission for a new site plan approval.

Section 509 Conditions of Site Plan Approval

- a. As part of an approval to any site plan, the Planning Commission may impose any additional conditions or limitations as in its judgment may be necessary to ensure that public services and facilities can accommodate the proposed site plan and its activities, to protect significant natural features and the environment, and to ensure compatibility with adjacent land uses. Such conditions shall be considered necessary by the Planning Commission to ensure compliance with the review standards of Section 507: Standards for Site Plan Approval, and necessary to meet the intent and purpose of this Article.

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- b. Approval of a site plan, including conditions made as part of the approval, is attached to the property described as part of the application and not to the owner of such property or holder of the site plan.
- c. A record of conditions imposed shall be recorded on the site plan and maintained. The conditions shall remain unchanged unless an amendment to the site plan is approved in accordance with this Section 511: Deviations from Approved Site Plan.
- d. A record of the decision of the Planning Commission, the reason for the decision reached and any conditions attached to such decision shall be kept and made a part of the minutes of the Planning Commission.
- e. The Zoning Administrator may require that the applicant revise and resubmit a site plan in compliance with the conditions imposed by the Planning Commission. Should resubmittal be required, all modifications shall be highlighted on the plan in such a manner that the modifications are easily identified. The Zoning Administrator shall have authority to approve the site plan.
- f. The Zoning Administrator may make periodic investigations of developments for which site plans have been approved. Noncompliance with the requirements and conditions of the approved site plan shall constitute grounds for the Planning Commission to terminate such approval following a public hearing.

Section 510 Validity of Approved Site Plan

- a. Approval of the site plan, including any phase of a multi-phased site plan, is valid for a period of eighteen (18) months. If actual physical construction of a substantial nature of the improvements included in the approved site plan has not commenced and proceeded meaningfully toward completion during that period, the approval of the site plan shall be null and void.
- b. Upon written application filed prior to the termination of the eighteen (18) month review period, the Planning Commission may authorize a single extension of the time limit for approval of a site plan for a further period of not more than eighteen (18) months. Such extension shall only be granted based on evidence from the applicant that the development has a likelihood of commencing construction within the extension period, the length of which shall be determined by the Planning Commission, but which shall not exceed eighteen (18) months.

Section 511 Deviations from Approved Site Plan

- a. Amendments to the approved site plan may occur only under the following circumstances:
 1. An applicant or property owner who has been granted site plan approval shall notify the Zoning Administrator of any proposed amendment to such approved site plan.
 2. Minor changes may be approved by the Zoning Administrator. The Zoning Administrator must provide, in writing to the Planning Commission, documentation that the proposed revision does not alter the basic design, compliance with the standards of this Article, nor any specified conditions of the plan as agreed upon by the Planning Commission. In considering such a determination, the Zoning Administrator shall consider the following to be a minor change:
 - a) Change in size of structures, for residential buildings by up to five percent (5%), provided that the overall density of units does not increase.
 - b) Change in square footage of non-residential buildings by up to five percent (5%) or one thousand (1,000) square feet, whichever is smaller.
 - c) Alterations to horizontal and/or vertical elevations by up to five percent (5%).
 - d) Movement of a building or buildings by no more than ten (10) feet.
 - e) Increase in designated "areas not to be disturbed."
 - f) Replacement of plantings approved in the site plan landscape plan by similar types and sizes of landscaping which provides a similar screening effect on a one-to-one (1:1) or greater basis, with approval of the Zoning Administrator.
 - g) Improvements to site access or circulation, such as inclusion of deceleration lanes, boulevards, curbing, pedestrian/bicycle paths, etc.
 - h) Changes of building materials to another of higher quality, as determined by the Zoning Administrator.
 - i) Changes in floor plans which do not alter the character of the use.
 - j) Slight modification of sign placement or reduction of size.
 - k) Relocation of sidewalks and/or refuse storage stations.
 - l) Internal rearrangement of parking lot which does not change the number of parking spaces by more than five percent (5%) or alter access locations or design.
 - m) Changes required or requested by the City for safety reasons.
- b. Should the Zoning Administrator determine that the requested modification to the approved site plan is not minor, the Planning Commission shall be notified in writing that the site plan has been suspended, and, if construction has initiated, a stop work order shall be issued for the section of the project deemed not to be in compliance. Thereafter, the applicant may revise the site plan and submit to the Zoning Administrator for resubmission to the Planning

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Commission. All modifications must be highlighted in such a manner that the modifications to the approved plan are easily identified.

- c. Any deviation from the approved site plan, except as authorized in this Division, this section, shall be considered a violation of this Article.

Section 512 **Property Maintenance after Approval**

- a. It shall be the responsibility of the owner of the property for which site plan approval has been granted to maintain the property in accordance with the approved site design on a continuing basis until the property is razed, or until new zoning regulations supersede the regulations upon which site plan approval was based, or until a new site design is approved. This maintenance requirement includes healthy landscaping, walls, fences, pavement, pavement markings, signs, building exterior, drainage facilities, and all other elements of a site.
- b. Any property owner who fails to so maintain an approved site plan shall be deemed in violation of the provisions of this Article and shall be subject to the same penalties appropriate for a violation.
- c. With respect to condominium projects, the master deed shall contain provisions describing the responsibilities of the condominium association, condominium owners, and public entities, with regard to maintenance of the property in accordance with the approved site plan on a continuing basis. The master deed shall further establish the means of permanent financing for required maintenance and improvement activities which are the responsibility of the condominium association.

