

CITY OF ISHPEMING
ZONING ORDINANCE
#8-100

RECOMMENDED: CITY OF ISHPEMING PLANNING COMMISSION ON 3/4/19

ADOPTED: ISHPEMING CITY COUNCIL ON 4/2/19

EFFECTIVE DATE: 4/24/2019 AMENDED: 2/11/2022

CITY OF ISHPEMING ZONING ORDINANCE
MARQUETTE COUNTY, MICHIGAN

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RESERVED FOR FUTURE USE.

CITY OF ISHPEMING ZONING ORDINANCE NO. 8-100

AN ORDINANCE to repeal the February 08, 1984 Zoning Ordinance (Ordinance No. 8-100 and all amendments thereto) and to adopt a new Zoning Ordinance to establish zoning districts and provisions governing the incorporated portion of city limits of Ishpeming, P.A. 192 Marquette County, Michigan; enacted to promote the public health, safety and general welfare in accordance with the provisions of Act No. 110 (2006) of the Public Acts of Michigan, as amended [M.C.L.A. §125.3101 et. seq.]; to provide for classes of and regulations governing non-conforming uses and structures; to provide for a Zoning Administrator; to provide for a Zoning Board of Appeals and its powers and duties; to provide for the powers and duties of the City Planning Commission concerning zoning; to provide for permits and the collection of fees; to provide penalties for the violation of this Ordinance; and to provide for coordination with other ordinances of the City of Ishpeming.

See also: Ishpeming Ordinances: 8-300 Regulating Lot Splits; **8-400 Sign Ordinance**;
8-500 Protection of Groundwater Resources; and **8-600 Fence Ordinance**.

THE CITY OF ISHPEMING, MARQUETTE COUNTY, STATE OF MICHIGAN, HEREBY ORDAINS:

1.0 SECTION 1: PURPOSE

The primary purpose of this Ordinance is to promote the public health, safety, and general welfare of the inhabitants of the City, and this Ordinance is enacted in compliance with all of the requirements of Act No. 110, P.A. 2006, as amended, of the State of Michigan.

2.0 SECTION 2.0: SHORT TITLE

This Ordinance shall be known and may be cited as the City of Ishpeming Zoning Ordinance.

3.0 SECTION 3.0: DEFINITIONS

For the purpose of this ordinance, certain terms or words used herein shall be interpreted as follows: all words used in the present tense shall include the future; all words in the singular number include the plural number and all words in the plural number include the singular number. The word "building" includes the word "structure" and "dwelling" includes "residence", the word "person" includes "corporation", "co-partnership", as well as an "individual"; the word "shall" is mandatory and not merely directory and the word "may" is permissive. Terms not herein defined shall have the meaning customarily assigned to them or as defined in Act No. 110, P.A. 2006, as amended.

Abutting: Having a property line or district line in common.

Access: A way or means of approach to provide vehicular or pedestrian entrance or exit to a property from an abutting property or a public roadway.

Access Management: The process of providing and managing reasonable access to land development while preserving the flow of traffic in terms of safety, capacity and speed on the abutting roadway system.

Accessory Building: See Building, Accessory.

Accessory Use: (Customary) A use naturally and normally incidental and subordinate to the permitted use of the premises.

Adult Foster Care Family Home: A private residence licensed under P.A. 218 of 1979, as amended, with the approved capacity to receive six or fewer adults who are provided with foster care for five or more days a week, and for two or more consecutive weeks, for compensation. The adult foster care home licensee must be a member of the household and an occupant of the residence.

Adult Foster Care Small Group Home: A facility licensed under P.A. 218 of 1979, as amended, with the approved capacity to receive 12 or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for 24 hours a day, five or more days a week, and for two or more consecutive weeks, for compensation.

Adult Foster Care Large Group Home: A facility licensed under P.A. 218 of 1979, as amended, with the approved capacity to receive at least 13 but not more than 20 adults who are provided supervision, personal care, and protection in addition to room and board, for 24 hours a day, five or more days a week, and for two or more consecutive weeks, for compensation.

Agriculture: The production of plants and animals useful to humans, including forages and sod crops; grains, feed crops, and field crops; dairy and dairy products; poultry and poultry products; livestock, including breeding and grazing of cattle, swine, captive cervidae, and similar animals; berries; herbs; flowers; seeds; grasses; nursery stock; fruits; vegetables; Christmas trees; and other similar uses and activities.

Alley: Any dedicated public way, which is not a street, affording a secondary means of vehicular access to abutting property, and not intended for general traffic circulation.

Alterations: Any change, addition or modification to a structure or to the type of occupancy or use of a structure or land, or any change in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as "altered" or "reconstructed" or "changed".

Apartment: A dwelling unit in a "Dwelling, Multiple Family" as defined herein.

Assisted Living Facility: A residence for individuals that provides rooms, meals, and personal care. Other services, such as recreational activities, financial services, and transportation, may also be provided.

Auction Facility: A facility which conducts a public sale or sales of goods, property, or merchandise, typically with the item(s) being sold to the highest bidder.

Automobile: A self-propelled, free-moving vehicle, with four wheels, usually used to transport not more than six passengers and licensed by the appropriate state agency as a passenger vehicle.

Automotive Repair Garage: A premise where one or more of the following services may be carried out in a completely enclosed building: general repairs, engine rebuilding, rebuilding or reconditioning of automobiles; auto glass work, collision service such as body, frame or fender straightening and repair; painting and undercoating of automobiles. Retail sale of motor fuels, lubricants and accessories may also occur on these premises, as permitted by the Zoning District.

Automobile Wash Facility: A structure containing facilities for washing automobiles, including automatic or self-service applications of cleaning solutions, water, wax and/or heat for drying.

Basement: That portion of a building which is partly or wholly below grade, but so located that the vertical distance from average grade to the floor is greater than the vertical distance from the average grade to the ceiling. If the vertical distance from the grade to the ceiling is over five feet, such basement shall be rated as a first story.

Bed and Breakfast: A single-family detached dwelling, containing four or fewer sleeping rooms available for rental to transient tenants for less than 15 consecutive nights. Guest accommodations shall be subordinate to the principal use of the dwelling as a single-family residence. Breakfast shall be served to guests at no additional cost; other meals may be served in accordance with P.A. 112 of 1987, as amended.

Billboard: **(See Ishpeming Ordinance No. 8-400, Sign Ordinance.)**

Boarding House: A dwelling occupied in such a manner that certain rooms in excess of those used by the members of the immediate family are leased or rented to persons outside of the family, without any provision for cooking or kitchen accommodations for individuals leasing or renting rooms.

Buildable Area: The area of a lot remaining after the minimum yard and open space requirements of the zoning ordinance have been met.

Building: A structure, a mobile home or mobile structure, a pre-manufactured or pre-cut structure, above or below ground, designed primarily for the shelter, support or enclosure of persons, animals or property.

Building, Accessory: A building or structure customarily incidental and subordinate to the principal structure or to the use of the land and located on the same ownership as the principal building or use, that may be used for a permitted use or a customary accessory use. Except as otherwise permitted by this Ordinance, an accessory building shall not be used for human habitation. Shipping containers, cargo containers, PODS, and semi-trailers are prohibited in all zoning districts except the Industrial and Mining Districts.

Building, Height Of: The elevation measured from the average finished lot grade at the front of the building to the highest point of the structure. (See illustration next page.)

Building Line: A line parallel to the street touching that part of a building closest to the street.

Building(s), Main: (a) Any individual structure which contains one or more principal or conditional uses. (b) The separate structures on a single site, in which one or more principal or conditional uses are located.

Building - Non-conforming: See Non-conforming Building or Structure.

**BUILDING HEIGHTS
Illustrated**



MANSARD ROOF



HIP ROOF



GAMBREL ROOF



GABLE ROOF

H = HEIGHT OF BUILDING

Business Services: Establishments primarily engaged in rendering services to business establishments on a fee or contract basis, such as advertising and mailing; building maintenance; employment services; management and consulting services; protective services; equipment rental and leasing; commercial research; development and testing; photo finishing; and personal supply services.

Campground: A plot of ground upon which two or more campsites are located, established, or maintained for occupancy by camping units as temporary living quarters for recreation, education, or vacation purposes.

Change of Use: Any use that substantially differs from the previous use of a building or land.

Child Care Center: (Also known as a Day Care Facility): A facility, other than a private residence, receiving one (1) or more preschool or school age children for care for periods of less than twenty-four (24) hours a day, and where parents or guardians are not immediately available to the child. Child care center or day care center includes a facility that provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. Child care centers are licensed by the State of Michigan under Public Act 116 of 1973, as amended. Child care center or day care center does not include:

- a. A Sunday School, a vacation bible school, or a religious instruction class that is conducted by a religious organization where children are in attendance for not more than three (3) hours per day for an indefinite period, or not more than eight (8) hours per day for a period not to exceed four (4) weeks during any twelve (12) month period.
- b. A facility operated by a religious organization where children are cared for not more than three (3) hours while parents or guardians attend religious worship services.

Church: (See Religious Institution)

Clinic, Animal: A building where animal patients, which may or may not be lodged overnight, are admitted for examination and treatment by a veterinarian or similar professionals.

Clinic, Medical: An establishment where patients are admitted for examination and treatment on an outpatient basis by one or more physicians, dentists, other medical personnel, psychologists, or social workers and where patients are not usually lodged overnight.

Club: An organization catering exclusively to members and their guests on premises and buildings for recreational, artistic, political, or social purposes which are not conducted primarily for financial gain and which do not provide merchandise, vending, or commercial activities, except as required incidentally for the membership and purpose of such club.

Co-location: The use by two or more wireless communication providers and/or two or more antennas on a common structure, tower, or building.

Common Open Space: Land within or related to a development, not individually owned, that is designed and intended for the common use or enjoyment of the residents and their guests of the development or the public at large if dedicated to and accepted by the public, and may include such complementary structures and improvements as are necessary, appropriate and approved as part of the development according to the requirements of this Ordinance.

Common Use Riparian Lot: Property which abuts a lake or a navigable tributary which provides lake access to owners or occupants of nearby property, which does not abut the lake.

Communication Tower: A structure including but not limited to monopole, skeleton framework, or other design which is attached directly to the ground or to another structure which supports one or more antennae, used for the transmission or reception of radio, television, microwave, or any other form of telecommunications signals.

Condominium: A building or group of buildings, in which dwelling units, offices, or floor area are owned individually, and the common areas, facilities, and in some cases structures are owned by all the owners on a proportional, undivided basis.

- a. Common elements means the portions of the condominium other than the condominium units.
- b. Condominium Act means Public Act No. 59 of 1978 (MCL 559.101 et seq.) and includes all addressed definitions and terms.
- c. Condominium subdivision means a subdivision as defined by the State of Michigan.

Condominium, Site: Means for the purposes of this ordinance, a site condominium is a subdivision of land created and recorded pursuant to the Condominium Act (P.A. 59 of 1978, as amended), and the provisions of this ordinance, containing two or more units of land designed and intended for separate ownership and use, and which may or may not contain general and limited common elements. Except as otherwise specifically provided, a condominium unit is not a "lot" or "parcel" as those terms are used in this ordinance.

Condominium Unit: That portion of the condominium project designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational time-share, or any other type of use.

Conservation Easement: The grant of a property right requiring that the described land will remain in its existing natural state in perpetuity. Also means that term as defined in Section 2140 of the Natural Resources and Environmental Protection Act, P.A. 451 of 1994 when applied to a cluster development or open space development.

Contractor Yard: An area intended for the storage of materials and equipment used for construction, road building and forestry operations.

Convenience Mart: A retail establishment offering for sale prepackaged food products, household items, newspapers and magazines, alcoholic and non-alcoholic beverages and sandwiches and other freshly prepared foods, for both off-site or on-site consumption with limited indoor/outdoor seating, along with the retail sale of fuel and other operating commodities for motor vehicles.

Cultural Facilities: Establishments that document the social, intellectual and artistic manifestations that characterize a society, and include museums, art galleries, and similar facilities of historical, educational or cultural interest.

Deed Restriction (Also Restrictive Covenant): A restriction on the use of a lot or parcel of land that is set forth in the deed and recorded with the County Register of Deeds. It is binding on subsequent owners and is sometimes also known as a restrictive covenant. Unless the City, Township or County has an ownership interest in the property, a deed restriction is enforced by only the private parties to the agreement, not by the City, Township or the County.

District: A portion of the City within which certain regulations and requirements or various combinations thereof apply uniformly under the provisions of this ordinance.

Driveway: A passage for vehicles which provides access to a parcel or premises which is built in accordance with generally accepted construction practices sufficient to provide all-season passage for emergency vehicles and fire trucks. This passageway is to be of 14' minimum width, primarily for use by motor vehicles, over private property, loading from a street, other public way, or private road to a garage or parking area. A horseshoe shape drive or a "T" shape drive located within a front yard is included within this definition. ***In the event the passageway is more than one hundred fifty (150') feet in throat length from a public Right-of-Way to the dwelling, a perpetual Hold-Harmless agreement protecting the City of Ishpeming is to be recorded prior to home occupancy in the event that weather events prevent access by emergency service providers (fire, police, EMS).***

Dwelling, Multiple Family: A building containing three or more dwelling units designed for residential use and conforming in all other respects to the standards set forth in **Section 22.6.**

Dwelling, Single Family: A building containing not more than one dwelling unit designed for residential use, complying with the standards set forth in **Section 22.6.**

Dwelling, Two Family: A building containing not more than two separate dwelling units designed for residential use, complying with the standards set forth in **Section 22.6.**

Dwelling, Upper Floor Commercial: A dwelling unit located in the upper floors of a commercial establishment, with an outside entrance allowing the occupants to come and go without entering the commercial establishment. The separate outside entrance shall not be necessary for approved live-work land uses. There may be more than one dwelling unit associated with a single commercial establishment.

Easement: A right-of-way granted, but not dedicated, for limited use of private land for private, public or quasi-public purpose, such as for franchised utilities, a conservation easement or an access easement for a private road or service drive, and within which the owner of the property shall not erect any permanent structures.

Essential Services: Means the erection, construction, alteration or maintenance by public utilities or municipal departments, authorities of overhead, surface, or underground gas, electrical, telephone, cable, steam, fuel, T.V. cable, or water transmission or distribution systems; collection, communication, supply or disposal systems, including towers, poles, wires, mains, drains, hydrants, and similar accessories in connection therewith, but not including buildings over 250 square feet in area necessary for the furnishing of such services.

Excavation: Removal or recovery by any means whatsoever of soil, rock, minerals, mineral substances, or organic substances, other than vegetation, from water or land, on or beneath the surface thereof, whether exposed or submerged.

Family: One or more persons occupying a single dwelling unit, provided that unless all members are related by blood or marriage, no such family shall contain over four persons, but further provided that domestic servants employed and housed on the premises shall not be counted as a family or families.

Family Day Care Home: A private home in which more than one but less than seven minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or guardian, except children related to an adult member of the family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four weeks during a calendar year, or a home licensed by the Michigan Department of Social Services as a Family Day Care Home.

Farm: A farm is an establishment engaged in growing and harvesting crops, sod, plants, trees, shrubs, nursery stock; an establishment engaged in dairying, the maintaining or the raising of livestock or poultry, the keeping of horses, small livestock, as well as other similar enterprises or uses.

A farm includes farm buildings such as barns, greenhouses, apiaries and/or other similar structures.

A farm's land area includes all of the contiguous neighboring or associated land operated as a single unit on which bona fide farming is carried on directly by the owner-operator, manager or tenant farmer, by his own labor or with the assistance of members of his household or hired employees.

Fast Food Restaurant: An establishment whose principal business is the sale of pre-prepared or rapidly prepared food directly to the customer in a ready-to-consume state for consumption within the restaurant building, in cars on the premises, and/or off the premises. Often includes drive-through service.

Fence, Screening: A structure of definite height and location, maintained to allow 20% passage of light and to screen and separate a use from adjacent property. A screening fence shall be an obscuring fence not less than four feet (4') nor more than six feet (6') in height. [See Ishpeming Fence Ordinance 8-600.](#)

Floodplain: Means those areas of land adjacent to the rivers, and other water courses of the City, subject to seasonal or periodic flooding.

More particular definitions of floodplain are the 100 year or 500 year floodplains as defined and mapped, delineating the respective flood elevations and geographic areas of flooding under the U.S. Federal Emergency Management Agency's national flood insurance program.

Floor Area: The total gross area of all floors, as measured to the exterior surfaces of exterior walls.

Floor Area, Usable: Measurement of usable floor area shall be the sum of the horizontal areas of all floors occupied by a single occupant or shared by a distinct group of occupants measured from the interior faces of the exterior walls. Such floor area, which is used or intended to be used for the storage or processing of merchandise, for hallways, stairways and elevator shafts, or for utilities or sanitary facilities shall be excluded from this computation of "usable floor area." For the purposes of computing parking

for those uses not enclosed within a building, the area used for the sale of merchandise, display of merchandise, and/or area used to serve patrons or clients shall be measured to determine necessary parking spaces.

Foster Family Home (private home): A private residence (dwelling) in which the licensee or registrant permanently resides as a member of the household, which residency is not contingent upon caring for children or employment by a licensed or approved child placing agency. Private home includes a full-time foster family home, a full-time foster family group home, or a family day care home, as follows:

- a. "Foster family home" is a private home (dwelling) in which one (1) but not more than four (4) minor children, who are not related to an adult member of the household by blood, marriage, or who are not placed in the household pursuant to the adoption code (MCL 710.21-710.70) are given care and supervision for 24 hours a day, for 4 or more days a week, for 2 or more consecutive weeks, unattended by a parent or legal guardian.
- b. "Foster family group home" means a private home in which more than four (4) but fewer than seven (7) minor children, who are not related to an adult member of the household by blood, marriage, or who are not related to an adult member of the household by blood, marriage, or who are not placed in the household pursuant to the adoption code (MCL 710.21-710.70) are provided care for 24 hours a day, for 4 or more days a week, for 2 or more consecutive weeks, unattended by a parent or legal guardian.

Frontage: The total continuous length of the front lot line.