Section 513 **As-Built Drawings**

- a. All projects within the City which go through site plan and/or construction plan review shall be required to submit record drawings. The drawings will need to be reviewed and approved by the City Engineer prior to final acceptance of the project by the City of Munising.
- b. The initial submittals shall be of two (2) sets of black line prints providing the applicable information shown on the checklist below. The minimum scale shall be 1" =50' and shall bear the seal of a registered professional engineer or surveyor licensed to practice within the State of Michigan. All record lengths and elevations must be labeled as record.

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- c. After the record drawings have been approved by the City Engineer, the applicant shall submit a CD .pdf version of each sheet of the plan set with the following attributes:
 1. Locations shall be shown on the plans in State Plane coordinates using the NAD83 Michigan South zone.
 2. Individual pipe sizes and structure types should be on separate layers.
 3. The scale shall be 1:1.
 4. Annotation should be snapped to the mid-point of lines. Lines should be snapped to the center of structures.

Article 5: Approval Procedures
Division 2: Planned Unit
Development (PUD) Overlay

Section 520 Intent

- a. The Planned Unit Development (PUD) standards are a supplementary list of "overlay" zoning standards which apply to properties simultaneously with one (1) of the other zoning districts established in this Ordinance, hereinafter referred to as the "underlying" zoning district. For properties approved for PUD designation, these PUD standards replace the schedule of regulations listed for the underlying zoning districts in Article 2 Division 2, Article 2: Residential, Article 2 Division 3: Commercial, and Article 2 Division 4: Industrial.
- b. The PUD standards are provided as a design option, intended to permit flexibility in the regulation of land development; to encourage innovation in land use, form of ownership (such as condominiums), and variety in design, layout, and type of structures constructed; to achieve economy and efficiency in the use of land; to preserve significant natural, historical, and architectural features and open space; to promote efficient provision of public services and utilities; to minimize adverse traffic impacts; to provide better housing, employment, and shopping opportunities particularly suited to residents of the City; to encourage development of convenient recreational facilities; and to encourage the use and improvement of existing sites when the uniform regulations contained in other zoning districts alone do not provide adequate protection and safeguards for the site or its surrounding areas.
- c. The standards are intended to accommodate development on sites with significant natural, historical, and architectural features, as noted in the City of Munising Master Plan, on land which exhibits difficult development constraints, and/or to provide the opportunity to mix compatible uses or residential types, and/or to allow clustering of residential units to preserve common open space and natural features. The PUD standards shall not be sought primarily to avoid the imposition of standards and requirements of other zoning classifications rather than to achieve the stated purposes herein set forth.
- d. In order to encourage PUD developments on specific properties, these standards relax or waive one (1) or more of the dimensional requirements of the underlying district. The PUD also allows the developer the opportunity to mix compatible uses or residential types on a single property, allows clustering to reduce construction costs, and may enhance marketability through the preservation of significant natural, historical, and architectural features.

Section 521 Principal Permitted Uses

Principal uses permitted under the PUD standards are based on the underlying zoning district, as indicated below:

- a. Residential. All principal uses of the underlying district shall be permitted. In addition to those uses, low density multiple-family dwellings or a mixture of single and multiple-family dwellings on a planned basis, through the use of attached dwellings, townhouses, apartment buildings, zero lot line configurations, and/or other similar building configurations; or any combination of these residential uses may be permitted within the PUD.
- b. Commercial Uses. All business, service, professional office, retail, and other commercial uses, or any combination of these uses, listed as principal uses permitted in the underlying zoning district shall be allowed. In addition, other business, service, and residential uses may be permitted, if determined by the Planning Commission to be similar to other uses in the surrounding area.
- c. Industrial Uses. All business, service, professional offices, light manufacturing, and other commercial uses, or any combination of these uses, listed as principal permitted uses in the underlying zoning district shall be permitted. In addition, other business, service, office, and light manufacturing uses may be permitted, if determined by the Planning Commission to be compatible with other proposed PUD uses and surrounding uses.

Section 522 Conditional Uses and Special Land Uses

All uses listed as Conditional Uses Special Land Uses in the underlying district are considered as special land uses or conditional land uses within the planned unit development designation.