Frontage Road or Front Service Drive: A local street/road or private road typically located in front of principal buildings and parallel to an arterial for service to abutting properties for the purpose of controlling access to the arterial.

Garage: A detached accessory building or portion of the main building used for parking or storage of not more than three (3) automobiles in connection with the permitted use of the main building.

Grade Level: A reference plane representing the average or finished ground level adjoining the building at all exterior walls.

Greenbelt: An open area that may be cultivated and/or maintained in a natural state surrounding development and used as a buffer and/or screen between land uses or to mark the edge of an urban or developed area.

Group (child) Day Care Home: A private home (dwelling) in which more than six (6) but not more than twelve (12) minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year. Group day care homes are licensed by the State of Michigan under Public Act 116 of 1973, as amended.

Home Occupation: An occupation or profession, carried on in a dwelling unit by members of the immediate family residing on the premises, which is clearly incidental or secondary to the principal use of the dwelling.

(See Section 25.4, A-3.)

Junk: Any scrap, waste, reclaimable material, or debris for sale or in the process of being dismantled, destroyed, processed, salvaged, stored, baled, disposed, or otherwise used or disposed of.

Junkyard (Recyclable Material Merchant Wholesalers – NAICS): An open area greater than 200 feet square in size, where junk or second hand materials are bought and sold, exchanged, stored, baled, packed, disassembled, handled or abandoned, including, but not limited to, scrap iron and other metals, paper, rags, and bottles. Junkyards include automobile wrecking yards, but do not include uses established entirely within enclosed buildings.

Kennel: Any lot or premises on which three or more dogs and/or three or more cats which are more than six months of age and which are either permanently or temporarily kept.

Kennel, Commercial: An establishment in which three or more dogs and/or cats more than six months of age are housed, groomed, bred, boarded, trained, and/or sold, primarily for financial gain.

Land Use: A description of how land is occupied or utilized.

Landscaping: The treatment of the ground surface with live, organic, or synthetic materials such as, but not limited to, grass, ground cover, crushed stone, trees, shrubs, vines and other growing or synthetic horticultural material. Structural features such as fountains, shadow pools, statues, garden walls, pathways, benches and the like shall also be considered elements of landscaping, but such structural features alone shall not meet the spirit and intent of landscaping requirements.

Live/work unit or live/work space: A structure or portion of a structure that combines a commercial or manufacturing activity allowed in the zone with a residential living space for the owner of the commercial or manufacturing business, or the owner's employee, and that person's household.

Living Fence: A fence of living hedges, bushes or shrubs, which shall not exceed the eave height of the dwelling roof between the front line of the dwelling and the rear property line as defined in the Zoning Ordinance. Dead or diseased hedges, bushes or shrubs shall be removed. (See Ishpeming Ordinance No. 8-600, Fence Ordinance.)

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

Long-Term Care Facility: An institution or a distinct part of an institution that is licensed or approved to provide health care under medical supervision for 24 or more consecutive hours to two or more patients who are not related to the governing body or its members by marriage, blood or adoption. Such facilities include nursing homes, hospices, etc.

Lot: The word "lot" shall include a plot or parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area to provide such yards and other open spaces as are herein required. Such a lot shall have its front line abutting a public or private street, and may consist of (1) a single lot of record; (2) a portion of a lot of record; (3) a combination of complete lots of record, complete lots of record and portions of lots of record, or of portions of lots of record; or (4) a parcel of land described by metes and bounds.

Lot, Corner: Any lot having frontage on two intersecting streets or upon two portions of a turning street where the angle of intersection is less than 145 degrees.

Lot, Depth: The horizontal distance between the front lot line and the rear lot line, with the measurement taken along a line that is equal distance between the two side lot lines.

Lot, Interior: Any lot other than a corner lot.

Lot Lines: The line bounding a lot as defined herein: (1) Lot Line, Front: That line separating the lot from the right-of-way; in the case of a through lot, the lines separating the lot from each right-of-way; in the case of a corner lot, one such front line may be designated as a side lot line. (2) Lot Line, Rear: A lot line which is opposite the front lot line. In the case of a corner lot, the rear lot line shall be opposite either front lot line, but there shall only be one rear lot line. (3) Lot Line, Side: Any lot line not a front lot line or not a rear lot line.

Lot, Non-conforming: (See Non-conforming Lot.)

Lot of Record: A lot which is part of a recorded plat or a lot or parcel described by metes and bounds, the deed to which is recorded in the office of the County Register of Deeds at the time of adoption of this ordinance.

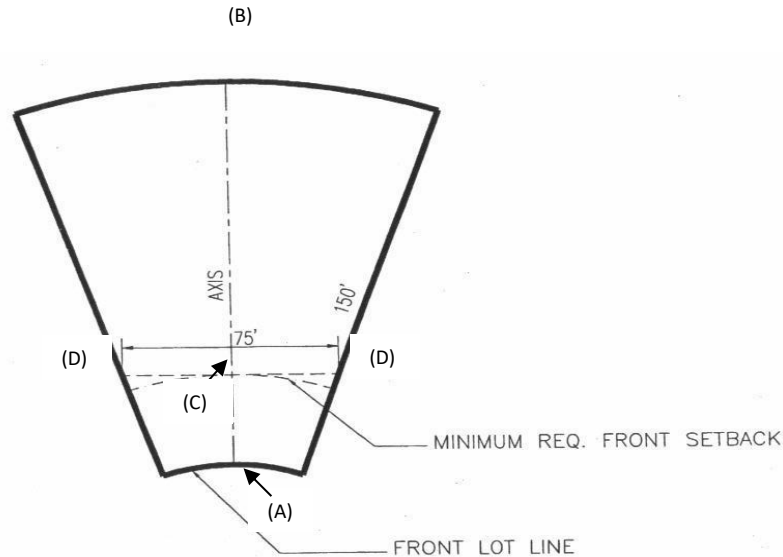
Lot Width: For a common rectangular lot □, lot width is the straight-line horizontal distance between the side lot lines measured at the two (2) points where the minimum required front setback line intersects with the side lot lines (measure side to side at the front setback).

If the side lot lines are not parallel \/, then;

- Step 1. Start with the axis line of the lot, measuring from the midpoint of the front lot line (A), to the midpoint of the rear lot line (B).
- Step 2. Measure the required front setback distance along the axis line, to point (C).
- Step 3. Draw a line at a right angle (90°) from the axis line at point (C).

(LOT WIDTH CONTINUED ON NEXT PAGE)

Step 4. Lot width is measured along the line in Step 3 where it intersects the side lot lines at points (D). (See illustration below)



Main Building: A building in which is conducted the principal use of the lot upon which it is situated.

Manufactured Home: A dwelling unit which is designed for long-term residential occupancy and is wholly or largely fabricated at an off-site location.

Manufactured Home Condominium Projects: A parcel of land under joint ownership which has been planned and improved for the placement of manufactured or mobile homes for non-transient use, upon individual, separate Condominium Unit envelopes which meets the minimum lot width and area requirements for the zoning district in which it is located.

Manufactured Home Lot or Site: A parcel of land for the placement of a single manufactured or mobile home and exclusive use of its occupants within a licensed manufactured or mobile home community (previous term "park"), a condominium project or subdivision project or development which meets the minimum lot width and area requirements for the zoning district in which it is located.

Manufactured Home Stand: That part of an individual lot which has been reserved for the placement of the manufactured or mobile home, appurtenant structures or additions.

Manufactured Home Subdivision: A parcel of land under single ownership which has been planned and improved for the placement of manufactured or mobile homes for non-transient use on individual lots and for the purpose of selling the lots which meets the minimum lot width and area requirements for the zoning district in which it is located.

Manufactured Housing: A structure prefabricated in part or total which meet the HUD Code (42 USC Sec 5401), transportable in one or more sections, which is built on a chassis and designed to be used with or without a permanent foundation as a dwelling unit when connected to required utilities, and the plumbing, heating/air conditioning and electrical systems contained within the structure.

Manufactured Housing Community: A parcel or tract of land under the control of a person upon which three (3) or more manufactured homes are located on a continual non-recreational basis and which are offered to the public for that purpose. A recreational vehicle park or campground is not a manufactured home community which meets the minimum lot width and area requirements for the zoning district in which it is located. The older term “mobile home park” is often used by individuals as an equivalent term.

Manufactured Housing Community License: A written license issued by the Manufactured Housing Commission allowing a person to operate and maintain a manufactured housing community under the provisions of Michigan Public Acts 96 of 1987, as amended, and this Ordinance and regulations issued hereunder.

Marijuana or Marihuana: means that term as defined in the Public Health Code, MCL 333.1101 et seq.; the MMA, MCL 333.26421 et seq.; the MFLA, MCL 333.27101 et seq.; the MTA, MCL 333.27901 et seq. and the MRTMA, MCL 333.27901 et seq. Marijuana means all *parts of the plant of the genus Cannabis, growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin, including marijuana concentrate and marijuana-infused products. Marijuana does not include any of the following: (i) The mature stalks of the plant, fiber produced from the mature stalks, oil or cake made from the seeds of the plant, or any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks; (ii) Industrial hemp; (iii) Any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink or other products.*

Marijuana provisioning center: means a licensee that is a commercial entity located in Michigan that purchases marijuana from a grower or processor and sells, supplies, or provides marijuana to registered qualifying patients, directly or through the patients’ registered primary caregivers. Provisioning center includes any commercial property where marijuana is sold at retail to registered qualifying patients or registered primary caregivers. A noncommercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver in accordance with the MMA, MCL 333.26421 et seq., is not a provisioning center for purposes of this article.

Marijuana Retailer: means a person licensed to obtain marijuana from marijuana establishments and to sell or otherwise transfer marijuana to marijuana establishments and to individuals who are 21 years of age or older.

Master Plan: The comprehensive plan including graphic and written proposals indicating the general location for streets, parks, schools, public buildings and all physical development of the City of Ishpeming and includes any unit or part of such plan, and any amendment to such plan or parts thereof.

Membership Organizations: Membership Organizations include community service clubs, lodges, church halls, catering or rental halls, fraternal organizations, and the like.

Membrane Storage Structure: An accessory structure consisting of a frame that is covered with a plastic, fabric, canvas, aluminum or similar non-permanent material, which is used to provide storage for vehicles, boats, recreational vehicles or other personal property. The term shall also apply to structures commonly known as hoop houses, canopy covered carports and tent garages, but shall not apply to boat lifts and canopies that are placed in public waters and temporary tents or canopies used for special

events such as weddings or graduations, and shall not apply to greenhouse structures used to shelter the growing of crops, flowers, and/or other plants or vegetation.

Mining - Abandonment: Termination of mining operations, or cessation of use of the mining area or any portion thereof, with intent not to resume.

Mining Area: An area of land from which material is hereafter removed in connection with the production or extraction of minerals by mining methods, the lands on which material from such mining is hereafter deposited, the lands on which beneficiating or treatment plants in auxiliary facilities are hereafter located, lands in which the water reservoirs used in the mining process are hereinafter located, and auxiliary lands which are hereafter used in connection with all of the foregoing.

Mining - Lean Ore: A mineral which is not recoverable under existing economic conditions or technology.

Mining - Overburden Slopes: Earth materials, including sand, gravel, and clay, lying above the bedrock.

Mining - Reclamation: The reconditioning or rehabilitation of the mining area or portions thereof for useful purposes and the protection of the natural resources, including the control of erosion and the prevention of land or rock slides and air and water pollution.

Mining - Rock Stockpiles: Material including, but not limited to, surface overburden, or rock or lean ore, which in the process of mining or beneficiation or treatment has been removed from the earth and stored on the surface thereof, but excluding therefrom materials which are in the course of being treated in the production of mineral products and the mineral product which has been produced by such operation.

Modular (Pre-Manufactured) Housing Unit: A dwelling unit constructed solely within a factory, as a single unit, or in various sized modules or components, which are then transported by truck or other means to a site where they are assembled on a permanent foundation to form a single-family dwelling unit, and meeting all codes and regulations applicable to conventional single-family home construction.

Motel: A series of rental units, each containing at least a bedroom and bathroom, provided for compensation to the traveling public for overnight lodging.

Motor Home: A self-propelled, vehicle licensed to be operated on public roads, which vehicle is built upon a chassis (or equivalent), and is intended for recreation activities and only temporary occupancy.

NAICS Code: North American Industrial Classification System (NAICS) is used by business and government to classify business establishments according to type of economic activity (process of production) in Canada, Mexico, and the United States of America. The code system uses from two (2) to six (6) digits with attached descriptions. Two (2) digits and the attached description identify a general industrial sector (e.g. eleven (11) is used for "Agriculture, Forestry, Fishing and Hunting". Six (6) digits and the attached description identify a much more specific industry (e.g. 111219 is used for "Other Vegetable (except Potato) and Melon Farming". All industries within North America are broken down into one of twenty major sectors.

Noise: Sound vibrations, which either annoys, injures, or endangers the comfort, repose, health, or safety of a person(s), unless the making and continuing of the noise is necessary for the protection or preservation of property or the health, safety, life or limb of a person(s).

Non-conforming: A lot, (area, dimensions or location of which) was lawful prior to the adoption, revision or amendment of the zoning ordinance, but which fails by reason of such adoption, revision or amendment to conform to the present requirements of the zoning district. (See Section 24.0)

Non-conforming Building or Structure: A building or structure, the size, dimensions or location of which was lawful prior to the adoption, revision or amendment to a zoning ordinance, but which fails by reason of such adoption, revision or amendment, to conform to the present requirements of the zoning district. (See Section 23.0)

Non-conforming Lot: A lot, the size, width or other characteristic of which fails to meet requirements of the Zoning District in which it is located and which was conforming ("of record") prior to enactment of this ordinance.

Non-conforming Sign: (See Section 13.0 Non-conforming Signs and Abandoned Signs – Ordinance No. 8-400 Sign Ordinance.)

Non-conforming Use: A use or activity which was lawful prior to the adoption, revision or amendment of a zoning ordinance, but which fails, by reason of such adoption, revision or amendment, to conform to the present requirements of the zoning district. (See Section 23.0)

Nuisance: Any act, thing, condition, land, building or premises which annoys, injures or endangers the public health, safety, comfort, offends public decency, or in any way renders the public insecure in life or property.

Nursery: An establishment where flowers, shrubs, trees or other plants are raised and/or offered for sale. A nursery may include a greenhouse, but also includes unenclosed areas used for growing and/or displaying plants for sale. Sales of related items, such as fertilizers, landscaping materials, etc. may be included when clearly related to the principal use of growing and/or selling plants.

Nursing Home, Convalescent Home, or Home for the Aged: A home for the care of children, or the aged, or infirm, or a place of rest for those suffering bodily disorders, and licensed or required to be licensed by the State of Michigan, but not including housing for the elderly where such persons live independently in individual apartment units, and not including a hospital or mental health center.

Occupancy: The residing of an individual or individuals overnight in a dwelling unit, or the installation, storage, or use of equipment, merchandise or machinery in any public, commercial or industrial building.

Open Space: Any area of a site which is not covered by a structure, is not included in required parking area, and is available for use by residents and visitors. (See Section 20.5 for Open Space Requirements for PUD.)

Ordinary High Water Mark: The line between upland and bottomland that persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil, and the vegetation. On an inland lake that has a level established by law, it means the high established level. Where water returns to its natural level as the result of the permanent removal or abandonment of a dam, it means the natural ordinary high-water mark.

Outdoor Wood Furnace: means a fuel-burning device that is designed to burn clean wood or other approved solid fuels and is not located in a building intended for habitation by humans or domestic animals; and heats building space and/or water through the distribution, typically through pipes, of a fluid heated in the device.

Parking Lot: A hard surfaced, dust free area with well-defined entrances and exits and lanes for unencumbered access to vehicle parking spaces.

Parking Spaces: A defined area of at least 9' x 18' for the storage or parking of a single permitted vehicle. This area is to be exclusive of drives, driveways, aisles or entrances giving access to the space from the public right-of-way.

Performance Guarantee: Cash, completion bond, certified check, irrevocable bank letter of credit or other financial security acceptable to the City as assurance that required improvements or conditions associated with project approval are properly built or conformed with.

Permitted Use: Any use allowed in a zoning district and subject to the regulations applicable to that zoning district.

Permit, Building: Authorization granted by the County building official to erect, alter, enlarge, or relocate a structure.

Person: An individual, partnership, association, trust, or corporation, or any other legal entity or combination of legal entities.

Personal Use Landing Field: Any location, either on land or water, which shall be used for landing or take-off of aircraft with safety, solely for the use of the owner of the property, and which is not equipped with commercial facilities for the shelter, supply or repair of aircraft.

Planned Unit Development (PUD): A form of development usually characterized by a unified site design for a number of housing units, clustering buildings and providing common open space, density increases and a mix of building types and land uses. This development must meet all requirements of the Planned Unit Development District, and any additional requirements placed upon it by the Planning Commission.

Planning Commission: The City of Ishpeming Planning Commission.

Plat: A map of a subdivision of land recorded with the County Register of Deeds pursuant to Public Act 288 of 1967, or a prior statute.

Porch, Open: Roofed open area, which may be screened, usually attached to or part of and with direct access to or from a building. A porch becomes a room (and no longer a porch) when the enclosed space is heated or air conditioned and when the percentage of window area to wall area is less than fifty (50%) percent.

Premises: A lot, parcel, tract or plot of land together with the buildings and structures thereon.

Rear Service Drive: A local street/road or private road typically located behind principal buildings and parallel to an arterial for service to abutting properties for the purpose of controlling access to the arterial.

Recovery House: A residence providing a structured treatment program for up to four (4) adult individuals voluntarily recovering from addiction to alcohol and/or drugs.

Recreation Facility: A place designed and equipped for the conduct of sports and leisure-time activities.

Recreational Vehicle: A vehicular-type portable structure without permanent foundation that can be towed, hauled, or driven and primarily designed as a temporary living accommodation for recreational, camping and travel use and including, but not limited to, travel trailers, truck campers, camping trailers and self-propelled motor homes.

Recreational Vehicle Park: Any lot or parcel of land upon which two or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes.