Section 523 Qualifying Conditions

In order to qualify for PUD approval, the applicant must demonstrate in writing that each of the following criteria will be met by the proposed PUD:

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- a. Demonstrated Benefit. The PUD shall provide one (1) or more of the following benefits not possible under the requirements of another zoning district, as determined by the Planning Commission:
 - 1. Preservation of significant natural or historic features.
 - 2. A complementary mixture of uses or a variety of housing types.
 - 3. Common open space for passive or active recreational use.
 - 4. Mitigation to offset community impacts.
 - 5. Redevelopment of a nonconforming site where creative design can address unique site constraints.
 - 6. Implementation of a significant component of the City of Munising Master Plan.
- b. Availability and Capacity of Public Services. The proposed type and density of use shall not result in an unreasonable increase in the use of public services, public facilities, and utility capacities.
- c. Compatibility with the Master Plan. The proposed PUD shall be compatible with the overall goals and recommendations as proposed in the City of Munising Master Plan.
- d. Compatibility with the PUD Purpose. The proposed PUD shall be consistent with the purpose of this division and spirit of this Ordinance.
- e. Development Impact. The proposed PUD shall not impede the continued use or development of surrounding properties for uses that are permitted in this Ordinance.
- f. Unified Control of Property. The proposed PUD shall be under single ownership or control such that there is a single entity having responsibility for completing the project in conformity with the PUD regulations. This provision shall not prohibit a transfer of ownership or control, provided that notice of such transfer is provided to the City.

Section 524 Application and Review Procedure for Preliminary PUD Site Plan and Final PUD Site Plan

- a. The application process for a PUD involves a three (3) step process including: an optional pre-application workshop; review of a preliminary (conceptual) site

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plan by both the Planning Commission and City Commission; and review of a final PUD site plan by the Planning Commission.

- b. An optional pre-application workshop with the Planning Commission may be requested by the applicant to discuss the appropriateness of the PUD concept, solicit feedback, and receive requests for additional materials supporting the proposal. An applicant desiring such a workshop shall request placement on the Planning Commission agenda.
- c. The applicant shall prepare and submit copies to the Zoning Administrator of a preliminary PUD site plan for a PUD, meeting the requirements of Section 525: Preliminary PUD Site Plan Submittal Requirements, at least thirty (30) days prior to the meeting at which the Planning Commission shall first review the request; twenty-one (21) days for an applicant who has had a pre-application workshop on the proposal within sixty (60) days of the preliminary PUD site plan submittal. The Zoning Administrator shall promptly transmit this plan to the members of the Planning Commission.
- d. The Planning Commission shall review the preliminary PUD site plan and shall conduct a public hearing in accordance with the Michigan Zoning Enabling Act, Section 125.3503(5). During this review, the Planning Commission may request additional materials supporting the PUD proposal, or recommend modifications or conditions based on the standards of Section 526: Standards for Approval of Preliminary PUD Site Plan. The Planning Commission shall then, within sixty (60) days of the submittal, make a recommendation on the preliminary PUD site plan to the City Commission. The applicant shall incorporate these modifications or conditions recommended by Planning Commission prior to the review by the City Commission.
- e. Following receipt of the Planning Commission recommendations, the City Commission shall take final action on the Preliminary PUD Site Plan and petition within ninety (90) days of the date it receives a report from the Planning Commission, or such reasonable extension of time as may be necessary for adequate review.
- f. A PUD rezoning is discretionary on the part of the city and the City Commission is not obligated to approve a PUD rezoning request unless, in its opinion, the proposal meets the purpose and requirements of this ordinance. To rezone the property to PUD, the applicant shall prepare and submit an application meeting

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the requirements of Article 6, Division 4, Rezoning. The rezoning and Preliminary PUD site plan review may happen simultaneously.

- g. If any conditions are imposed upon the approval of the preliminary PUD site plan by the City Commission, a list of those conditions shall be made part of the approval and shall be reflected in the final PUD site plan.
- h. Approval of the preliminary PUD site plan by the City Commission shall confer upon the owner the right to proceed through the subsequent PUD plan review phases for a period not to exceed three (3) years from date of approval. This period may be extended by the City Commission for one (1) additional three (3) year period.
- i. The applicant shall submit copies of detailed final site plans to the City Clerk, as described in Section 527: Final PUD Site Plan Submittal Requirements, for all, or any phase of, the approved preliminary PUD site plan at least thirty (30) days prior to the Planning Commission meeting at which the Planning Commission shall first review the request.
- j. Upon submission of all required materials and fees, the Planning Commission shall review such and shall approve, deny, or approve with conditions, in accordance with the standards and regulations of this Zoning Ordinance, the final PUD site plan.
- k. If the final PUD site plan was approved with conditions, the applicant shall submit a revised site plan to the Zoning Administrator in accordance with Article 5, Division 1, Section 504, Projects Eligible for Sketch Plan Review and Administrative Approval for approval prior to the issuance of any building permits.
- l. If the approved preliminary PUD site plan indicated that the proposed development was to occur in phases, final site plan approval may be granted on each phase of the development, provided that each phase contains all the necessary components to insure protection of significant natural, historical, and architectural features, and the health, safety, and welfare of the users of the PUD and the residents of the surrounding area. Subsequent phases shall also follow the process for final PUD site plan outlined in this Article.

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- m. In the Commercial District, the City Commission may, upon recommendation of the Planning Commission, approve an overall PUD plan for multiple sites and then require each subsequent developer to follow the process for final PUD site plan outlined in this Article. Depending upon the size and complexity of the project, the City Commission may then require each developer to enter into a separate PUD Agreement for each individual site or series of projects.

Section 525 Preliminary PUD Site Plan Submittal Requirements

The preliminary PUD site plan shall set forth the proposed uses to be developed in the PUD. The following specific information shall be provided on a site plan:

- a. Proof of Ownership. Current proof of ownership of the land to be utilized or evidence of a contractual ability to acquire such land, such as an option or purchase agreement.
- b. Written Documentation. Written documentation that the proposal meets the standards of Section 523, Qualifying Conditions.
- c. Application Form and Fees. A completed application form, supplied by the Building Official/Zoning Administrator, and an application/review fee; a separate escrow deposit may be required for administrative charges to review the PUD submittal.
- d. Sheet Size. Sheet size of submitted drawings shall be at least twenty-four (24) inches by thirty-six (36) inches, with graphics at an engineer's scale of one (1) inch equals twenty (20) feet for sites of twenty (20) acres or less; and one (1) inch equals one hundred (100) feet or less (i.e. one (1) inch equals twenty (20) to one hundred (100) feet) for sites over twenty (20) acres.
- e. Cover Sheet. Cover sheet providing:
 - 1. Applicant's name.
 - 2. Name of the development.
 - 3. Preparer's name and professional seal of architect, engineer, surveyor, or landscape architect indicating license in the State of Michigan.
 - 4. Date of preparation and any revisions.
 - 5. North arrow.
 - 6. Property lines and dimensions.
 - 7. Complete and current legal description and size of property in acres.

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8. Small location sketch of the subject site and area within one-half (1/2) mile, and scale.
 9. Zoning and current land use of applicant's property and all abutting properties and of properties across any public or private street from the PUD site.
 10. Lot lines and all structures on the property and within one hundred (100) feet of the PUD property lines.
 11. Location of any vehicle access points on both sides of the street within one hundred (100) feet of the PUD site along streets where vehicle access to the PUD is proposed.
- f. PUD Site Plan. A site plan sheet indicating:
1. Existing locations of all natural, historical, and architectural features, existing drainage patterns, surface water bodies, floodplain areas, EGLE (Environment Great Lakes and Energy) designated or regulated wetlands with supporting documentation, wetland areas two (2) or more acres in size, and a tree survey indicating the location and diameter (in inches, measured four (4) feet above grade) of "landmark" trees.
 2. Existing and proposed topography at five (5) foot contour intervals, and a general description of grades within one hundred (100) feet of the site.
 3. Dimensions of existing and proposed right-of-way lines, names of abutting public streets, proposed access driveways and parking areas, and existing and proposed pedestrian and/or bicycle paths.
 4. Existing buildings, utility services (with sizes), and any public or private easements, noting those which will remain, and which are to be removed.
 5. Layout and typical dimensions of proposed lots, footprints, and dimensions of proposed buildings and structures; uses with the acreage allotted to each use. For developments with residential components: the number, type, and density of proposed housing units.
 6. General location and type of landscaping proposed (evergreen, deciduous, berm, etc.) noting existing trees and landscaping to be retained.
 7. Size, type, and location of proposed identification signs.
 8. Site Analysis. A separate plan sheet indicating locations of significant natural, historical, and architectural features, including landmark trees, that will be designated as "areas not to be disturbed" and secured through installation of a snow fence, other fencing, or police line during development of the PUD, including acreage of designated areas.
 9. PUD Development Agreement. A draft written PUD Development Agreement specifying all the terms and understandings of the PUD

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development as prescribed in Section 528: Final PUD Site Plan Submittal Requirements may be required at Preliminary PUD Site Plan review, when deemed necessary by the Planning Commission.

10. Multi-Phased PUD. If a multi-phase PUD is proposed, identification of the areas included in each phase; for residential uses identify the number, type, and density of proposed housing units within each phase.
11. Additional Information. Any additional graphics or written materials requested by the Planning Commission or City Commission to assist the City in determining the appropriateness of the PUD such as, but not limited to: aerial photography; market studies; impact on public primary and secondary schools and utilities; traffic impact using trip generation rates recognized by the Institute of Transportation Engineers (ITE) for an average day and peak hour of the affected roadways; impact on significant natural, historical, and architectural features and drainage; impact on the general area and adjacent property; description of how property could be developed under the regulations of the underlying district; preliminary architectural sketches; and estimated construction cost.

Section 526 Standards for Approval of Preliminary PUD Site Plan

- a. Based upon the following standards, the Planning Commission may recommend denial, approval, or approval with conditions, and the City Commission may deny, approve, or approve with conditions the proposed PUD.
- b. The uses proposed shall be consistent with the City's adopted Master Plan. Such uses must have a beneficial effect, in terms of public health, safety, welfare, or convenience, on present and future potential surrounding land uses. The uses proposed must not adversely affect the public utility and circulation system, surrounding properties, or the environment. The public benefit shall be one which could not be achieved under the regulations of the underlying district alone or that of any other zoning district.
- c. Any amendments to the dimensional standards of this Ordinance, such as lot sizes, setbacks, height limits, required facilities, buffers, open space, permitted sign area, and other similar dimensional standards shall be reviewed and approved by the Planning Commission.