Religious Institution: A building or structure, or groups of buildings or structures, that by design and construction are primarily intended for conducting organized religious services and associated accessory uses.

Resort: A place of typically seasonal entertainment, recreation and/or lodging. Resort lodging, if provided, may include hotels, motels, single or multiple-family residential, dwelling units, cottages, cabins, campgrounds, bed and breakfasts, or some combination, as regulated by appropriate sections of this Ordinance.

Right-of-Way (R.O.W.): A street, alley, or other thoroughfare or easement permanently established for passage of persons, vehicles, or the location of utilities. The right-of-way is delineated by legally established lines or boundaries.

Riparian Lot: Lake front property or other property on a navigable tributary of a lake which is used to access a lake exclusively by the owner or occupant of the property.

Riparian Owner: A person whose property adjoins a lake or who has rights of access to a lake because of a recorded instrument granting such rights.

Riparian Rights: Those rights which are associated with the ownership of the bank or shore of an inland lake or stream.

River's Bank: The edge or crest of the elevated segment of shoreline above the river, which inclines steeply on the water side.

Road, Private: A privately owned road, lane, trail serving more than two lots not used as a through fare, but used to access private residences. (See Section 22.15)

Road, Public: A road dedicated to the public, such dedication having been accepted by the City of Ishpeming, the Marquette County Road Commission or the Michigan Department of Transportation, and which meets the minimum construction standards of said City, County or State entity.

Run-off: Water from rain or melting snow that flows over the surface of the ground and eventually draws into nearby water bodies.

Salvage Yard: A location where new or used materials, including waste, surplus, or discarded or salvaged parts thereof, are bought, sold, exchanged, stored, baled, cleaned, packed, disassembled or handled, also including house wrecking and structural steel materials and equipment.

Same Ownership: Properties owned by the same individual, corporation, partnership, or other entity, or if one property is owned by any corporation that controls, is controlled by, or is under common control with the owner of the other property, or is owned by any corporation resulting from a merger or consolidation with the other property owner, or is owned by any subsidiary or affiliate of the other property owner, or is owned by any joint venture of which the other property owner is a partner.

Setback, Required: The minimum horizontal distance between a front, rear or side lot line and a building line required to comply with required yard provisions of this Ordinance.

Sexually Oriented Business (SOBS): Any adult arcade, adult body painting studio, adult bookstore, adult cabaret, adult carwash, adult hotel or motel, adult motion-picture theater, adult mini-motion picture theater, adult massage parlor, adult health/sport club, adult sauna/steam room/bathhouse, adult companionship establishment, adult novelty business, adult modeling studio, sexual encounter center and other premises, establishments, businesses, or places open to some or all members of the public in which there is an emphasis on the presentation or display, depiction or description of “specified anatomical areas” or “specified sexual activities” which the public could see. This definition does not apply to the practice of medicine, surgery, osteopathy, chiropractic, physical therapy, or podiatry by state-licensed or -registered persons. Activities defined as obscene by Michigan 1984 PA 343 are not lawful and are not included in the definitions of adult uses. **See Section 25.4 C.2.b.**

Sight Distance: The distance of unobstructed view for the driver of a vehicle, as measured along the normal travel path of a roadway to a specified height above the roadway.

Sign: Means a name, identification, image, description, display or illustration which is affixed to, printed, or represented directly or indirectly upon a building, structure, or piece of land, and which directs attention to an object, product, event or attraction, person, institution, organization, or business and which is visible from any street, right-of-way, sidewalk, alley, park or other public property. Customary displays or merchandise or objects and material placed behind a store window are not signs or parts of signs. **[See Ordinance No. 8-400, Sign Ordinance].**

Site Plan: A plan showing all salient features of a proposed development, so that it may be evaluated in order to determine whether it meets the provisions of this Ordinance.

Ski Resort: (See Resort).

Spot Zoning: Rezoning of a lot or parcel of land to benefit an owner, resulting in a use incompatible with surrounding land uses and which is inconsistent with local plans and policies.

State Licensed Residential Facility: A structure constructed for residential purposes that is licensed by the state pursuant to Act No. 287 of the Public Acts of 1972, as amended, which provides resident services for six (6) or less persons under 24-hour supervision or care for persons in need of that supervision or care.

Story: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it and including those basements used for the principal use.

Street: A public thoroughfare, other than an alley, which affords the principal means of vehicular access to abutting property and which has been officially accepted as a public street or thoroughfare. A street includes the entire road right-of-way and any improvements constructed thereon.

In the case of a “site condominium,” as defined and as regulated by this ordinance, the principal means of access to abutting “units of ownership” may be provided by a public street.

Structural Alterations: Means any change in the supporting members of a building or structure, such as bearing walls, columns, beams or girders, or any substantial change in the roof, or any additional floor space added to the building.

Structure: Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground, including commercial advertising signs.

Structure Height: For all structures other than buildings, the vertical distance measured from the finished grade to the highest point of the structure. For buildings, see “Building, Height of” and illustrations on pages 3 and 4.

Subdivision: The division of a lot, tract, or parcel of land into one or more lots for the purpose of sale or development, and subject to the requirements of the Land Division Act, Public Act 288 of 1967, as amended, this Ordinance and the requirements of any adopted subdivision control or land division ordinance in the City of Ishpeming.

Swimming Pool: Any structure, container, or pool, portable or non-portable, having a depth of one foot or more at any point and designed or used for swimming, wading, or bathing.

Temporary Outdoor Activity: Events or happenings that are carried out primarily out-of-doors for a fixed period of time, not to exceed five consecutive days, and including but not limited to fireworks, displays, speeches, seasonal sales, swap and shop markets, racing meets, circuses, carnivals, concerts and parades. Tents or other temporary structures may be used, but permanent structures are not permitted.

Temporary Structure: A structure without any foundation or footings and that is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

Temporary Use: A use established for a limited duration with the intent to discontinue such use upon the expiration of the time period.

Throat Length (of driveway): The distance between the road serving a site and the parcel’s internal end

of a driveway, or the distance between the road and the site's internal circulation drive or the site's parking lot. Driveway throat length is used to measure the vehicle stacking required to be available for exiting or entering a site. In general this distance shall be measured along the centerline of a driveway, or along a line parallel to the centerline of a driveway. At the roadway end of the driveway, the measurement shall be taken from either;

- a. A point in the driveway where a driver exiting the site can first safely see to make a right-turn or a left-turn completing their exit,
- b. A line parallel with the face of the curb, if present, or
- c. A line parallel with the edge of the road's paved shoulder, if present.

Throat Width (of driveway): The distance edge-to-edge of a driveway measured at the right-of-way line.

Transitional Yard: A yard that must be provided on a lot where a more intensive land use is located adjacent to either an existing or planned use of a less intensive nature. Its intent is to act as a buffer zone, enabling adjacent uses to be developed so that they are compatible with one another.

Trip Generation: The estimated total number of vehicle trip ends produced by a specific land use or activity. A trip end is the total number of trips entering or leaving a specific land use or site over a designated period of time. Trip generation is estimated through the use of trip rates that are based upon the type and intensity of development.

Use, Change of: A modification or deviation from the original purpose, occupancy, utilization or classification of a building, structure or parcel or tract of land. The term is inclusive of (a) a discernible increase in the intensity of use, which by Ordinance imposes more restrictive parking requirements or other more restrictive characteristics of use or (b) an alteration by change of use in a building heretofore existing to a new use group, as defined in the Michigan Building Code, which imposes other special provisions of law governing building construction, equipment or means of ingress/egress. **(See Section 23.0 Non-conforming Uses and structures).**

Use, Increase in the Intensity of: A discernible increase in the level or volume of activity generated by a change in use or an increase in floor area or an increase in land area configurations.

Use, Permitted: A use by right which is specifically authorized in a particular zoning district.

Use, Principal: The main use of land or structures as distinguished from a secondary or accessory use.

Variance: Is a modification of the literal provisions of the Zoning Ordinance granted by the Zoning Board of Appeals when in its judgment the strict enforcement of the Zoning Ordinance would cause undue practical difficulty owing to circumstances unique to the individual property on which the variance is granted. The crucial points of a variance are undue practical difficulties and unique circumstances.

Waterbody: Any body of water, including any creek, stream, canal, river, lake or bay, or any other body of water, natural or artificial, except a swimming pool or ornamental pool located on a single lot.

Wetland: Land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support, wetland vegetation or aquatic life, and, that is commonly referred to as a bog, swamp, or marsh.

Wind Turbine: Any of the various machines used to produce electricity by converting kinetic energy of wind to rotational, mechanical, and electrical energy. Wind turbines consist of the turbine apparatus (motor, nacelle and tower) and any other buildings, support structures, or other related improvements for the generation of electrical power.

Wireless Communication Facility: Any combination of one or more antennas, accessory structures, and/or equipment together with a single tower. This may include, but shall not be limited to, radio and television broadcasting or relay towers, wireless or cellular telephone communication receivers and transmitters, telephone devices and exchanges, microwave relay facilities and towers, telephone transmission equipment buildings and public and private and commercial mobile radio service facilities. Not included in this definition are: citizen band radio facilities, short wave facilities, ham or amateur radio facilities, satellite dishes and government facilities which are subject to state or federal laws or regulations which preempt local regulatory authority.

Yard: Required open space, on the same lot as a main building, unoccupied and unobstructed from the ground upward.

Yard, Front: The minimum open space extending across the full width of the lot, the depth of which is the distance between the front lot line and the nearest point of the building.

Yard, Rear: The minimum open space extending across the full width of the lot, the depth of which is the distance between the rear lot line and the permissible location for the rear wall of the main building. In the case of a corner lot, the rear yard may be opposite either street frontage, but there shall only be one rear yard.

Yard, Required: That portion of a front, side, or rear yard lying between the front, side or rear lot line and the corresponding front, side or rear minimum setback line. Within this typically open space, no structure is allowed except as may be provided in the zoning ordinance.

Yard, Side: The minimum open space between the main building and the side lot line, extending from the front yard to the rear yard. The width of the required side yard shall be measured from the nearest point of the side lot line to the nearest part of the main building.

Zone: Refer to district.

Zoning Administrator: The City of Ishpeming Zoning Administrator is responsible for the purposes of carrying out certain duties and responsibilities as defined in this Ordinance.

Zoning Board of Appeals: The body appointed to hear appeals by any aggrieved party by a decision or order of the Zoning Administrator, or where it is alleged that the literal enforcement of this Ordinance would involve practical difficulties.

Zoning Compliance Permit: A document signed by the zoning administrator, as required in the zoning ordinance, as a condition precedent to the commencement of a use, or the erection, construction, reconstruction, restoration, alteration, conversion, or installation of a structure or building, that acknowledges that such use, structure, or building complies with the provisions of this Ordinance or authorized variance.

Zoning Envelope: The three-dimensional space within which a structure is permitted to be built on a lot and that is defined by maximum height regulations, minimum yard setbacks and sky exposure plane regulations when applicable.

Zoning Variance: (See Variance).

RESERVED FOR FUTURE USE

RESERVED FOR FUTURE USE

4.0 SECTION 4.0: SEVERABILITY

This Ordinance and the various parts, sections, subsections, and clauses thereof, are hereby declared to be severable. If any part, sentence, paragraph, subsection, section, or clause is adjudged unconstitutional or invalid as applied to a particular property, building, or other structure, it is hereby provided that the application of such portion of the Ordinance to other property, buildings, or structures shall not be affected thereby. Whenever any condition or limitation is included in an order authorizing a conditional use permit, planned unit development, variance, zoning compliance permit, site plan approval or designation of Class A non-conformance, it shall be conclusively presumed that the authorizing officer or body considered such condition or limitation necessary to carry out the spirit and purpose of this Ordinance or the requirement of some provision thereof, and to protect the public health, safety, and welfare, and that the officer or the body would not have granted the authorization to which the condition or limitation pertains except in the belief that the condition or limitation was lawful.

5.0 SECTION 5.0: EFFECTIVE DATE AND REPEAL OF PRIOR ORDINANCE

This Ordinance shall take effect on April 24, 2019, said date being seven (7) days after a notice of adoption was published. The Zoning Ordinance adopted by the City Council on the 8th day of February, 1984, and all amendments thereto are hereby repealed as of the effective date of this Ordinance. The repeal of the above Ordinance does not affect or impair any act done, offense committed, or right occurring, accrued or acquired, or liability, penalty, forfeiture, or punishment incurred prior to the time enforced, prosecuted, or inflicted.

6.0 SECTION 6.0: RELATIONSHIP TO OTHER LAWS

Whenever regulations or restrictions imposed by this Ordinance are either more or less restrictive than regulations or restrictions imposed by any governmental authority through legislation, rule, or regulations, the regulations, restrictions, or rules which are most restrictive or which impose higher standards or requirements shall govern regardless of any other provisions of this Ordinance, no land shall be used and no structure erected or maintained in violation of any state or federal pollution control or environmental protection or regulation.

7.0 SECTION 7.0: AMENDMENT PROCEDURE

- 7.1 Authorization. Amendments to this Ordinance may be made as necessary, and shall be made in accordance with the procedures in this Ordinance and the Michigan Zoning Enabling Act of 2006, as amended.
- 7.2 Rezoning. For the purposes of this Section and other applicable Sections of this Ordinance, the term "rezoning" shall be considered an amendment to the Zoning District Map. The procedure for rezoning shall follow the procedure set forth in this section for Amendments and Rezoning.
- 7.3 Initiation of Amendments. Proposals for text amendments may be initiated by the City Council, Planning Commission, Zoning Administrator, or any person or persons. Proposals for a zoning district amendment (i.e. a rezoning) may be initiated by the City Council, Planning Commission, Zoning Administrator, or any person or persons having a property interest in the land sought to be rezoned.
- 7.4 General Procedure. The procedure for proposals is set forth in this **subsection 7.4.**
- A. Each petition by one (1) or more owners or interested persons (or their agents, to amend the text or map (rezoning) of this Ordinance shall be submitted upon an application of standard form to the Zoning Administrator. A fee as established by the City Council shall be paid at the time of application, except

those originated by the Planning Commission, City Council or Zoning Administrator. The Zoning Administrator shall set a time and date for a public hearing(s), publish a legal notice, furnish a mailed notice in accordance with statutory requirements, and transmit the application and other information to the Planning Commission for its consideration and recommendation after the scheduled public hearing.

- B. The Planning Commission shall consider each proposed amendment in terms of the likely effect of such proposal upon the development plans for the community as set forth in the City Master Plan, as well as in terms of the merits of the individual proposal. The Planning Commission may recommend any additions or modifications to the amendment petition. Any person may appear or be represented by duly authorized agent or attorney. Following the legally required notice(s) and public hearing requirements of this section, the Planning Commission shall forward a recommendation on the proposed amendment along with a copy of the public hearing minutes to the City Council.
- C. The Planning Commission or Zoning Administrator may refuse to schedule a hearing on a petition for an amendment or rezoning, which is the same as a petition considered in the previous six months.
- D. Before making a recommendation on any proposed amendments to this Ordinance, the Planning Commission shall conduct a public hearing, with public notice being given by the Zoning Administrator as specified below, in **subsections 7.4 E. Published Notice and 7.4 F. Mailed/Delivered Notices**. Said notice shall contain the time, place, date and purpose of the hearing, the name of the applicant, a description of the property to be rezoned and the requested zoning change or, if a text change, an outline of the proposed amendment and where and when the text of the proposed amendment may be examined.
- E. **Published Notice.** Notice shall be given by publication in a newspaper of general circulation in the City not less than fifteen (15) days before the date of the hearing.
- F. **Mailed/Delivered Notices.** Mailed or delivered notice shall be made in accordance with the following:
 - 1. To each railroad, electric, gas, pipeline, and telephone company that registers its name and mailing address with the City for the purpose of receiving such notice. Said notice shall be made at least fifteen (15) days in advance of the hearing.
 - 2. To each owner of property as listed on the most recent tax roll of all real property located within three hundred (300') feet of the area proposed for a map amendment. An affidavit of the delivery shall be filed by the Zoning Administrator with the Planning Commission. Said notice shall be given not less than fifteen (15) days before the date the request will be considered.
 - 3. To each manager or owner of all structures with multiple dwelling units within three hundred (300') feet of the area proposed for a map amendment. An affidavit of the delivery shall be filed by the Zoning Administrator with the Planning Commission. Said notice shall be given not less than fifteen (15) days before the date the request will be considered.
 - 4. To the applicant and/or owner of the property in question.
- G. Following the Planning Commission's public hearing, the proposed zoning amendment(s), including zoning map(s), shall be submitted by the Zoning Administrator to the City Council. Upon receipt of the Planning Commission's recommendation, the City Council shall review the Planning Commissions' recommendations.

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1. The City Council may hold its own public hearing if it considers it necessary. The City Council shall also grant a hearing on the proposed amendment(s) to any interested property owner who has filed a written request for such a hearing with the City Clerk. Said request shall be delivered by certified mail. The Planning Commission may be requested to attend the hearing. Notice of the hearing shall be published in a newspaper of general circulation within the City. The notice shall be published not less than fifteen (15) days prior to the hearing.
 2. If the City Council deems advisable any changes or additions to the amendment(s) recommended by the Planning Commission, it shall refer the changes or additions back to the Planning Commission for a report thereon within thirty (30) days. After receiving the report, the City Council shall grant a public hearing on the proposed amendment(s) as is specified in **subsection 7.4 General Procedure, F. 1.**, above.
- H. Following a public hearing or review of the Planning Commission's report, the City Council by majority vote of its membership may adopt or reject the proposed amendment(s) with or without changes. Any proposed added, significant element of regulation or proposed added land area to be changed in zoning classification, which did not proceed through the required public hearing process, shall be submitted through the required public hearing process before being considered for further action. A lesser portion (either regulations or land area) of a proposed amendment, which has received full public hearing consideration, may be considered for further action, including deletion without a new public hearing process.
- I. If no effective date is specified, the amendment(s) will take effect seven (7) days after publication of the notice of adoption (Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended, Section 401).
- J. The amendment(s) shall be filed with the City Clerk and one (1) notice of adoption shall be published in a newspaper of general circulation within fifteen (15) days after adoption. The notice shall contain:
1. Either a summary of the regulatory effect of the amendment(s), including the geographic area affected, or the text of the amendment(s);
 2. The effective date of the amendment(s); and
 3. The time and place where a copy of the amendment(s) may be examined.
- K. An amendment for the purpose of conforming a provision of the Zoning Ordinance to the decree of a court of competent jurisdiction as to any specific land may be adopted by the City Council and the notice of the adopted amendment published without a hearing or referring the amendments to any other board or agency provided for in this Ordinance.