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- d. Any increase in the density requirements of the underlying zoning district must be approved by the City Commission upon recommendation of the Planning Commission and be included under preliminary review of the site plan.
- e. The number and dimensions of off-street parking shall be sufficient to meet the minimum required by Article 4, Division 1: Off-Street Parking and Loading Standards. However, where warranted by overlapping or shared parking arrangements, the Planning Commission or City Commission may reduce the required number of parking spaces in accordance with, Section 401, General Requirements.
- f. All streets and parking areas within the PUD shall meet the minimum construction and other requirements of City ordinances, unless modified by City Commission.
- g. Safe, convenient, uncongested, and well defined vehicular and pedestrian circulation within and to the site shall be provided. Drives, streets, and other elements shall be designed to discourage through traffic, while promoting safe and efficient traffic operations within the site and at its access points.
- h. Sidewalks shall be provided in accordance with Article 3, Division 2, Section 361, Sidewalks, Bikepaths, and Other Pedestrian Pathways.
- i. Landscaping shall be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property. Plantings and other landscape features shall exceed the standards of Article 4, Division 3: Landscape Standards and Tree Replacement.
- j. Judicious effort shall be used to preserve significant natural, historical, and architectural features and the integrity of the land, including EGLE regulated and nonregulated wetlands.
- k. Surface water shall be retained on the site wherever possible.
- l. The site shall have adequate lateral support to ensure that there will be no erosion of soil or other material. The final determination as to adequacy of, or need for, lateral support shall be made by the Zoning Administrator.

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- m. Public water and sewer facilities shall be available or shall be provided by the developer as part of the site development.
- n. Building design shall be of a high quality, exceeding the standards of Article 2, Division 3, Section 230, Site Development Standards, for mixed use, commercial, and industrial buildings.

Section 527 Final PUD Site Plan Submittal Requirements

The final PUD site plan shall include all the following information, unless the Zoning Administrator determines that some of the required information is not reasonably necessary for the consideration of the PUD:

- a. All information required for site plan submittal in accordance with Article 5, Division 1, Section 596, Site Plan Submittal Requirements.
- b. Any additional graphics or written materials requested by the Planning Commission to assist in determining the impacts of the proposed site plan, including, but not limited to, economic or market studies; impact on public utilities; traffic impacts; impact on significant natural, historical, and architectural features and drainage; impact on the general area and adjacent property; and estimated construction cost.
- c. A proposed written Development Agreement specifying all the terms and understanding of the PUD development including:
- d. A survey of the acreage comprising the proposed PUD
- e. All conditions upon which the PUD approval is based, with reference to the approved preliminary PUD plan and a description of all deviations from City regulations which have been requested and approved.
- f. The manner of ownership of the developed land.
- g. The manner of ownership and of dedication or mechanism to protect any areas designated as common areas or open space.
- h. Provisions assuring that those open space areas shown on the plan for use by the public or residents of the development will be or have been irrevocably

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committed for that purpose; the City may require conveyances or other documents to be placed in escrow to accomplish this.

- i. Satisfactory provisions have been made to provide for the future financing of any improvements shown on the plan for site improvements, open space areas, and common areas which are to be included within the development and that maintenance of such improvements is assured by a means satisfactory to the City Commission.
- j. The cost of installing and maintaining all streets and the necessary utilities has been assured by means of satisfactory documentation to the City Commission.
- k. Provisions to ensure adequate protection of natural features and assurance for replacement of any trees and woodlands.
- l. Any other concerns raised by the Planning Commission or City Commission regarding the construction and maintenance of the PUD.
- m. The preliminary PUD plan shall be incorporated by reference and attached as an exhibit.
- n. A written draft of PUD Design Guidelines specific to the PUD. Such documents shall include provisions for site layout, access, vehicular and pedestrian circulation, parking, screening, building design and architecture, landscaping, open space, lighting, and signage. The Design Guidelines shall also include any variations to the dimensional standards of this Ordinance, such as density, lot sizes, setbacks, height limits, required facilities, buffers, open space, permitted sign area, and other similar dimensional standards.

Section 528 Standards for Approval of Final Site Plan

The Planning Commission shall use the standards for approval of Article 5, Division 1, Section 507, Standards for Site Plan Approval, and any design requirements developed specifically for the PUD by the City Commission, in reviewing the final PUD site plan.

Section 529 Conditions of Approval

The Planning Commission may attach conditions to the final PUD site plan approval to meet the intent of this Article and Article 5, Division 1, Section 509, Conditions of Site Plan Approval.