8.0 SECTION 8.0: APPLICATION OF THIS ORDINANCE

No structure, or part thereof, shall be constructed, erected, placed, altered, or maintained, and no land use commenced or continued within the City of Ishpeming, except as specifically, or by necessary implication, authorized by this ordinance. Within each zoning district no structure or use of any structure or land shall be

lawful except the Principal Uses and Conditional Uses provided for in this ordinance. Conditional Uses are allowed on permit granted by the City Planning Commission. Where a lot is devoted to a Principal Use, customary accessory uses and structures are authorized except as prohibited specifically or by necessary implication.

8.1 Similar Uses: Where not specifically permitted, either by right or conditionally, uses are thereby prohibited unless construed to be similar to an expressly permitted use. The Zoning Administrator shall determine if a use is similar to an expressly permitted use, and may consult the North American Industrial Classification System (NAICS) 2012, in making this determination. Any appeals of the Zoning Administrator’s interpretation shall be to the Zoning Board of Appeals pursuant to the provisions of **Section 30.3B**, et seq., of this Zoning Ordinance.

9.0 SECTION 9.0: CLASSIFICATION OF DISTRICTS

To achieve the purpose set forth in the preamble, the incorporated City limits of Ishpeming, Marquette County, Michigan, is hereby divided into the following zoning districts as named and described in **Sections 10.0 through 18.0** and **Section 20.0**:

- a. Single Family Residential Districts, (SR)
- b. General Residential Districts, (GR)
- c. Multiple Residential District, (MR)
- d. Neighborhood Commercial District (NC)
- e. General Commercial Districts, (GC)
- f. Central Business District (CBD)
- g. Industrial District, (I)
- h. Deferred Development District (DD)
- i. Mining District, (MI)
- j. Planned Unit Development (PUD)

9.1 Boundaries:

The boundaries of said districts are hereby established as shown on the Official Zoning Map, initially adopted by the City Council on June 7, 2017, subject to amendments.

9.2 Official Zoning Map:

- A. The location of the areas included in each said district are depicted upon the Zoning Map of the City of Ishpeming, Marquette County, Michigan, which accompany this Ordinance, and which maps with all notations, references, and other information shown thereon, is incorporated herein, and is as much a part of the Ordinance as if fully described and set forth herein.
 - 1. The Official Zoning Map shall be identified by the signatures of the Mayor and City Clerk.
 - 2. The Official Zoning Map shall be kept in the office of the Zoning Administrator, whose responsibility it shall be to enter on the map all amendments adopted by the City Council.
- B. Unless otherwise shown, the boundaries of said districts shall be interpreted as follows:
 - 1. Boundaries approximately following public, railroad, utility, or other rights-of-way, streams, rivers, or canals, shall be construed to follow the center lines of such features.
 - 2. Boundaries approximating platted lot lines, or the City limits, shall be construed as following these lines.

- C. Projections from the shoreline into unzoned water areas shall be subject to the regulations of the zoning district of the land at the shoreline.

10.0 SECTION 10.0: (SR) SINGLE RESIDENTIAL DISTRICT

10.1 Intent: To establish and preserve quiet neighborhoods of detached single family dwellings with a low to medium density. This district shall be free from other uses except those which are both compatible with and convenient to the residents of the Single Residential District.

10.2 Permitted Principal Uses

- A. Detached single-family dwelling unit. (See Section 19)
- B. Customary accessory detached uses and structures. (See Section 19.1G)
- C. State licensed residential facility as defined at M.C.L.A. §125.3102(t), except adult foster care facilities licensed by a state agency for care and treatment of persons released from or assigned to adult correctional institutions.
- D. Foster facility home (1-4 children) and Foster group homes (5-6 children). (See definitions)
- E. Family day care homes (1-6 children). (See definition)
- F. Garage sales, yard sales, or similar types of sales, provided such sale shall take place for a period not to exceed seven (7) days per sale and no residence shall be permitted more than three (3) such sales per year.
- G. Limited Animal Keeping (See Section 22.13).
- H. Uses similar to the above uses as determined in accordance with Section 8.1.

10.3 Requirements for Principal Use: No more than one single-family dwelling unit may be located on a lot.

10.4 Conditional Uses: (Requires Planning Commission approval, (See Section 25.0).

- A. Places of public assembly, education and instruction, including schools, religious institutions, service clubs, community centers, and membership organizations.
- B. Group child care home (7-12 children). (See definition).
- C. Instruction in a craft or fine art within the residence, subject to the conditions outlined in M.C.L.A. §125.3204.
- D. Home occupations.
- E. Recovery house. (See definition)
- F. Small Wind Turbine (See Section 22.11).
- G. Recreational facilities compatible with the intent of this district.
- H. Bed and breakfast establishments (721191)
- I. Customary accessory uses and structures.
- J. Cemetery; Public utility substations (221121), See Section 25.3 D.

11.0 SECTION 11.0: (GR) GENERAL RESIDENTIAL DISTRICT

11.1 Intent: To establish and preserve medium density residential neighborhoods, free from other uses except those which are both compatible with and convenient to the residents of the district.

11.2 Permitted Principal Uses:

- A. Detached single-family dwelling unit. (See Section 19)
- B. Customary accessory detached uses and structures. (See Section 19.1.G)
- C. State licensed residential facility as defined at M.C.L.A. §125.3102(t), except adult foster care facilities licensed by a state agency for care and treatment of persons released from or assigned to adult correctional institutions.
- D. Foster facility home (1-4 children) and Foster group homes (5-6 children). (See definitions)
- E. Family day care homes (1-6 children). (See definition)
- F. Garage sales, yard sales, or similar types of sales, provided such sale shall take place for a period not to exceed seven (7) days per sale and no residence shall be permitted more than three (3) such sales per year.
- G. Limited Animal Keeping (See Section 22.13).
- H. Uses similar to the above uses as determined in accordance with Section 8.1.

11.3 Requirements for Principal Uses: No more than one main structure which contains one (1) single-family unit or one two (2)-family unit may be located on a lot.

11.4 Conditional Uses: (Requires Planning Commission approval, (See Section 25.0)

- A. Places of public assembly, education and instruction, including schools, religious institutions, service clubs, community centers, libraries and membership organizations; parks and playgrounds.
- B. Group child care home (7-12 children). (See definition)
- C. Instruction in a craft or fine art in a single family residence, subject to the conditions outlined in M.C.L.A. §125.3204.
- D. Home occupations.
- E. Recovery house. (See definition)
- F. Small Wind Turbine (See Section 22.11).
- G. Duplex dwelling unit (2-family unit).
- H. Off-premises parking for residential purposes, serving property within the General Residential District.
- I. Bed and breakfast establishments (721191)
- J. Customary accessory uses and structures.
- K. Public utility substations (221121), See Section 25.3 D.

12.0 SECTION 12.0: (MR) MULTIPLE RESIDENTIAL DISTRICT

12.1 Intent: To establish and preserve high density residential neighborhoods.

12.2 Permitted Principal Uses:

- A. Detached single-family dwellings located on a platted lot prior to the adoption of this ordinance. (See Section 19).
- B. Duplex Dwelling Unit (2-family unit).
- C. Multiple-family residential structures.
- D. A State Licensed Residential Facility as defined at M.C.L.A. §125.3102(t), except adult foster care facilities licensed by a state agency for care and treatment of persons released from or assigned to adult correctional institutions.
- E. Family (1-6 children) or Group (7-12 children) Day Care Home. (See definition).
- F. Limited Animal Keeping (See Section 22.13).
- G. Customary accessory detached uses and structures. (See Section 19.1G).

12.3 Conditional Uses: (Requires Planning Commission approval, (See Section 25.0))

- A. Detached single-family units.
- B. Child care center (see definition).
- C. Boarding houses.
- D. Places of public assembly, education, and instruction, including schools, religious institutions, service clubs, community centers, libraries and membership organizations.
- E. Instruction in a craft or fine art in a single-family residence, subject to the conditions outlined in M.C.L.A. §125.3204.
- F. Neighborhood grocery store (selling no alcoholic beverages).
- G. Parks and playgrounds.
- H. Home occupations.
- I. Recovery house. (See definition)
- J. Small Wind Turbine (See Section 22.11).
- K. Bed and breakfast establishments (721191)
- L. Public utility substations (221121), See Section 25.3 D.

13.0 SECTION 13.0: (NC) NEIGHBORHOOD COMMERCIAL DISTRICT

13.1 Intent: The Neighborhood Commercial District is intended to encompass businesses which cater to the retail and service needs of the surrounding neighborhood, but which do not require large areas of land. These districts are encouraged to develop in clusters with common parking areas. In NC, Neighborhood Commercial District the parenthetical number (00000) listed by each use is taken from the North American Industry Classification System (NAICS), 2012 published by the U.S. Office of Management and Budget and is intended to provide a general guide of uses intended under each heading. Refer to Appendix "A" for detailed NAICS information.

13.2 Permitted Principal Uses: (See Section 19.0 and also Section 21.0)

- A. Retail business and service establishments catering primarily to the local market, i.e. Convenience Stores (44512), Hobby Toy & Game Stores (45112), Sewing, Needlework & Piece Goods Stores (45113), Florists (45311), Art Dealers (45392), Photographic services (54192), Independent Artists etc. (71151).
- B. Detached Single Family dwelling unit and customary accessory detached uses and structures.
- C. Foster facility home (1-4 children) and Foster group homes (5-6 children). (See definitions.)
- D. Family day care homes (1-6 children). (See definition.)
- E. A State Licensed Residential Facility as defined at M.C.L.A. §125.3102(t), except adult foster care facilities licensed by a state agency for care and treatment of persons released from or assigned to adult correctional institutions.

13.3 Requirements for Principal Uses:

- A. No more than one main structure may be located on a lot.
- B. All establishments shall deal directly with retail consumers, retail business and service.
- C. All goods produced on a premises shall be sold on the premises where produced.
- D. All business, servicing, storage, or processing except for off-street parking or loading shall be conducted within a completely enclosed building.

13.4 Conditional Uses: (See Section 25.0)

- A. Duplex dwelling unit (2 family).
- B. Home occupations.
- C. Gasoline stations (4471) and Gasoline Stations with Convenience Store (44711).
- D. Child care center (62441) (See definition).
- E. Bed and breakfast establishments (721191).

14.0 SECTION 14.0: (GC) GENERAL COMMERCIAL DISTRICT

14.1 **Intent:** To establish and preserve a general commercial business district containing uses which include the retail sale or combination retail/wholesale of commodities catering to the local community and/or the need of highway tourist traffic. In GC, General Commercial District the parenthetical number (00000) listed by each use is taken from the North American Industry Classification System (NAICS), 2012 published by the U.S. Office of Management and Budget and is intended to provide a general guide of uses intended under each heading. **Refer to Appendix "A" for detailed NAICS information.**

14.2 **Permitted Principal Uses:** **(See Section 19.0 and also Section 21.0).** Wholesale trade (42), General commercial retail trade (44-45) as itemized below and personal care service establishments (8121).

- A. All wholesale trade establishments (42) except (423930).
- B. Motor vehicle and parts dealers (441), Furniture and home furnishings (442), Electronics and appliance (443), Building material and garden equipment/supplies (444), Food and beverage stores (445), Health and personal care (446), Clothing and clothing accessories (448).
- C. Sporting goods, hobby, musical instrument and book stores (451), General merchandise (452), Miscellaneous store retailers (453), Nonstore retailers (454) except Fuel dealers.
- D. Package delivery service retail stores (couriers: UPS, FedEx, etc.)(492110) that serve persons living in adjacent residential areas.
- E. Other information services (5191), Depository credit intermediation (5221), i.e. Commercial Banks, Savings Institutions, and Credit Unions.
- F. Professional, Scientific, and Technical Services (541).
- G. Ambulatory Health Care Services (621).
- H. Independent artists, writers and performers (71151).
- I. Health spas, fitness and recreational sports centers (71394) without overnight accommodations, Bowling centers (71395).
- J. Motels and hotels (72111), Restaurants and other eating places (7225).
- K. Repair and Maintenance (811) except Commercial and Industrial Machinery and Equipment (8113), Personal care services (8121).
- L. Civic and Social Organizations (8134).
- M. Governmental offices (9211, 9221 except 922140 & 922150; and 92216, 9231, 9241, 9251, 9261).

14.3 **Conditional Uses:** **(Requires Planning Commission approval, See Section 25.0)**

- A. Owner or rental residential units.
- B. Public utility substations (221121), **See Section 25.3 D.**
- C. Gas (vehicle service) stations (447).
- D. Libraries and archives (51912), Mini-warehouses and Self-storage Units (53113), General medical and surgical hospitals (6221), Child day care services (6244).
- E. Drinking Places (Alcoholic Beverages) i.e. pubs, taverns, bars, including brew pubs (72241).
- F. Commercial and Industrial machinery and equipment repair and maintenance (81131) and religious institutions (8131).
- G. Marijuana retailer/Marijuana provisioning center. See Section 25.5

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15.0 SECTION 15.0: (CBD) CENTRAL BUSINESS DISTRICT

15.1 Intent: To establish and provide flexible regulations that apply to businesses serving a local or regional market and located in the core area of the City, where intensive commercial development occurs. A pedestrian orientation and a pedestrian connectedness will be encouraged. In the CBD, Central Business District the parenthetical number (00000) listed by each use is taken from the North American Industrial Classification System (NAICS), 2012 published by the US. Office of Management and Budget and is intended to provide a general guide of uses intended under each heading. Refer to Appendix "A" for detailed NAICS information.

15.2 Permitted Principal Uses: (See Section 19.0 and also Section 21.0)

- A. Retail, office and service functions conducted within completely enclosed buildings.
- B. Owner or Rental residentially occupied units located above the first floor.
- C. Motor vehicle and parts dealers (441), Furniture and home furnishings (442), Electronics and appliance (443), Building material and garden equipment/supplies (444), Food and beverage stores (445), Health and personal care (446), Clothing and clothing accessories (448).
- D. Sporting goods, hobby, musical instrument and book stores (451), General merchandise (452), Miscellaneous store retailers (453), Vending Machine Operators (454210).
- E. Post office (49111) which among other things provides for direct customer services, not including rural route distribution centers or regional collection, sorting, and distribution.
- F. Other information services (5191), Depository credit intermediation (5221), i.e. Commercial Banks, Savings Institutions, Credit Unions.
- G. Professional, Scientific, and Technical Services (541).
- H. Educational services (611), including (61151) provided no vehicles or heavy machinery are used on site, except 6111, 6112, & 6113.
- I. Ambulatory Health Care Services (621), Social Assistance (624).
- J. Performing Arts Companies (7111), Independent artists, writers and performers (71151) Museums, Historical Sites (712).
- K. Restaurants and Other Eating Places (7225).
Outside seating, assembly, and activity areas for restaurants and other eating places may be permitted by the Zoning Administrator. Such outside areas shall be designed as part of the building mass to which they are accessory in the sense that they shall be enclosed by masonry walls and/or decorative fencing elements extended from the main building, or shall otherwise be physically delineated and limited in a manner acceptable to the Zoning Administrator; subject further to the following conditions:
 - 1. Setbacks for such outside areas shall be not less than those required for conventional buildings within the district.
 - 2. Outside areas provide for adequate emergency egress by patrons, and shall not occupy required sidewalk areas nor impair emergency vehicle access.
- L. Personal Care Services (8121).
- M. Civic and Social Organizations (813410), including community service clubs, fraternal organizations, and lodge halls.
- N. Governmental offices (9211, 9221, except 922140, 922150, 92216, 9231, 9241, 9251, 9261).
- O. Outdoor entertainment and community events.

- P. Temporary outdoor sales and display of merchandise in conjunction with City of Ishpeming approved events.

15.3 Parking for Principal Uses:

- A. On-street and off-street parking for Principal Uses is available in this zoning district. Accordingly, parking requirements for Principal Uses in this district are eliminated with the exception of Owner or Rental residentially occupied units which must have Two (2) off-street parking spaces per unit. Conditional Uses, except for establishments selling alcoholic beverages for consumption on the premises, must meet parking requirements.

15.4 Conditional Uses: (Requires Planning Commission approval, see Section 25.0)

- A. Used automobile and truck sales (441120), Taxi and Limousine service (4853).
- B. Veterinary services (54194).
- C. Community housing services with overnight accommodations (62422) including temporary shelters (624221).
- D. Fitness and Recreational Sports Centers (71394), and Hotels and motels (72111),.
- E. Drinking Places (Alcoholic Beverages) i.e. pubs, taverns, bars, including brew pubs (72241).
- F. Religious institutions (8131)
- G. Public utility substations (221121), See Section 25.3 D.
- H. Marijuana retailer/Marijuana provisioning center. See Section 25.5

15.5 Façade Standards for New Construction or Redevelopment

Background: Because the CBD is a unique historic place with great intrinsic value and many one-of-a-kind historic buildings, it is important that new buildings or redevelopment of existing buildings be done in a manner that is consistent with the best character of the CBD. In addition to existing adopted commercial building codes, to preserve the unique character of the downtown and to prevent devaluation of the existing stock of historical buildings, the City of Ishpeming establishes the following requirements for new buildings or redeveloped existing buildings:

- A. Exterior finishes will be constructed to provide an appearance similar to existing historical buildings. Specifically, exterior finishes will be constructed in high quality building materials such as stone, brick, natural wood, and synthetic products that closely resemble these materials but are lower in maintenance cost and have longer durability. The use of composite-wood siding must be approved by a Conditional Use Public Hearing (Requires Planning Commission approval, see Section 25.0). Sheet-metal siding, or ordinary vinyl siding is expressly prohibited.
- B. Windows should be modernized with high energy efficiency thermal pane windows, but these windows shall be made in a manner that closely matches the original architectural design of existing buildings. For example, a four pane window should be replaced with a four pane window. If the window has an arched glass pane, the replacement window should also maintain that design, or at a minimum, the window pane may be squared within the arched silhouette of the window frame.
- C. Side lot-line-to-lot-line construction is required between existing buildings. There should be no new spaces (gaps) between adjacent buildings. Construction techniques must be used to avoid gaps between buildings which become harborage for weeds, trash, pests, and misconduct.