Section 530 Validity of Approved Final PUD Site Plan

- a. Project Commencement. Construction on the approved final site plan, or for a phase thereof, shall be commenced and proceed in a reasonably diligent manner, within twelve (12) months of approval. If the PUD has not commenced and proceeded beyond site grading to include, at a minimum, installation of footings or foundations and underground utilities at the end of that twelve (12) month period, then the site plan shall be invalid and void.
- b. Project Completion. The approved site plan shall remain valid for a three (3) year period following the date of final site plan approval, provided that the requirements of paragraph a. above are met.
- c. Extensions. The three (3) year period for project completion may be extended for one (1) year, if applied for by the petitioner and granted by the Planning Commission in writing following public notice and a public hearing. Failure on the part of the owner to secure the written extension shall result in a stoppage of all construction.

Section 531 Deviations from Approved Final PUD Site Plan

- a. Deviations and amendments from the approved final PUD site plan shall be reviewed and approved in accordance with Article 5, Division 1, Section 511, Deviations from Approved Site Plan.
- b. Should the Planning Commission determine that the modifications to the final PUD site plan significantly alter the intent of the preliminary PUD site plan, a new submittal illustrating the modification shall be required and must be approved by the City Commission as a new preliminary PUD plan.

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- c. Any amendment to the PUD Design Guideline requirements established specifically for the PUD by the City Commission shall be adopted by resolution of the City Commission, upon recommendation of the Planning Commission, and will not require amendment of this Article of the Zoning Ordinance. Amendments to this document must be reviewed and approved in accordance with paragraph a. above.
- d. Any deviation from the approved PUD site plan, except as authorized in Section 531, Deviations from Approved Final PUD Site Plan shall be considered a violation of this Article and treated as a misdemeanor. Further, any such deviation shall invalidate the PUD designation.

Section 532 Appeals and Variances

Amendments, appeals, and variances related to a PUD cannot be taken to the Zoning Board of Appeals in a PUD. Amendments can only be granted by the Planning Commission when it is determined that the requested amendments are in keeping with the overall purpose of PUD, as identified in Section 520, Intent and improve the quality of the development.

Section 533 PUDs Approved Prior to this Ordinance

All properties zoned as PUD under the zoning district classifications in place prior to the adoption of this Ordinance shall be treated as follows:

- a. Approved residential PUDs shall be rezoned to the appropriate residential district in conformance with their approved density. These and future such locations will be noted on the map as being approved PUD overlay zone districts. Any changes to the preliminary PUD plan and/or final site plans or revisions shall be regulated by this Ordinance.
- b. Approved preliminary PUD site plans for mixed use PUDs shall be considered zoned as a mixed-use PUDs. The approved uses within such PUDs shall be in accordance with the approved locations of commercial, office, and residential uses as designated on the preliminary PUD site plan.

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- c. Any changes to the uses and/or their locations as approved on a mixed-use preliminary PUD plan shall meet Section 526, Standards for Approval of Preliminary PUD Site Plan. The applicant shall present graphics to illustrate the requested change, submit written materials documenting the need for the change and the adherence with the overall approved PUD concept, and submit updated copies of any traffic, environmental, or market studies which the Planning Commission or City staff considered necessary to review the impacts of the proposed change.

- d. All final site plans or revisions to final site plans for PUDs approved prior to the adoption of this Ordinance shall be regulated and reviewed in accordance with this Article.

Article 5: Approval Procedures
Division 3: Conditional Land Use

Section 540 Intent

The intent of this Article is to provide standards for conditional land uses, which are uses with specific conditions that if met, make the use permitted by right. These conditions are intended to minimize potential negative impacts to other surrounding land uses that could arise due to operations of the particular use. This Article provides standards for the Zoning Administrator or Planning Commission, depending upon the site plan review requirements, to review and determine if the conditions have been met.

Section 541 Standards for Approval

- a. Prior to approving a conditional land use, the Zoning Administrator shall require that the proposed use meets all requirements and standards. If all requirements and standards are met, a conditional use permit is granted. If all requirements are not met, the use shall be reviewed as a Special Land Use in accordance with Article 5, Division 4.

- b. Properties for which application for conditional land use approval is made shall also be concurrent with, and subject to, site plan review in accordance with the requirements of Article 5 Division 1, Site Plan Review. Failure to obtain site plan approval will constitute denial of the approved conditional land use.

Section 542 Requirements and Standards of Approval

- a. The requirements to permit the conditional use shall remain unchanged.

- b. The Zoning Administrator shall make periodic investigations of the conditional land use to ensure continued compliance with all requirements and standards imposed by this Article. Noncompliance with the requirements for the conditional land use shall constitute grounds for the Zoning Administrator to terminate the approval.

Section 543 Validity of Conditional Land Use Approval

- a. In cases where actual physical construction of a substantial nature of the structures authorized by a conditional land use and site plan approval has not commenced within eighteen (18) months, and a written application for extension of the approval has not been filed as provided below, the approval shall automatically become null and void and all rights thereunder shall terminate.

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- b. Upon written application filed prior to the termination of the eighteen (18) month period, the Zoning Administrator may authorize a single extension of the time limit for a further period of not more than eighteen (18) months. Such extension shall only be granted based on evidence from the applicant that the development has a reasonable likelihood of commencing construction within the eighteen (18) month extension.
- c. The granting of a conditional land use shall allow that particular use to be conforming in the zoning district, as long as the standards of this Article are maintained.

Section 544 Conditional Land Use Specific Requirements

- a. Conditional land uses, because of their unique character and potential impacts on adjacent properties and the City, require additional specific requirements. Such uses are listed below with specific standards and regulations that must be met.
- b. The following are conditional land uses with specific site and/or use standards which are described:

1. Automobile Washes, Automatic or Self-service

- a) Only one (1) ingress/egress driveway shall be permitted on any single street.
- b) Where adjoining residentially zoned or used property, a decorative masonry wall six (6) feet in height shall be erected along any common lot line. Such wall shall be continuously maintained in good condition. The Zoning Administrator or Planning Commission may approve a fence, landscaped berm, or landscaping as an alternative.
- c) All washing facilities shall be within a completely enclosed building. Self-service facilities may be within a partially enclosed building.
- d) Vacuuming and drying may be located outside the building but shall not be in the required front yard and shall be set back at least fifty (50) feet from any Residential District. Such areas shall be screened with obscuring landscaping as determined by the Zoning Administrator or Planning Commission.
- e) Adequate stacking space shall be provided in accordance with the requirements of Article 4, Division 1: Off-Street Parking and Loading Standards. Stacking spaces shall not be permitted in the public right-of-way.

2. Automobile or Boat Dealerships, new or used

- a) Outdoor storage of automobiles or vehicles for sale shall not be permitted in any required front or side yard.
- b) All parking, display and outdoor storage areas shall be paved with a permanent and durable surface. Curbing around all parking, display and storage areas shall be provided.

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- c) Any use involving the maintenance, service, or repair of vehicles shall also meet the standards for automobile repair and/or service establishments.
- d) Exterior lighting shall be fully shielded and directed downward to prevent off-site glare. The intensity within a site shall not exceed twenty (20) footcandles within the site for or one (1) footcandle at the property line, except where it abuts a residentially used or zoned site, whereby a maximum of ten (10) footcandles and 0.5 footcandles is permitted for vehicle storage areas.
- e) Flags, banners, streamers, and inflatables shall not be permitted unless approved by the Zoning Administrator or Planning Commission.

3. Bars, Taverns, Lounges, Microbreweries (Accessory), and Brewpubs

- a) The principal building shall be setback at least one hundred (100) feet from a Residential District (does not apply in the D, Downtown District).
- b) Noise shall not be a nuisance outside of the building, in accordance with Article 3, Division 2, Section 357, Performance Standards, and other City ordinances.
- c) Outdoor seating must meet the requirements of Article 3, Division 2, Section 356, Outdoor Seating for Restaurants and Cafes.

4. Campground/RV park

- a) Access driveways shall be located no less than fifty (50) feet from the centerline of the intersection of any street or any other driveway.
- b) The applicant shall secure all necessary permits from County and State authorities.
- c) Minimum lot area shall be ten (10) acres.
- d) Retail commercial uses may be permitted within the campground provided that the following requirements are met:
 - 1) All commercial uses allowed shall occupy no more than five (5) percent of the lot for building and parking areas.
 - 2) No merchandise for display, sale or lease shall be located in any manner outside the main building.
 - 3) Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any Residential District or across any property line.

5. Duplex

- a) Each unit must have a separate entrance.
- b) The two units may be in one or two buildings allows allowing for design flexibility.

6. Expansion of Apartment within an Existing Building

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- a) A single-family residence in a multiple-family or commercial district may be subdivided into no more than three apartments.
- b) One unit shall be occupied by the property owner.
- c) The single-family residence shall have a minimum gross floor area of 2,000 square feet.
- d) The total aggregate number of occupants in the residence may not exceed six.
- e) All parking shall be provided off-street.
- f) If additional entrances to house are created, the entrance shall not be located on a wall of the house that faces the street.
- g) All applicable building, fire, and safety codes must be met.

7. Health/Fitness/Exercise Center

- a) Within the Light Industrial (I1) District, the minimum square footage of the facility shall be 4,000 square feet.

8. Funeral Homes and Mortuary Establishments

- a) Minimum lot area shall be one (1) acre and minimum lot width shall be one hundred fifty (150) feet.
- b) An off-street vehicle assembly area shall be provided to be used in support of funeral processions and activities. This area shall be in addition to the required off-street parking and its related maneuvering area.

9. Garden Centers

- a) The outdoor storage or material display areas shall not be permitted in any front yard as determined by the Planning Commission. Such areas shall meet all other yard setback requirements applicable to any building in the district.
- b) All loading activities and parking areas shall be provided off-street and on the same premises.
- c) The storage of any soil, sand, mulch, or similar loosely packaged materials shall be sufficiently contained to prevent any adverse effect upon adjacent properties. The outdoor storage of fertilizers, pesticides, and other hazardous materials shall be prohibited.
- d) Decorative fences, knee walls, and other architectural features may be required by the Planning Commission for outdoor sales, display, and storage areas to assure compatibility with the existing or intended character of the general vicinity.
- e) All materials stored outdoors shall not be piled or stacked higher than the height of any garden center fencing or wall.