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- D. The front lot line must be built to the edge of the public right-of-way. This practice provides for a uniform façade line along the sidewalk. Entryways should be rebuilt to provide ADA accessibility whenever possible.
- E. All front facades shall be a minimum of two stories. The building may be a single story; however, the front façade must maintain the appearance of a two story structure. This is necessary to provide for the “sense of space” that currently exists in the many parts of the historic CBD.
- F. Architectural details shall be used to make the buildings have character and interest. Extremely plain or ornate designs should be avoided. Use of canvas awnings is encouraged. Use of wood-framed overhangs is prohibited.
- G. Projecting signage is encouraged. Pole signs are prohibited.

16.0 SECTION 16.0: (I) INDUSTRIAL DISTRICT

16.1 Intent: To establish and preserve a zone for industrial and related uses to serve the general industrial needs of the community provided that the industry will be isolated from other types of land uses and will not cause undesirable emissions and/or offensive odors. In the (I) Industrial District the parenthetical number (00000) listed by each use is taken from the North American Industry Classification System (NAICS) 2012 published by the U.S. Office of Management and Budget and is intended to provide a general guide of uses intended under each heading. **Refer to Appendix "A" for detailed NAICS information.**

16.2 Permitted Principal Uses (includes similar unspecified uses (See Section 8.1): (See Section 19.0)

- A. Logging (113310) and Specialized Freight Trucking (484220), Municipal uses such as water treatment plants (22131) and reservoirs, sewage treatment plants (22132), and all other municipal buildings and uses, including outdoor storage. Regulated Utility (Electric, Gas, Telecommunication, etc.) support facilities, including outdoor storage.
- B. Construction of Buildings (236), Heavy and Civil Engineering Construction (237) and Specialty Trade Contractors (238), including storage facilities for vehicles, equipment, building materials, sand, gravel, stone, and lumber provided such items are enclosed within a building or within an obscuring wall or fence on those sides abutting all residential districts, and on any yard abutting a public thoroughfare.
- C. Breweries (31212), wineries (31213) and distilleries (31214).
- D. Wood Product Manufacturing (321), Printing and related support activities (323) and publishing industries (511) including newspaper, periodical, book, database and directory, and other publishing.
- E. Cement and Concrete Product Manufacturing (3273) and Machine Shops (3327).
- F. Rail transportation (482) including railroad transfer and storage tracks; and freight terminals.
- G. Trucking facilities (484), Courier's service with office, package handling facilities, truck and other vehicle docks and receiving and shipping facilities (e.g. UPS, FedEx, etc.) (492110).
- H. Interurban and Rural Bus Transportation and maintenance facilities (4852), School and Employee Bus Transportation and maintenance facilities (4854), Charter Bus Industry Facilities (4855).
- I. Warehousing and Storage (493) and Lessors of Mini-warehouses and Self-storage Units (531130).
- J. Accounting, Tax Preparation, Bookkeeping, and Payroll Services (5412), any use charged with the principal function of basic research, design, and pilot or experimental product development when conducted within a completely enclosed building, i.e. Scientific research and development services (5417) and test laboratories (541380)).
- K. Veterinary services (54194) and Pet care [except veterinary services] (81291).
- L. Offices of other Health Practitioners (6213).
- M. Auto repair and maintenance (8111).
- N. Accessory buildings and uses customarily incidental to any of the permitted uses listed in this section.

16.3 Requirements for Principal Uses:

- A. Uses other than for storage within this district shall be conducted within a completely enclosed building.
- B. Exterior storage in the (I) Industrial District must occur inside of a fence, which meets the requirements of the **City of Ishpeming Fence Ordinance No. 8-600.**

16.4 Conditional Uses: (Requires Planning Commission approval, See Section 25.0)

- A. Bulk storage of raw materials.
- B. Industrial uses that are conducted outside of an enclosed facility.
- C. Public utility substations (221122), See Section 25.3 D.
- D. Glass and glass product manufacturing (3272), coating, engraving, heat treating, and allied activities (3328), other fabricated metal product manufacturing (3329).
- E. Furniture and related product manufacturing (337).
- F. Communication tower construction (237130) (see Section 25.4 C.2.a.).
- G. Commercial and industrial machinery and equipment rental and leasing (5324).
- H. Solid waste management services including; waste collection facilities (562111), material recovery facilities (562920), and septic tank and related services (562991).
- I. Commercial composting facilities (325311) (562219), provided that the location, design, and operation of such facilities comply with all application conditions and regulations.
- J. Recyclable Material Merchant Wholesalers [Junkyard] (423930) subject to the following:
 - a. All abutting or adjacent property shall be zoned (I) Industrial District, and in no instance shall the junkyard be closer than 400 feet to any residential district (SR, GR, or MR) or closer than 200 feet to any road, street, or public right-of-way.
 - b. The junkyard shall be entirely enclosed within a building or entirely enclosed within an eight-foot high decorative obscuring wall of sufficient strength to serve as a retaining wall.
 - c. The junkyard shall have access only to a paved major thoroughfare of not less than 66 feet of right-of-way width.
 - d. There shall be no outdoor stacking of material above the height of the wall, except that movable equipment used on the site may exceed the wall height.
- K. Religious Institutions (8131).
- L. Power and Communication Line and Related Structures Construction (237130) [Utility grid wind energy system] See Section 25.
- M. Sexually Oriented Business (SOBS) [See Definitions Section 3.0 and Conditional Use Permit Section 25.4 C.2.b].

16.5 Requirements for Conditional Uses:

- A. Exterior storage in the (I) (Industrial District) must occur inside of a fence, which meets the requirements of the City of Ishpeming Fence Ordinance No. 8-600.

17.0 SECTION 17.0: (DD) DEFERRED DEVELOPMENT DISTRICT

17.1 Intent: To place aside larger undeveloped parcels of the City for future development purposes, by limiting unplanned development which tends to divide areas into smaller more difficult to develop parcels. It is also the intent to delay development until utilities and services can be provided to the area.

17.2 Principal Uses: (See Section 19.0)

- A. Agriculture, including production of plants and animals for sale or personal use.
- B. Forestry management and timber production. Restricted to selective cutting only.
- C. Manufactured housing communities.
- D. Land, water and wildlife conservation and education operations.

17.3 Conditional Uses: (Requires Planning Commission approval, See Section 25.0)

- A. Structures having a permanent or fixed foundation.
- B. Single family dwelling unit and customary accessory detached uses and structures.
- C. Recreational facilities such as: Golf courses, athletic fields, and archery and shooting ranges, horse boarding and riding, equine assisted psychotherapy.
- D. Cemetery.
- E. Public utility substations (221121), See Section 25.3 D.

18.0 SECTION 18.0. (MI) MINING DISTRICT

18.1 Intent: To establish and preserve tracts of mineral lands within the City which have a potential for development into mining projects. It is also the intent to:

- A. Provide for proper environmental management during the planning, operational and reclamation states of the mining/beneficiation process and other permitted land uses.
- B. Permit freedom of action during the exploration phase necessary to the definition of an economic ore deposit.
- C. Provide freedom of access for essential repair of safety fencing and other items installed to protect the populace against the dangers associated with old and abandoned mine workings and other permitted land uses.

In the MI (Mining District) the parenthetical number (00000) listed by each use is taken from the North American Industry Classification System (NAICS) 2012 published by the U.S. Office of Management and Budget and is intended to provide a general guide of uses intended under each heading. Refer to Appendix "A" for detailed NAICS information.

18.2 Permitted Principal Uses:

- A. Mining beneficiation i.e. Iron Ore Mining (21221).
- B. Timber Tract Operations (1131) and Logging (1133). Restricted to selective cutting only.
- C. Agriculture. This includes production of plants and animals for sale or personal use.
- D. Customary and accessory detached uses and structures.

18.3 Requirements for Principal Uses:

- A. An Environmental Impact Assessment or other document may be submitted for mining beneficiation in place of a site plan (See Section 28.0), but only if it contains or is supplemented with the following required information:
 - 1. The proposed location, areal extent, estimated depth of excavation, and an estimate of the duration and starting date of the project.
 - 2. The proposed location of waste dumps, tailing ponds, sediment basins, stockpiles, and other permanent or temporary facilities used in mining beneficiation.
 - 3. Certification that noise, vibration, and dust levels at adjoining zoning district boundaries will be within levels that do not create harm, nuisance or irreversible environmental damage.
- B. Timber production is limited to the selective cutting required for good management, except that more extensive cutting (to include "clear cutting") will be allowed on any lands receiving a zoning permit for mining immediately prior to such mining.
- C. The use of gates or other measures to minimize public vehicular travel on roads used for repairing fences is encouraged.

18.4 Conditional Uses: (Requires Planning Commission approval, See Section 25.0)

- A. Mineral exploration and mining operations, i.e. Stone Mining and Quarrying (21231), Construction Sand and Gravel Mining (212321).
 - 1. Conformance to the Michigan Zoning Enabling Act, PA 110 of 2006, as amended: the City shall not prevent the extraction, by mining, of valuable natural resources from any property unless **very serious consequences** would result from the extraction of those natural resources.
 - a. Natural resources shall be considered valuable if a person, by extracting the natural resources, can receive revenue and reasonably expect to operate at a profit.

- b. In determining whether very serious consequences would result from the extraction, by mining, of natural resources, the standards set forth in *Silva v Ada Township*, 416 Mich. 153 (1982), shall be applied and all of the following factors may be considered, if applicable:
 - (1.) The relationship of extraction and associated activities with existing land uses.
 - (2.) The impact on existing land uses in the vicinity of the property.
 - (3.) The impact on property values in the vicinity of the property and along the proposed hauling route serving the property, based on credible evidence.
 - (4.) The impact on pedestrian and traffic safety in the vicinity of the property and along the proposed hauling route serving the property.
 - (5.) The impact on other identifiable health, safety, and welfare interests in the local unit of government.
 - (6.) The overall public interest in the extraction of the specific natural resources on the property.
- 2. The Planning Commission may regulate hours of operation, blasting hours, noise levels, dust control measures, and traffic, not preempted by Part 632 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.63201 to 324.63223. However, such regulation shall be reasonable in accommodating customary mining operations.
- B. Recreational activities compatible with the intent of the lease for the land.
- C. Public utility substations (221121), [See Section 25.3D.](#)

RESERVED FOR FUTURE USE

SECTION 19.0: SCHEDULE OF GENERAL REGULATIONS

A. SIZE, HEIGHT & PLACEMENT REGULATIONS

(See Section 19.1 for Footnotes)

DISTRICTS	Minimum	Minimum	Minimum Yard Required			Maximum
	Lot Size	Lot Width	Front	Side	Rear	Height (F)
SR: Single Family Residential <i>(Footnotes A, B, C, D, G, H, & I)</i>	7,500 sq. ft.	75 ft.	25 ft.	10 ft.	30 ft.	35 ft.
GR: General Residential <i>(Footnotes A, B, C, D, G, H, & I)</i>	6,000 sq. ft.	75 ft.	20 ft.	6 & 8 ft.	25 ft.	35 ft.
MR: Multiple Residential <i>(Footnotes A, B, C, D, G, H, I, & J)</i>	15,000 sq. ft.	100 ft.	30 ft.	15 ft.	20 ft.	35 ft.
NC: Neighborhood Commercial <i>(Footnotes B, D,G,H, I & J)</i>	---	---	20 ft.	6 & 8 ft.	25 ft.	35 ft.
CBD: Central Business District <i>(Footnotes B, E, I & J)</i>	-----	-----	----	-----	10 ft.	48 ft./4 stories
GC: General Commercial <i>(Foot. A, B, D, H, I, & J)</i>	---	---	20 ft.	10 ft.	10 ft.	48 ft./4 stories
I: Industrial <i>(Footnotes D, H, I & J)</i>	---	---	30 ft.	15 ft.	15 ft.	40 ft.
DD: Deferred Development <i>(Footnotes D, H, & I)</i>	---	---	50 ft.	50 ft.	50 ft.	35 ft.
MI: Mining District <i>(Footnote I)</i>	---	---	---	---	---	---

B. SCOPE OF REGULATIONS TO LIMIT HEIGHTS, BULK, DENSITY, AREA AND PLACEMENT BY DISTRICT.

1. Except as otherwise specifically provided in this ordinance, no building or structure or part thereof shall hereafter be erected, constructed, altered or maintained, and no new use or change in use shall be made or maintained of any building, structure or land, in part, thereof, except in conformity with the provisions of this ordinance.

SECTION 19.1: FOOTNOTES TO THE SCHEDULE OF GENERAL REGULATIONS (A thru J)

- A.** Where a side yard abuts a street, and where there is a common rear yard, the minimum side yard requirement shall be:
- 25 feet for SR/Single Residential
 - 25 feet for GR/General Residential
 - 30 feet for MR/Multiple Residential
 - 20 feet for GC/General Commercial

In the case of a rear yard abutting the side yard of an adjacent lot, the side yard abutting the street shall not be less than the required front yard of that district.

Lots which are fifty (50') feet or less in width and platted prior to enactment of this Ordinance shall be required to comply with Sections 19.0 and 19.1 to the greatest extent possible.

- B.** Prior Platted Lots. For lots platted prior to the adoption of this ordinance, the requirements shall be:
1. Platted lots with a frontage of up to fifty (50') feet and a lot depth of up to seventy-five (75') feet, the minimum front yard shall be determined by taking the average front setback of the nearest adjoining permitted principal structures. The minimum side yard setback shall be equal to the pre-existing setback of principal permitted structures and in no circumstances shall be less than three (3') feet. The minimum rear yard setback shall be twenty (20') feet.
 2. For lots platted prior to the adoption of this ordinance the requirements for duplexes shall be a minimum lot area of 7,500 square feet with a minimum frontage of seventy-five (75') feet and a minimum lot depth of one-hundred (100') feet.
- C.** Lot Depth. The depth of any lot in the Single Residential, General Residential, and Multiple Residential Districts (SR, GR and MR) shall not exceed three (3) times the width of the lot.
- D.** Transition Yards.
1. To provide suitable transition yards for the purpose of reducing the impact of the conflicts between incompatible land uses abutting non-residential district boundaries, boundary transitional yards are required.
 2. No structure, building, or part thereof located in any (GC) and (I) Districts abutting the district boundaries and land uses of (SR)(GR)(MR)(DD) shall hereafter be erected, constructed, altered or maintained closer to the district boundary line than specified in the following table:

BOUNDARY TRANSITIONAL YARD REQUIREMENTS				
District in Which Trans. Yd. is Required	Abutting District			
	SR	GR	MR	DD
- NC/Neighborhood Commercial	30 ft.	30 ft.	30 ft.	30 ft.
- GC/General Commercial	30 ft.	30 ft.	30 ft.	30 ft.
- I/Industrial	50 ft.	50 ft.	50 ft.	50 ft.

3. Exceptions.
 - a. Where the district boundary is the centerline of a right-of-way, the transitional yard requirements shall be measured from the lot line.
 - b. In all cases where transitional yards are not indicated, the required yard is the same as the minimum yard requirements in [Section 19.0.A.](#)
 - c. [See Section 20.16](#) for PUD transitional yard requirements.

- E. The side yard requirements for the CBD District are eliminated and require that the side walls are of fireproof construction. The rear yard requirements of the CBD may be eliminated if the zoning of the adjacent property is also the CBD District.

- F. The Planning Commission may permit conditional uses of greater height than the maximum allowed in the Schedule of General Regulations, provided that [Section 25.3.C.](#) is enforced.

- G. Accessory buildings in the Single, General, Multiple Residential (SR, GR, MR) and Neighborhood Commercial (NC) Districts shall be subject to the following regulations:
 1. Where the accessory building is structurally attached to a main building, it shall be subject to, and conform to, all yard requirements (area, setback, etc.) applicable to the main building.
 2. In no instance shall more than two (2) accessory buildings be located on a lot.
 3. An accessory building shall only be erected in the rear yard, except for a private garage which may be erected in the side yard.
 4. No accessory building(s) may occupy more than thirty (30%) per cent of a required rear yard plus twenty-five (25%) per cent of any non-required rear yard. Further provided, that in no instance shall the ground floor area of the accessory building(s) exceed the ground floor area of the main building.
 5. No detached accessory building(s) shall be located closer than five (5') feet to any main building. No accessory building shall be located within three (3') feet of any side or rear lot line, except corner lots where the minimum side yard setback is equal to the setbacks described in [Section 19.1.A.](#)
 6. No detached accessory building shall exceed fifteen (15') feet in height, except a private garage which in no case shall exceed eighteen (18') feet in height.

- H.** Fabric or membrane storage structures as defined in this ordinance may be permitted on any residentially utilized lot as an accessory structure, subject to the following (below) requirements for approval. Said structures shall also abide by the requirements of **Subsection 19.1 G.** (above).
1. A zoning permit is required to allow the erection of a fabric storage structure.
 2. The maximum size of a fabric storage structure is one-hundred ninety- six (196) square feet.
 3. One fabric storage structure per zoning lot is permitted.
 4. A fabric storage structure shall comply with setback requirements for accessory structures.
 5. The fabric structure shall be sufficiently anchored to withstand overturning, uplifting or sliding from a 50 mile per hour wind.
 6. The fabric structure shall designed and installed in compliance with the Michigan 2009 Residential Code, as amended or the Michigan 2012 Building Code, as amended.
 7. The fabric structure shall be properly maintained, and if in poor condition, shall be removed by order of the Zoning Administrator.
- I.** Tall structure setbacks; in no case shall the height of flag poles, public monuments, church spires, or reception towers exceed the horizontal distance from the placement of such structure to the property line.
- J.** A Knox Box is required for all new or existing uses in the following zoning districts which require the issuance of a Zoning Compliance Permit for construction. The location, type, and size of the Knox Box must be approved by the City of Ishpeming Fire Chief.
1. Multiple-family Residential (MR) structures (more than 2-family units);
 2. Neighborhood Commercial (NC) businesses;
 3. General Commercial (GC) businesses and structures;
 4. Central Business District Businesses; or
 5. Industrial District Businesses or structures;

20.0 SECTION 20.0: PLANNED UNIT DEVELOPMENT (PUD)

20.1 Intent: To permit more flexibility and consequently encourage a greater imaginative and creative use and design of structures and land than is allowable under the other districts of this ordinance, where such modifications will not be contrary to the intent of this ordinance or significantly inconsistent with the Master Plan upon which it is based. It is further intended to promote more efficient and economical use of the land, while providing a harmonious variety of housing choices, a higher level of urban amenities, the preservation of natural scenic qualities of open space and to give the developer reasonable assurances of ultimate approval before expending complete design monies while providing City officials with assurances that the project will retain the character envisioned at the time of project approval.

20.2 Regulations Establishing Permitted Uses:

- A. Permitted uses are restricted to the following standards:
 - 1. Residential Uses. Dwelling units in detached, semi-detached, attached, or multiple family dwellings or any combination thereof complying with the standards set forth in **Section 22.5**, Schedule of General Regulations, along with customary accessory detached uses and structures, are permitted in a PUD.
 - 2. Non-Residential Development Combined with PUD Residential: Commercial uses, limited to those set forth in the Neighborhood Commercial (NC) Districts of the Ishpeming Zoning Ordinance and specifically approved by the Planning Commission are permitted in the PUD, provided that such uses are designed to serve primarily the residents of the PUD and are compatible and harmoniously incorporated into the unitary design of the PUD. Commercial floor space in a PUD shall be limited to three (3%) per cent of the total gross acreage of the tract.
 - 3. Other non-residential uses. Non-residential uses of a religious, cultural, or recreational character are permitted in a PUD, provided that such uses are designed to serve primarily the residents of the PUD and are compatibly and harmoniously incorporated into the unitary design of the PUD.
 - 4. Development not associated with residential uses. A PUD may exclude residential development and allow other uses if the applicant can demonstrate that the proposed PUD is of such a scale, and is sufficiently well designed to accomplish the intent of this ordinance with respect to adjoining land uses both existing and anticipated.
 - 5. Permitted uses shall be in conformance with a specific and precise final development plan pursuant to the procedural and regulatory provisions hereinafter set forth.

20.3 Parcel Size: The provisions of this district may be applied, upon application of the owner, to any parcel two (2) acres in size, or greater.

20.4 Lot and Yard Regulations:

- A. Minimum requirements set forth by the original district in which the proposed PUD is located shall act as general guidelines for the lot and yard regulations. Consideration shall be given to lot and yard regulations in the following manner:
 - 1. Front yard - Where the applicant provides privacy by reducing traffic flow through street layout such as cul-de-sacs, or by screening or planting, or by facing the structure toward open space or a pedestrian way, or through the room layout of front elevation, it is possible to reduce the front yard requirements. At a minimum, all buildings and structures shall be set back fifty (50') feet from the centerline or twenty-five (25') feet from the property line (whichever is greater) from any street within the PUD.
 - 2. Lot width and side yard - Where the design is such that light, air, and privacy can be provided, especially for living spaces and bedrooms, a narrower lot width and side yard regulations may be permitted.
 - 3. Rear yard - Except where it can be demonstrated to the Planning Commission that a lesser rear yard requirement is justified, the rear yard shall be equal to or greater than the rear yard requirement of the original district.
 - 4. Building spacing - Building spacing may be reduced when adequate privacy, light, and air is provided to each unit. At a minimum, spacing between the sides of buildings shall be at least fifteen (15') feet.

20.5 Open Space Requirements (See Section 22.1 Landscaping Requirements):

- A. Required open space shall comprise at least forty (40%) per cent of the total gross area.
- B. Open space shall be devoted to flower, shrub, and tree planting, patios, walkways, lawns, and recreational areas.
- C. At least twenty (20%) per cent of the total area devoted to open space shall be used for environmental amenity and the collective enjoyment by occupants of the development.
- D. Recreation facilities or structures and their accessory uses located in common recreation areas shall be considered open spaces as long as total impervious surface (paving, roofs, etc.) constitute no more than twenty-five (25%) per cent of the total open space.

20.6 Insuring Open Space Integrity: Title to all land shown on the final development plan as common open space must be conveyed under one of the following options:

- A. It may be conveyed to a public agency which will agree to maintain the common open space and any buildings, structures, or improvements which have been placed on it.
- B. It may be conveyed to trustees provided in an indenture establishing an association or similar organization for the maintenance of the planned development. The common open space must be conveyed to the trustees subject to covenants to be approved by the Planning Commission which restricts the common open space to the uses specified on the final development plan, and which provide for the maintenance of the common open space in a manner which assures its continuing use for its intended purposes.

20.7 Open Space Restriction: No common open space may be put to any use not specified in the Final Development Plan unless the Final Development Plan has been amended to permit that use under amendment procedures of this ordinance. However, no authorized change of use may be considered as a waiver of any of the covenants limiting the use of common open space areas.

20.8 Open Space Enforcement: If the common open space is not conveyed to a public agency, either one of the following methods of enforcement shall be provided:

- A. The legal right to develop the common open space for the uses not specified in the Final Development Plan must be conveyed to appropriate public agencies.
- B. The restrictions governing the use, improvement, and maintenance of the common open space must be stated as conditions to the conveyance of the common open space, the fee title to the common open space is to vest in a public agency in the event of a substantial default in the stated conditions.

20.9 Private Covenants Enforcement: If the common open space is not conveyed to a public agency, the covenants governing the use, improvement, and maintenance of the common open space may authorize a public agency to enforce their provisions.

20.10 Homeowners' Association: If the Common Open Space is deeded to a Homeowners' Association, the applicant shall file a declaration of covenants and restrictions that will govern the association, to be submitted with the application for the pre-application conference. The provisions shall include, but not be limited to, the following:

- A. The Homeowners' Association must be established before the units are sold.
- B. Membership must be mandatory for each home buyer and any successive buyer.
- C. The open space restrictions must be permanent, not just for a period of years.

- D. The Association must be responsible for liability insurance, local taxes, and the maintenance of recreational and other facilities.
- E. Homeowners must pay their pro rata share of the cost; the assessment levied by the association can become a lien on the property.
- F. The Association must be able to adjust the assessment to meet changed needs.

20.11 Failure to Maintain Open Space:

- A. In the event that the organization to own and maintain common open space, or any successor organization, shall at any time after establishment of the planned unit development fail to maintain the common open space in reasonable order and condition in accordance with the plan, the Planning Commission may serve written notice upon such organization or upon the residents of the planned unit development setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition, and said notice shall include a demand that such deficiencies of maintenance be remedied within thirty (30) days thereof, and shall state the date and place of a hearing thereon, which shall be held within fourteen (14) days of the notice. At such a hearing the Planning Commission may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they shall be remedied. If the deficiencies set forth in the original notice or in the modifications thereof shall not be remedied within said thirty (30) days or any extension thereof, the City, in order to preserve the taxable values of the properties within the planned unit development and to prevent the common open space from becoming a public nuisance, may enter upon said common open space and maintain the same for a period of one (1) year. Said entry and maintenance shall not vest in the public any right to use the common open space except when the same is voluntarily dedicated to the public by the owners. Before the expiration of the organization theretofore responsible for the maintenance of the common open space, a public hearing shall be scheduled upon notice to such organization or to the residents of the planned unit development, to be held by the Planning Commission, at which hearing such organization or the residents of the planned unit development shall show cause why such maintenance by the City shall not, at the election of the Planning Commission, continue for a succeeding year. If the Planning Commission shall determine that such organization is not ready or willing or able to maintain the common open space in a good, clean, and safe condition, the City Council, in its discretion, may continue to maintain said space, subject to a similar hearing and determination in the next succeeding year thereafter.
- B. The cost of such maintenance by the City shall be assessed pro rata against the properties within the planned unit development that have a right of enjoyment of the common open space and shall become a tax lien on said properties. The City, at the time of entering upon said common open space for the purposes of maintenance, shall file a notice of such lien in the office of the County Register of Deeds upon the properties affected by such lien within the planned unit development.

20.12 Environmental Standards:

- A. Environmental design criteria in PUD District shall include the following:
 - 1. the preservation of trees, groves, waterways, scenic points, historic spots, and other community assets and landmarks, and
 - 2. A "grading plan" is required which will define excavation, earth moving procedures, and other changes to the landscape, in order to insure preservation and prevent despoliation of the character of the area to be retained as common open space. All manufactured slopes, other than those constructed in rock, shall be of a character so as to cause the slope to blend with the surrounding terrain and development. The developer shall provide for maintenance of the planting until growth is established.

20.13 Traffic Circulation:

- A. Principal vehicular access points shall be designed to permit smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. Local streets within PUD's shall not be connected to streets outside the development in such a way as to encourage their use by through traffic.
- B. A part of every residential building shall not be farther than sixty (60') feet from an access roadway or drive providing vehicular access from a public street, and not farther than five hundred (500') feet, measured along the route of vehicular access, from a public street.
- C. All non-residential land uses within a PUD shall have direct access to a collector or primary street, especially where large parking areas are included.
- D. The pedestrian circulation system and its related walkways shall be insulated completely and as reasonably as possible from the vehicular street system in order to provide separation of pedestrian and vehicular movement. This shall include pedestrian underpass or overpass, when deemed to be necessary by the Planning Commission.

20.14 Streets:

- A. Standards of design and construction for roadways, both public and private, within planned unit developments shall be in accordance with the Subdivision Control Act of 1967.
- B. The name of the PUD and new street names shall not duplicate or closely approximate phonetically the name of any other subdivision or street in the City of Ishpeming.
- C. Streets with no outlet shall be terminated with a cul-de-sac. Streets built in phases shall also terminate in a cul-de-sac designed in accordance with established standards.

20.15 Parking Standards: The following are the parking criteria for PUD's **(See Section 22.1F Parking Lot Landscaping Requirements):**

- A. For each dwelling unit, there shall be two (2) off-street parking spaces consisting of not less than one hundred sixty-two (162) square feet each.
- B. Parking areas shall be arranged so as to prevent through traffic.
- C. Parking areas shall be environmentally screened from adjacent structures, roads, and traffic arteries with hedges, dense planting, earth berms, changes in grade or walls.
- D. No more than thirty (30) parking spaces shall be accommodated in any single residential parking area.
- E. All streets and any off-street loading area shall be paved and the design thereof approved by the City Engineer. All areas shall be marked so as to provide for orderly and safe loading, parking, and storage.
- F. Parking for non-residential purposes shall be provided appropriate to the type of non-residential use and shall follow the guidelines for parking set forth by the commercial and industrial districts, with changes made as deemed necessary by the Planning Commission.
- G. All parking areas shall be adequately lighted. All such lighting shall be so arranged as to direct the light away from adjoining residences.
- H. All parking areas and off-street loading areas shall be graded and drained so as to dispose of all surface water without erosion, flooding or other inconveniences.

20.16 PUD Transitional Yard Regulations: To ensure that there is an appropriate relationship to the surrounding area, there must be a minimum thirty (30') foot transitional yard along the perimeter of the PUD District. This buffer zone must be kept free of buildings or structures and must be landscaped, screened, or protected by natural features.

20.17 PUD Application Procedure:

- A. **Ownership Requirements.**
 - 1. An application for approval of a PUD may be filed by a person having an interest in the property to be included in the planned unit. The PUD application shall be filed in the name or names of the recorded owner or owners of property included in the development. However, the applications may be filed by holder(s) of an equitable interest in such property. Full ownership interest in the land legal title or the execution of a binding sales agreement must be in evidence before the final approval of the plan. The PUD shall be in single ownership by the time the Final Development Plan is approved.

B. Pre-Application Conference.

1. The applicant shall meet informally with the Zoning Administrator, the City Manager and the Chairperson of the Planning Commission in connection with the preparation of the planned unit development application. It shall be the responsibility of the Zoning Administrator to contact and invite these City officials. The general outlines of the proposal and sketch plans are to be offered by the applicant at this pre-application conference. Thereafter, the Zoning Administrator shall furnish the applicant with written comments regarding such conference, including appropriate recommendations to inform and assist the applicant prior to the preparation of the planned unit development application.
2. The applicant shall submit to the Zoning Administrator a Preliminary Development Plan with a petition for rezoning to PUD District. The following written and graphic documents shall be submitted:
 - a. A legal description of the total site proposed for development, including the present and proposed ownership of all or parts of the development.
 - b. A written statement of the nature and character of the proposed development, and the methods to be used in achieving these goals.
 - c. A written schedule of the approximate date, or dates, if the development is to be divided into stages, when construction will begin and be completed.
 - d. Quantitative data for the following: total number and type of dwelling and non-residential units, the proposed floor area, ground coverage, outdoor livability and open space ratios, the proposed gross residential density of any separate stages, the number of parking spaces for each use proposed, and any feasibility studies the applicant wishes to submit in support of the plan.
 - e. A graphic plan at scale 1:1200 (1 inch = 100 feet) showing the existing site conditions, including contours at an interval no greater than five (5') feet, waterways or bodies, unique natural features, rock outcroppings and vegetative cover.
 - f. A preliminary plat meeting the requirements of the Subdivision Control Act of 1967 if the land is to be platted.
 - g. A site plan or plans at a scale of 1:1200 showing the location and floor area and use of all existing and proposed buildings, structures, and improvements, including maximum heights, the location and size of all areas to be conveyed, dedicated, or reserved as outdoor livability space, recreational areas, school sites, and similar public or semi-public uses, the proposed circulation system, including

private and public streets, parking and loading areas, pedestrian ways, and access to existing and planned streets outside of the development, the existing and proposed utilities including sanitary and storm systems, and water, gas, electric, telephone, and television cable lines, and a preliminary landscape plan.

h. A plan at an appropriate scale showing land areas adjacent to the proposed development, their uses, zoning, and general character, and the effects of the proposed development on such land including the treatment of the perimeter areas of the PUD.

i. Such additional material as may be required by the Planning Commission.

3. Within sixty (60) days following the submission of a Preliminary Development Plan, the Planning Commission shall hold a public hearing on the Plan, and the Planning Commission shall vote to recommend, recommend with modifications or disapprove the Plan. Notification of the public hearing shall be given in the same manner as required under **Section 33.2**. If the Planning Commission action is for to recommend or to recommend subject to modifications, a recommendation for similar action shall be made to the City Council which shall then act within 30 days. Failure of either the Planning Commission or the City Council to act within the specified times shall constitute disapproval of the Plan.

4. If the Preliminary Development Plan is approved, with or without modifications, by the City Council, the official zoning map shall be changed to so signify. Such a change shall not constitute final approval of a plat, or authorization to issue building permits. The City Council may approve the preliminary development plan, with or without modifications, notwithstanding the nature of approval given by the Planning Commission.

C. Final Development Plan.

1. Within nine (9) months following approval of the preliminary development plan, the applicant shall submit to the Planning Commission a final development plan containing in a final detailed form the information required in **Section 28.0**, Site Plan Review. At its discretion and for good cause the Planning Commission may extend for six (6) months the period for filing the final development plan.

2. If the developer fails to submit a final development plan for any reason, within the time allowed, the tentative rezoning shall be revoked and all the area within the development for which final approval has not been given shall be subject to the original zoning.

3. If the Final Development Plan is in substantial compliance with the Preliminary Development Plan, it shall be recommended for approval by the Planning Commission within thirty (30) days. Notice of such recommendation shall then be given to the City Council which shall approve the final development plan, and the plat or plats involved, if any, within thirty (30) days; provided, that such approval shall not be given until a

performance bond in an amount equal to one-half (1/2) the cost of the entire implementation and construction costs of the PUD shall be provided to the City. The City Council may waive this performance bond requirement.

4. If compliance with the preliminary development plan is not established, submission of the final development plan shall follow the procedure for approval of a preliminary development plan as specified in **Section 20.17B**. before final approval may be given.
 - a. If, subsequent to the start of construction, it becomes necessary to modify the final development plan, the Zoning Administrator may do so at his or her discretion to the limits established in the PUD guidelines. If greater modifications are requested by the developer, they shall be subject to the approval by the Planning Commission, which shall act within thirty (30) days. In granting such modifications, the Planning Commission shall not act so as to substantially change the character or nature of the final development plan.
 - b. If construction has not started within eighteen (18) months of approval of the final development plan, said approval shall lapse. The Planning Commission may extend this period by six (6) months upon showing of good cause by the applicant. If construction of the entire development or established stages is not significantly complete within the time limits imposed by the construction schedule, the Planning Commission shall review the PUD and may recommend to the City Council that the time for completion be extended, that the final approval of the PUD be revoked, or that the final development plan be amended. If final approval of all or portions of the development plan is withdrawn, that area of the PUD shall be subject to the original zoning.

21.0 SECTION 21: OFF-STREET PARKING AND LOADING ZONE REQUIREMENTS

21.1 Intent: It is the purpose of this section to provide adequate provisions for off-street parking, so as to reduce traffic hazards and congestion of streets.

21.2 Parking:

A. Required Parking: In all districts off-street parking spaces shall be provided and maintained on the same lot or adjacent lot(s) under the same ownership, as the principal structure at the time of erection or expansion of any structure, for the parking of vehicles in proportions no less than shown in the following table:

PARKING REQUIREMENTS

<u>Land Uses</u>	<u>Minimum Number of Spaces Per Unit</u>
1. Residential	
a. Single Family	2 spaces per dwelling unit.
b. Two Family and Multiple Family Units	2 spaces per dwelling unit.
c. Hotels, Motels	2 spaces per principal structure 1.25 spaces per dwelling unit in addition to spaces required for restaurant facility.
d. Housing for the elderly	0.4 times maximum lawful number of occupants.
e. Boarding Houses	2 spaces per the principal structure and 1 space per each bed rental.
2. Educational and Recreational	
a. Public and Private Schools	1 for each employee plus 1 for every 10 driving age students.
b. Religious Institutions	1 for each three seats in the room where religious services are conducted.