10. Golf Driving Ranges and Miniature Golf Courses

- a) All traffic ingress and egress shall be from a major traffic route in the City of

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Munising Comprehensive Plan, or as a local or collector street on the City's Act 51 map.

- b) Whenever any such use abuts a Residential District, a transition buffer area at least one hundred (100) feet in width shall be provided between all operations, buildings, and structures, including fences, and the residential property. Landscaping, berms, and structural screens of a type approved by the Planning Commission may be placed within the buffer strip.
- c) All buildings, uses, operations, and structures, including fences, shall be located a minimum of one hundred (100) feet from any public right-of-way. This yard shall be landscaped as determined by the Planning Commission.

11. Pet Boarding Facilities

- a) Except for the outdoor play area, the facilities must be located in a building with the pet boarding and any ancillary services being the only uses.
- b) Up to 5% of the floor area may be used for accessory retail sales.
- c) Adequate traffic circulation must be provided on-site to accommodate the frequent pickup and drop-off of animals for the facility.
- d) An outdoor play area is allowed with the following restrictions:
 - 1) Any outdoor play area shall not be any closer than one-hundred fifty (150) feet from a residential zoning district.
 - 2) Any outdoor play area shall be located in the interior side yard or rear yard.
 - 3) A maximum eight (8) foot high fence enclosure is required around the play area and surface must be easy to maintain.
 - 4) All animal waste shall be removed from the outdoor play area daily and disposed of in a sanitary manner.
- e. Pets shall not be permitted to remain outdoors overnight.

12. Storage Facilities/units

- a) Minimum lot size shall be three (3) acres.
- b) Minimum building and parking setbacks shall be fifty (50) feet from any public street right-of-way line, fifty (50) feet from any residential district and twenty-five (25) feet from any nonresidential zoning district.
- c) The front yard visible from a public right-of-way and any side or rear yards adjacent to residential districts shall include wrought iron or similar decorative fencing and landscaping as determined by Zoning Administrator or Planning Commission.
- d) The storage units shall be screened from all abutting properties using landscaping and/or walls.
- e) Building design and materials shall be compatible with the existing and intended character of the area. Building facades facing a right-of-way must consist of decorative split face block or brick, as approved by the Zoning

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Administrator or Planning Commission. All roofs must be pitched.

- f) No storage unit doors shall face a public right-of way. Walls, fences, and landscaping as determined by the Zoning Administrator or Planning Commission may be utilized to obscure views of doors from the public right-of- way.
- g) All storage shall be completely within enclosed buildings or structures, unless a separate special land use approval is granted for commercial outdoor storage on the premises, in accordance with Article 5, Division 4, Section 357, Outdoor Retail Display and Sales.
- h) Buildings shall be limited to storage only.

13. Townhouse

- a) No more than four contiguous townhouse units shall be allowed with the same setback and the same façade treatment. Variations in setback shall be at least three feet.
- b) Access. Where an improved and maintained alley is provided, all vehicular access shall be taken from the alley.
- c) Privacy. Townhouses shall have a front, side, or rear privacy yard having a minimum area of 100 square feet on each lot.
- d) Location of Common Recreation Facilities. Common recreation areas, such as a clubhouse, swimming pool, and/or tennis, volleyball, or basketball courts, shall be oriented internally or along major roadways, and away from residential development on neighboring properties. All such facilities shall be visible from and have substantial access to a street.

14. Upper floor residential dwellings

- a) Parking for residential units shall be off street and within five hundred (500) feet.
- b) Separate access shall be provided to each unit from the street.

15. Veterinary Hospitals

- a) Such facilities shall be used only for domesticated animals. Treatment or boarding of non-domesticated, wild, exotic, or vicious animals shall not be permitted.
- b) The principal buildings or structures shall be set back at least seventy-five (75) feet from the front property line; and at least two hundred (200) feet from any property line abutting a Residential District or use on the same side of the street, and at least seventy-five (75) feet from all other property lines.
- c) The Zoning Administrator or Planning Commission may permit veterinary and

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animal grooming uses as accessory uses to retail pet supply establishments.

- d) Parking lots shall be set back at least fifty (50) feet from a Residential District or use and shall be screened by a wall at least four (4) feet high with landscaping on the exterior side of the wall. The Zoning Administrator or Planning Commission may permit a landscaped berm or dense landscape buffer as an alternative to the wall.
- e) All principal use activities shall be conducted within a totally enclosed principal building; no outdoor animal enclosures or runs are permitted unless a separate special land use has been approved for a kennel under Article 5, Division 4, Section 557(12) , Kennels, or Section 544(a)(11) Pet Boarding Facility.
- f) Any indoor boarding shall be limited to that incidental to treatment or surgery unless the use has also been approved as a kennel or pet boarding facility.
- g) Such facilities shall be subject to other conditions and requirements necessary to ensure against the occurrence of any nuisance (i.e., fencing, soundproofing, sanitary requirements).
- h) All waste disposals shall meet the requirements of the Health Department of the State of Michigan.