3. Cultural and Recreational
 - a. Places of public gatherings
Recreational facilities 1 for every 120 square feet of usable floor area
 - b. Private clubs and/or
lodges 1 for every 120 square feet of usable
floor area.
4. Health Facilities
 - a. Medical and dental clinics,
physicians' and dentists' offices. 1 for each 100 square feet of waiting
room area and two per physician or dentist.
 - b. Convalescent and nursing
Homes for the aged and hospitals 0.4 times maximum lawful number of
occupants.
 - c. Hospitals 1 for each bed and employee.
5. Industrial
 - a. Production or processing
of materials, goods, or
products 1 for every 2 employees.
 - b. Testing, repairing, cleaning
or servicing of materials,
goods or products 3 spaces plus 1 for every 2
employees.
 - c. Warehousing and wholesaling 1 for every 500 square feet of floor area.
6. Professional Services
 - a. Banks, Savings and Loans,
Credit Unions. 1 for each 150 square feet of floor area
or eight spaces, whichever is greater.
 - b. Business offices of Architects,
Engineers, Lawyers, and
similar professionals 1 for each 300 square feet of floor area

- 7. Personal Services
 - a. Barber and beauty shops 2 spaces plus 1.5 per chair.
 - b. Laundromats 1 for every 100 square feet of laundry area.
 - c. Restaurants and similar (except drive-ins) 1.2 per 100 square feet of floor area. Fast food takeout, and drive-in restaurants 0.10 times floor area in square feet.
- 8. Retail and Commercial
 - a. Stores, selling retail goods 1 for each 200 square feet of floor space related to the display and selling of retail goods.

B. Parking Regulations:

- 1. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use which the Zoning Administrator considers as similar in type.
- 2. Where calculation of parking requirements with the foregoing list results in a fraction of a space, a full space shall be provided.
- 3. Two or more buildings or uses may collectively provide the required off-street parking, in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately. In the instance of dual function of off-street parking spaces where operating hours of the buildings or uses do not overlap, the Zoning Administrator may grant exception to the number of parking spaces required, upon written request.
- 4. Any area once designated as a required off-street parking lot shall not be changed to another use unless and until equal facilities are provided elsewhere subject to the Zoning Administration approval.
- 5. For residential uses, off-street parking shall be provided and maintained by one of the following means;
 - a. By documenting that the required parking is on the same lot with the principal structure,
 - b. By documenting that the required parking is within two (2) blocks of the principal structure,
 - c. By documenting the approved use of a city operated and maintained parking facility within three (3) blocks of the principal structure,
 - d. By documenting payment into a city parking system (when system available) to provide current and/or future parking within the city.

6. For non-residential uses, off-street parking space with adequate access to all such spaces shall be provided and maintained on the same lot or adjacent to the principal structure at the time of erection or enlargement or use of any structure for the parking, loading and unloading of vehicles.
7. Bicycle Racks Required. For non-residential uses which are required to provide twenty (20) or more parking spaces, at least one (1) bicycle rack with a capacity for at least five (5) bicycles shall be provided.
8. These above parking and bicycle storage requirements must be met:
 - a. At the time of construction of any new building or structure or at the time of commencement of use of any land; or
 - b. If any alterations are made in a building or structure which would require additional parking.

C. Parking layout, design, construction and maintenance (See Section 22.1F Parking Lot Landscaping Requirements):

All off-street parking lots shall be laid out, constructed and maintained according to the following standards and regulations. No off-street parking lot shall be constructed unless and until a permit therefore is issued by the City Engineer. Applications for a permit shall be submitted to the City Engineer in such form as may be determined by the City Engineer and shall be accompanied with two (2) sets of plans for the development and construction of the parking lot showing that the provisions of this section will be fully complied with.

1. Required parking spaces for one and two family residential uses shall be in the dimensions of nine (9) feet by eighteen (18) feet (9' x 18'), shall be on a hard-surfaced driveway or in a garage, shall not be located in the required front yard, and shall not be closer than three (3') feet from a side lot line, and shall be adequately drained to eliminate water accumulation and to prohibit run-off on adjacent or abutting property. Residential spaces serving single residential units shall be required to comply with these regulations to the extent possible, and parking may be permitted in the required front yard, if approved by the Zoning Administrator. All single and two family residential spaces shall be exempt from the following standards and regulations stated in this section (C 2 through C 14).
2. All spaces shall be laid out in the dimension of nine feet by 18 feet (9' x 18'), exclusive of maneuvering lanes.
3. An area equivalent to 10% of the required parking stall area shall be provided for snow storage. The snow storage area shall be landscaped and shall be located within any fence bounding the parking lot.

4. Plans for the layout of the parking lot shall show the dimensions of the total lot, the location and dimension of all parking spaces, maneuvering lanes, entrances, exits, and yards. One of the following various patterns shall be used:

<u>PARKING ANGLE</u>	<u>STALL WIDTH</u>	<u>MANEUVER- ING LANES</u>	<u>PARKING STALL LENGTH</u>
0 to 37	9 Ft.	16 Ft.	20 Ft.
16 to 74	9 Ft.	16 Ft.	18 Ft.
75 to 90	9 Ft.	20 Ft.	18 Ft.

5. All spaces shall be provided adequate access by means of a maneuvering lane. Backing directly onto a street or alley is prohibited.
6. All maneuvering lane widths, with the exception of the 75 to 90 degree pattern, shall be for one-way traffic movement. These widths shall be increased to twenty (20') feet to permit two-way movement of traffic.
7. Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for all vehicles. The location of the ingress and the egress shall be a minimum distance of forty (40') feet measured from the spring point of any intersection to the beginning of the curb cut established for the ingress or egress.
8. Each exit and entrance to and from any off-street parking lot located in an area zoned for other than Single Family, General and Multiple Residential (SR, GR, MR) shall be at least twenty-five (25') feet distant from any adjacent property located in a Single Family, General Residential, or Multiple Residential district.
9. The entire parking lot, including parking spaces and maneuvering lanes required under this section, shall be provided with the following:
 - a. The pavement cross-section shall consist of a bituminous aggregate pavement or Portland cement concrete pavement with an aggregate base course. Concrete curb and gutter and/or concrete curb is optional.
 - b. The bituminous pavement thickness shall be a minimum of two inches.
 - c. The concrete pavement thickness shall be a minimum of five inches.
 - d. For parking lots having more than 12 spaces. An additional requirement shall be an underground drainage system consisting of catch basins and concrete storm sewer pipe, which shall be designed to provide adequate drainage of the parking lot. The underground drainage system shall be connected to the City's storm sewer system. The connection shall be as approved by the City Engineer. The City Engineer may also consider and approve an alternative onsite method for the management of storm water.

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10. All parking spaces shall be clearly defined by use of car wheel or bumper stops and/or painted lines.
11. An off-street parking lot abutting an SR, GR, MR, or DD district shall be provided with a continuous screening fence. This screening fence shall be provided on all sides where the abutting zoning district is designated as a residential district.
12. All lighting used to illuminate any off-street parking area shall be confined within and directed onto the parking lot only. In no case may the source of light exceed 20' in overall height above ground level.
13. Maintenance. The off-street parking lot, required borders and landscaped areas shall be maintained in a litter free condition. All plantings shall be in a healthy growing condition, neat and orderly in appearance. Snow shall be removed as necessary to permit use of all required parking spaces.
14. A three (3') foot border shall be created between a parking lot and the adjacent buildings and/or property lines. This border shall be landscaped or paved, and may be included in the required snow storage area.

D. Limitations on use of all parking lots except for residential uses:

1. The repair of vehicles, and the storage of merchandise, motor vehicles, or trucks is prohibited.
2. No signs of any kind other than signs designating entrances, exits and conditions of use shall be erected within the parking lot.

21.3 Off-street Loading Zones:

- A. On the same site with every building or structure in the General Commercial and Industrial Districts (GC and I) there shall be provided and maintained a minimum of one space for standing, loading and unloading of delivery vehicles in order to prevent interference with public use of a public right-of-way.
1. Two or more adjacent buildings or structures may jointly share off-street loading facilities provided that adequate access to the individual buildings is provided.
 2. Loading dock approaches shall be provided with a pavement having an asphaltic or cement binder so as to provide a permanent, durable and dirt-free surface.
 3. The off-street loading space shall have the following minimum dimensions;
53' length X 10' width X 14' height.

22.0 SECTION 22.0: GENERAL PROVISIONS

The following general provisions may apply to all potential land uses within the City of Ishpeming. The application shall be determined as required by each Section, or as may otherwise be required by this Ordinance.

22.1 Landscaping Requirements:

In any case where an open area is created or a site plan review, greenbelt, or planting is required, all site landscaping improvements shall conform to the following standards:

- A. Landscape Plan. A detailed landscape plan for all yard areas shall be submitted showing common names, location, spacing, starting size and planting and staking details of plantings to be installed, and the location and types of all materials proposed to be included in the landscape treatment of the yard areas. This provision shall apply to all landscape yards including those expanded beyond the minimum setback requirements of this article.
- B. General Requirements. Existing significant trees, tree stands, natural vegetation, and wildlife habitat shall be integrated into this site landscape plan to the maximum extent possible. Whenever any yard, (front, side, or rear) is not designated for a building, off-street parking, loading and unloading, storage or other purpose within the terms and requirements of a given zoning district, it shall be landscaped with approved materials or living plant materials which shall be maintained in an aesthetically pleasing condition. All landscaped areas shall be protected from the encroachment of vehicles or pedestrians by curbing or other suitable device. The Zoning Administrator may approve constructed features of other material, such as masonry walls or brick, stone and cobblestone pavement, as a supplement or substitute, upon a showing by the applicant that general plantings will not prosper at the intended location.
- C. Construction. Landscaping shall be planted, landscaping elements shall be installed, and earth moving or grading performed in a sound workmanlike manner and according to accepted good planting and grading procedures, with plant materials as described in this chapter.
- D. Time Limits. All landscaping shall be completed within six (6) months from the date of occupancy and shall thereafter be reasonably maintained with permanent plant materials to provide a screen to abutting properties. Subsequent phases of the site shall be seeded, mowed and maintained.
- E. Design Objectives. The following general design objectives and criteria shall be considered in the evaluation of landscape plans. Ample variety and quantity of ornamental plants, trees, and shrubs should be provided. A few dominant types are usually chosen with subordinate types interspersed for accent. Landscaping should be encouraged that will serve the functions of enhancing the visual environment, ensuring public safety, moderating the microclimate and minimizing nuisances. Landscaping should serve to integrate the project with the site, with a particular sensitivity to the natural topography, drainage, and existing native vegetation. Visual variety would be the aim of landscaping treatment. Landscaping should be used to break up large expanses of pavement and parking lots for more than 14 vehicles. Local climatic conditions should be considered when choosing landscape materials to create optimum conditions for their survival. Raised planting surfaces and use of curbs may be used to achieve this objective. Species that are a public nuisance or that cause litter should be avoided.

F. Parking lot landscaping requirements.

1. Interior parking lot landscaping. The interior portion of parking lots shall incorporate and provide curbed tree planting spaces providing not less than 100 square feet of land area per each tree planted. Trees shall be placed somewhat evenly, either symmetrically or asymmetrically, throughout the parking area. The number of trees required shall be based on a ratio of one tree for each seven parking spaces, or fraction thereof, for the first 14 spaces. Beyond the first 14 spaces, the ratio shall be 1 tree for every 14 parking spaces, or fraction thereof. Small parking areas of less than 14 spaces may have the required trees placed next to the parking area, rather than within the lot proper. The minimum size of all parking lot trees shall be one (1) inch caliper at the time of planting.

2. Frontage landscaping. Street landscaping shall be required along any public right-of-way line of any street, road, or highway in the required front yard setback of districts where parking is not permitted. One tree shall be planted for each 30 linear feet of the landscaping strip and shall be located within said required front yard setback.

3. Vision clearance. To ensure that landscape materials do not constitute a driving hazard, clear vision site triangles shall be established at all street intersections and at the intersection of site driveways and streets. Internal parking lot landscaping improvements should be located to avoid blocking the vision of drivers within the parking lot.

G. Plants and materials. All plant materials used shall be placed in fertile soil with suitable drainage and shall be given reasonable maintenance necessary to ensure their healthy existence and survival. All materials shall be maintained or refurbished as necessary to ensure a positive aesthetic quality.

	Heights	Caliper
Evergreens	5'	6" (at 12" above ground)
Narrow Evergreens	3'	4" (at 12" above ground)
Large Deciduous	8'	2 ½" (at 6" above ground)
Small Deciduous		2" (at 6" above ground)
Large Deciduous Shrubs	6'	
Tree-like Shrubs	4'	

H. Approved Plant Materials

1. Evergreen trees: Juniper, Fir, Spruce, Hemlock, Pine, Douglas-Fir.
2. Tree-like Shrubs: Flowering Crabs, Mountain Ash, Redbud, Hornbeam, Magnolia, Russian Olives, Dogwood, Rose of Sharon, Hawthorn.
3. Large Deciduous Shrubs: Honeysuckle, Mock-Orange, Lilac, Cotoneaster, Euonymus, Buckthorn, Viburnum, Forsythia, Ninebark, Hazelnuts, Privet, Sumac.
4. Large Deciduous Trees: Oaks, Hackberry, Planetree (Sycamore), Sweet-gum, Hard maples, Birch, Beech, Honeylocust, Hop Hornbeam.

I. Trees Recommended for Parking Lots

1. Small Trees: (<30 ft) Appropriate for narrow spaces (less than 4 feet wide), planting squares or circles surrounded by concrete, large raised planting containers or other places where underground space for roots will not support large trees. Trident Maple, Hedge Maple, Amur Maple, Serviceberry, Ironwood, American Hornbeam, Eastern redbud, Washington Hawthorn, Winter King Hawthorn, Flowering Crabapple, and Canada Red Chokecherry.
2. Medium Trees: (30-45 ft) Appropriate for medians 4-8 feet wide, large planting squares, and other open areas of at least 50 square feet where the above and below ground growing space will allow

mature trees 30-45 ft. tall. European or Black Alder, Black Tupelo, Black Gum, American Hophornbeam, Korean Mountainash.

3. Large Trees: (>45 ft) Recommended for streets without overhead restrictions where planting lawns or medians greater than 8 feet wide will allow for a large root system, trunk diameter, and root flare. Also appropriate for parks or other large open areas. Red Maple, Sugar Maple, Common Hackberry, Thornless Common Honeylocust, Kentucky Coffeetree, European Larch, American Large, Tamarack, Swamp White Oak, Bur Oak, Yellow Chestnut Oak, English Oak, Northern Red Oak, Basswood, American Linden, Littleleaf Linden, and Silver Linden.

J. Prohibited Plant Materials.

Where a landscape plan is required, the following plant materials are specifically prohibited:

1. Box Elder
2. Silver Maple
3. Elm
4. Poplar/Aspen/Popple
5. Tree Heaven
6. Catalpa
7. Willow
8. Horse Chestnut (nut bearing)
9. Norway Maple and similar cultivar.

K. Maintenance

The owner of property required to be landscaped by this section shall maintain such landscaping in good condition so as to present a healthy, neat, and orderly appearance, free from refuse and debris. All plant materials shall be continuously maintained in a sound, weed-free, healthy and vigorous growing condition, and shall be kept free of plant diseases, weeds, and inspect pests. All unhealthy and dead material shall be replaced within one year or the next appropriate planting period whichever comes first.

22.2 Fuel Storage, Telephone Wire / Other Cables:

- A. The storage of natural gas, liquid propane, gasoline, diesel fuel, and similar hydrocarbon fuels shall comply with the Michigan State Police Fire Marshall Division's Flammable Liquids regulations.
- B. Telephone wire and other electronic communications distribution networks shall be located underground whenever possible, unless it can be demonstrated to the Public Works Director and Zoning Administrator by the company that such action is not feasible.

22.3 Wood Storage:

The following requirements shall apply to the delivery and storage of wood intended for home heating:

- A. In the interest of public safety, the storage of wood shall be adequately secured against rolling or falling and may not be stacked nor placed higher than six (6') feet. Wood shall not be stored or stacked on public lands.
- B. The storage of wood may not occur in the required front yard and shall not be stacked on the sidewalk.

22.4 Outdoor Wood Furnaces:

- A. No person shall install an outdoor wood furnace in the City of Ishpeming on or after the effective date of this ordinance, 4-24-19.
- B. The following provisions apply to outdoor wood furnaces installed before 4-24-19.
1. The outdoor wood furnace shall have a permanently attached stack with a minimum stack height of 15 feet above the ground that also extends at least two feet above the highest peak of any residence not served by the outdoor wood furnace located less than one hundred fifty (150) feet from the outdoor wood furnace.
 2. Fuel burned in the outdoor wood furnace shall be only clean wood, wood pellets made from clean wood, or other listed fuels specifically permitted by the manufacturer's instructions such as fuel oil, natural gas, or propane backup.
 3. The following items are strictly prohibited in outdoor wood furnaces:
 - Any material not listed in #2 above.
 - Wood that has been painted, varnished, or coated with similar material and/or has been pressure treated with preservatives and contains resins or glues as in plywood or other composite wood products.
 - Rubbish or garbage, including but not limited to food wastes, food packaging, food wraps.
 - Any plastic materials including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.
 - Rubber, including tires or other synthetic rubber-like products.
 - Newspaper, cardboard, or any paper with ink or dye products.
 - Any other items not specifically allowed by the manufacturer or this provision.
- C. The owner of the outdoor wood furnace shall obtain an annual permit from the City of Ishpeming Fire Chief if the furnace is located within one hundred fifty (150) feet from the property line of the nearest neighbor.

22.5 Outdoor Lighting Directed / Shielded:

All outdoor lighting shall be directed downward and shall be shielded from shining into roadways or residential uses.

22.6 Dwelling, One-Family Standards:

Dwelling, one-family, means a detached building occupied by one family and so designed and arranged as to provide living, cooking and kitchen accommodations for one family only. Also known as a single-family dwelling. Reference below to the "single state construction code" means the Stille-DeRossett-Hale Single State Construction Code, Act 230 of 1972, as amended. The dwelling unit shall be designed for residential use, complying with the following standards:

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- A. It has a minimum width across any front, side or rear elevation of twenty (20) feet and complies in all respects with the single state construction code, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards or regulations for construction are different than those imposed by the single state construction code, such federal or state standard or regulation shall apply.
- B. It is firmly attached to a permanent foundation constructed on site in accordance with the single state construction code and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required by the applicable building code for single-family dwellings. If the dwelling is a manufactured home, as defined in this section, such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the state mobile home commission and shall have a perimeter wall as required in this subsection.
- C. If a dwelling is a manufactured home, as defined in this section, each manufactured home shall be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage, chassis, or anchoring mechanisms.
- D. The dwelling is connected to a public sewer and water supply or to such private facilities approved by the Marquette County Health Department and City Engineer.
- E. The dwelling contains a storage capability area in a basement located under the dwelling or in an attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to fifteen (15%) percent of the square footage of the dwelling or 200 square feet, whichever shall be less.
- F. The dwelling is aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof overhang of not less than six inches on all sides or, alternatively, with windowsills and roof drainage systems concentrating roof drainage along the side of the dwelling; with not less than two functioning exterior doors, with one being in the front of the dwelling and the other being either in the rear or side of the dwelling; contains permanently attached steps connected to the exterior door areas or to porches connected to such door areas, where a difference in elevation requires the steps.

The compatibility of design and appearance shall be determined in the first instance by the Zoning Administrator upon review of the plans submitted for a particular dwelling subject to appeal by an aggrieved party to the Zoning Board of Appeals (ZBA) within a period of 15 days from the receipt of notice of the Zoning Administrator's decision. Any determination of compatibility shall be based upon the standards set forth within the definition of the term "dwelling," as well as the character of residential development outside of licensed manufactured home communities within 2,000 feet of the subject dwelling where such area is developed with dwellings to the extent of not less than twenty (20%) percent of such area; or, where the area is not so developed, by the character of residential development outside of manufactured home communities throughout the city. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour or relief from the common or standard-designed home.

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- G. The dwelling contains no additions or rooms or other areas which are not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.
- H. The dwelling complies with all pertinent building and fire codes. For a manufactured home, all construction and all plumbing, electrical apparatus and installation with and connected to the manufactured home shall be of a similar type and quality conforming to the Mobile Home Construction and Safety Standards, as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.
- I. The longest side of the dwelling, being the natural front, shall be as closely parallel as possible to the street.
- J. All construction required herein shall commence only after a building permit has been obtained in accordance with the applicable Marquette County Building Code provisions and requirements.

The standards of subsections A. through J. of this set of regulations shall not apply to a manufactured home located in a licensed manufactured home community, except to the extent required by State or Federal law or otherwise specifically required in City ordinances pertaining to such communities. Manufactured homes which do not conform to the standards of this **Section 22.6** of this Ordinance shall not be used for dwelling purposes within the City, unless located within a licensed manufactured home community, a manufactured home plat or a manufactured home condominium project.

22.7 Compliance:

No building, structure or part thereof shall hereafter be erected, constructed or altered and maintained, and no new use or change shall be made or maintained of any building, structure or land, or part thereof, except in conformity with the provisions of this Ordinance.

22.8 One Principal Use Per Lot:

No more than one principal use may be permitted on a lot, unless specifically provided for elsewhere in this Ordinance. For example, a home occupation (which is conditionally provided for in some districts within this Ordinance) might be considered to be two (2) principal uses on one lot.

22.9 Garage Sales:

Garage sales, as an accessory use at residences, are allowed a maximum of three (3) occurrences per calendar year in all zoning districts; each occurrence shall not exceed seven (7) consecutive days. Garage sales are not considered to be a Home Occupation.

22.10 Fees In Escrow for Professional Reviews:

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- A. Any application for rezoning, site plan approval, a Conditional Land Use Permit, Planned Unit Development, Variance, or other use or activity requiring a permit under this Ordinance above the following threshold, may also require the deposit of fees to be held in escrow in the name of the applicant. An escrow fee may be required by either the Zoning Administrator or the Planning Commission for any project which;
 - 1. has more than twenty (20) dwelling units, or
 - 2. more than twenty-thousand (20,000) square feet of enclosed space, or
 - 3. which requires more than twenty (20) parking spaces, or
 - 4. which involves surface or below surface mining or disposal of mine materials.

- B. An escrow fee may be required to obtain a professional review of any other project which may, in the discretion of the Zoning Administrator or Planning Commission create an identifiable and potentially negative impact on public roads, other infrastructure or services, or on adjacent properties and because of which, professional input is desired before a decision to approve, deny or approve with conditions is made.

- C. The escrow shall be used to pay professional review expenses of engineers, community planners, and any other professionals whose expertise the City of Ishpeming values to review the proposed application and/or site plan of an applicant. The professional review shall result in a report to the Zoning Administrator and/or the Planning Commission indicating the extent of conformance or nonconformance with this Ordinance and identify any problems which may create a threat to public health, safety or the general welfare. Mitigation measures or alterations to a proposed design may be identified where they would serve to lessen or eliminate identified impacts. The applicant will receive a copy of any professional review hired by the City of Ishpeming and a copy of the statement of expenses for the professional services rendered, if requested.

- D. No application for which an escrow fee is required will be processed until the escrow fee is deposited with the City Treasurer. The amount of the escrow fee shall be established based on an estimate of the cost of the services to be rendered by the professionals contacted by the Zoning Administrator and/or the Planning Commission. The applicant is entitled to a refund of any unused escrow fees at the time a permit is either issued or denied in response to the applicant's request.

- E. If actual professional review costs exceed the amount of an escrow, the applicant shall pay the balance due prior to receipt of any Land Use or other permit issued by the City of Ishpeming in response to the applicant's request. Any unused fee collected in escrow shall be promptly returned to the applicant, without interest, once a final determination on an application has been made or the applicant withdraws the request and expenses have not yet been incurred.

- F. Disputes on the costs of professional reviews may be resolved by an arbitrator mutually satisfactory to both parties.

22.11 Small On-Site Use Wind Energy System (Wind Turbine):

- A. Intent. A small on-site use wind energy system (**see Section 3.0 for definition**) is intended to first serve the needs of the applicant. A utility grid wind energy system (a wind farm) is not a permitted use under this Section. An anemometer tower shall abide by the same regulations below for a small on-site wind system and shall be removed before an on-site use wind system is installed.
- B. Small On-site Wind Energy System (Wind Turbine). In the SR (Single Family Residential), GR (General Residential), MR (Multiple Residential), GC (General Commercial), I (Industrial) or DD (Deferred Development) districts one (1) small wind energy system per lot with a power generation capacity of 5 kilowatts (or equivalent) or less is a conditionally permitted use, subject to the following requirements.
1. Setbacks. The base of tower shall be setback a distance of not less than 1.1 times the structure height from the nearest property line. In addition, no part of the wind energy system structure, including any guy wire anchors, may extend closer than ten (10') feet to the nearest property line.
 2. Height. There is no fixed height limit in this case beyond that caused by the requirements of paragraphs 1. and 8. herein.
 3. Noise. Sound pressure levels shall not exceed 55 dB(A) at the property line closest to the wind energy system. This sound pressure level may be exceeded during short-term events such as utility outages and/or severe wind storms. If the ambient sound pressure level exceeds 55 dB(A), the standard shall be ambient dB(A) standard plus 5 dB(A).
 4. Safety.
 - a. Vertical Clearance. The minimum vertical blade tip clearance from grade shall be fifteen (15) feet for a wind energy system employing a horizontal axis rotor. Blade or rotor arc must be demonstrated to be a safe and reasonable distance from any separate building, structure, utility wire, or tree.
 - b. Guy Wire Visibility. If a wind energy system tower is supported by guy wires, the wires shall be clearly visible to a height of at least six (6') feet above the guy wire anchors.
 - c. Rotor or Blade Integrity Protection. An on-site use wind energy system shall have automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over speeding.
 - d. Lightning. All wind energy system towers shall have lightning protection.
 5. Shadow Flicker. If shadow flicker appears to be a problem for one or more neighboring dwelling(s), the applicant must demonstrate a successful resolution.
 6. Construction Codes, Towers, and Interconnection Standards. On-site use wind energy systems, including towers, shall comply with all applicable state construction and electrical codes and local building permit requirements. On-site use wind energy systems, including towers, shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act, the Michigan Tall Structures Act, and any local jurisdiction airport overlay zone regulations.
 7. Wiring. All wiring between the tower and the main building shall be either underground or at least eight (8') feet above grade.
 8. Decommissioning. The on-site use wind energy system (Wind Turbine) and all appurtenances thereto shall be removed from the site within one (1) year after the Wind Turbine is no longer in use (not generating any electricity for over 12 continuous months). The owner of the land upon which the small on-site use wind energy system (Wind Turbine) is located shall be responsible for such removal and unless removed a tax lien in an amount sufficient for its removal will be levied on the parcel.

9. A Wind Turbine which is not so removed shall constitute a public nuisance per se.

22.12 Solar Structures and Easements:

- A. Permitted. Active and passive solar energy devices, systems or structures shall be permitted in all zoning classifications by right, subject to administrative approval, except when such solar devices or architectural features project into required front or side yards, or are free-standing elements in a required front or side yard, in which case a Variance granted by the Zoning Board of Appeals is required.
- B. Maximum Height of Structures. Passive solar energy structures, such as flat plate collectors, photovoltaic cells, etc., which are roof-mounted or integrated otherwise into the roof structure shall not be included in the calculation of maximum height. Active solar energy structures, when mounted on either freestanding structural elements or integrated architecturally with a principal or accessory building shall not exceed the district maximum height limit.
- C. Easements. A landowner may enter into an easement, covenant, condition or other property interest in any deed or other instrument, to protect the solar skyspace of an actual, proposed or designated solar energy structure at a described location by forbidding or limiting activities, land uses, structures and/or trees that interfere with access to solar energy. The solar skyspace must be described as the three (3) dimensional space in which obstruction is prohibited or limited. Any property owner may give or sell his right to access to sunlight. Such Solar Access Easements shall be recorded and a copy shall be furnished to the City of Ishpeming Zoning Department.
- D. Removal. If a solar energy system ceases to perform its intended function for more than twelve (12) consecutive months, the property owner shall remove the collector, mount, and associated equipment and facilities no later than 90 days after the end of the twelve (12) month period and, unless removed, a tax lien in an amount sufficient for its removal will be levied on the parcel.

22.13 Residential Limited Animal Keeping:

Intent Language. This accessory use is allowed upon application for a non-transferable Residential Animal Keeping Permit approved by the Zoning Administrator and, upon approval, is intended to be for the benefit of the occupants of the dwelling on-site, and not for commercial use. This use allows the limited keeping of animals in the SR (Single Residential), GR (General Residential) and MR (Multiple Residential) zoning districts as an accessory use, where there is a separate occupied dwelling. That means the limited animal keeping can only be accessory. Animals being kept in a residential environment need to be cared for and monitored daily to maintain animal health and to prevent nuisance problems with neighbors and the community.

- A plot plan needs to be provided in accordance with **Section 28.3**.
- One or more of the following types of animals (**chickens, rabbits, and bees**) are permitted in accordance with this Section on the same property and shall be located in the backyard.
- All seed, fertilizer, and animal feed shall be stored in a secured, rodent-and- raccoon-proof containers and housed within an enclosed structure.
- Signage shall not be permitted. Sale of eggs, honey, hens or rabbits is not permitted.
- All animal structures and roaming areas shall be kept sanitary and free from accumulations of animal excrement and objectionable odors. Waste can be composted or disposed of properly as

required by the current Residential Garbage Refuse Collection Agreement. Piling of waste materials on the property is not permitted.

- Butchering and dressing of animals raised on the premises shall be permitted if conducted entirely within an enclosed building.
- Chickens, rabbits, or bees currently existing in the city shall not be “grandfathered” or permitted to remain after the effective date of this ordinance; however, owners of chickens, rabbits or bees will have ninety (90) days from April 24, 2019 to comply with this ordinance.

A. Limited Residential Keeping of **Chickens**: Required Conditions

1. Roosters (male adult chickens) are not permitted.
2. A maximum of up to six (6) chickens per single or duplex dwelling unit(s) are allowed per site and no chickens are permitted in residences, porches or attached garages.
3. Enclosed housing for chickens (hen house or coop) shall be located in the backyard, be fully enclosed, roofed and be at least six (6) square feet in size to start for the first three (3) chickens, with an additional minimum of two (2) sq. ft. for each additional chicken.
4. All structures related to the housing of chickens shall be set back at least ten (10') feet from any property line and a minimum of twenty feet (20') from any neighboring residences.
5. An outdoor enclosed run is allowed, is limited to sixty (60) sq. ft. in size, eight (8) feet in height, must be attached to the coop and screened from the street and neighboring properties to protect them from vehicular traffic, and to minimize external impacts of the outdoor roaming areas.

B. Limited Residential Keeping of **Rabbits**: Required Conditions

1. Rabbits shall only be kept within an enclosed structure, cage, or hutch, except for monitored exercise periods.
2. An average area of approximately five (5) sq. ft. per rabbit is required for a maximum of up to two (2) rabbit hutches. The maximum number of rabbits permitted is twenty (20).
3. All structures related to the housing of rabbits shall be set back at least ten (10') feet from any property line and a minimum of fifteen feet (15') from any neighboring residences.

C. Limited Residential Keeping of **Bees**: Required Conditions

1. A minimum area of five thousand five hundred (5,500) sq. ft. dedicated exclusively for bees, is required per hive for a maximum of up to two (2) beehives. For every additional five thousand five hundred (5,500) sq. ft. of area dedicated exclusively for bees, two (2) additional beehives are permitted.
2. All structures necessary for and related to the housing of honeybees shall be set back at least twenty (20') feet from any property line.
3. Ground mounted beehives shall be located no higher than six (6') feet from grade and have a maximum size of twenty (20) cubic feet.
4. A constant supply of water shall be provided for all hives.
5. A flyway of at least six (6) feet in height comprising of a lattice fence, dense hedge or similar barrier must be established in front of the opening of the hive such that the Honey Bees fly upward and away

from neighboring properties. The flyway shall be located within three (3) feet of the entrance to the hive and shall extend at least two (2) feet in width on either side of the hive opening.

22.14 Building(s) to be Moved:

Any building or structure which has been wholly or partially erected on any premise located within the city shall not be moved to and placed upon any other premise in this city until a Zoning Compliance Permit for such removal and relocation shall have been secured from the Zoning Administrator and until other approvals are obtained from such other inspectors and/or authorities as may be required under existing law. Any such proposed relocated building or structure shall fully conform to all the provisions of this Ordinance in the same manner as a newly constructed building or structure.

22.15 Private Roads:

A. Fee and Application

1. The application fee for a Private Road Permit will be established by the Ishpeming City Council and must be paid at the time of the application.

B. Application Requirements – The following information shall be submitted to the Zoning Administrator as part of the application for a Private Road Permit.

1. Name of Applicant(s)
2. Name of the owner(s) of record of the land.
3. Any legal encumbrances on the land upon which the proposed road is located.
4. Statement of whom will own the road following construction, by what legal instrument, and who will be responsible for road maintenance.
5. The estimated volume and type of traffic to use the road.
6. The anticipated starting and completion dates of each phase of road construction.
7. A description of erosion, sedimentation, and dust control measures to be employed during and following construction.
8. A description of storm water management and drainage provisions, together with supporting assumptions and calculations.
9. An illustrated plan prepared by a Professional Engineer complying with current City of Ishpeming “Engineering Standards for Design and Construction of Streets, Storm Drainage Systems, and Road-side Appurtenances” specifications which depict;
 - a. The scale; the direction of magnetic North; the starting and ending point of the proposed road with relation to established roads and any planned or anticipated future extensions of the boundary lines of all properties abutting the proposed road, including any new lots to be created.
 - b. Proposed locations of driveways off the private road.
 - c. All natural waterways, the location and profile (including size and capacity) of all existing and proposed water management and drainage structures, including sewer or septic systems, water lines or private wells.
 - d. The design and profile of the 75 feet of the proposed road closest to any public or private road intersection; and, if proposed to be over 300 feet in length, the design of the emergency vehicle turnaround to permit a forty-two (42) foot turning radius.

- e. The location of all existing and proposed structures.
- f. A cross section of the proposed road, showing the types and depths of material to be used in the road base and surface.

C. Standards for Approval

The proposed private road shall meet the following standards:

1. The minimum right-of-way width shall be sixty-six (66) feet. The applicant can request a reduction in right-of-way width in order to protect natural features provided that in no case may the right-of-way be less than 50' as a result of space saving features such as curb and gutter.
2. Adequate sight distance of 10 times speed limit in feet (e.g., 45 mph zone requires 450 feet) visibility in each direction. This shall be measured from where the driver's seat of a vehicle would be situated fifteen (15) feet from the edge of the shoulder, with the height of eye at 3-1/2 feet, to the top of an object at 4 ½ feet above the pavement.
3. Drainage will neither erode the proposed road nor wash directly onto the public road or other private property.
4. Roads and right-of-way over 300 feet long must have an adequate place for emergency vehicles with a forty-two (42) foot turning radius, school buses, garbage trucks, etc. to turn around.
5. No fence, wall, sign, screen or any planting shall be erected or maintained in such a way as to obstruct vision between a height of three (3) and ten (10) feet within the triangular area formed by the intersection of a road right-of-way line and a private road right-of-way line and a line connecting two (2) points which are located on those intersecting right-of-way lines, thirty (30) feet from the point of intersection.
6. Parcels fronting on private roads shall meet the required front yard setback and minimum lot width for their district as set forth in [Section 19.0 Schedule of General Regulations](#).
7. The angle of intersection with the public road must be as close to 90 degrees as possible, but never less than 60 degrees.
8. For roads servicing any permanent, year-round structure, it is required that driveways, private roads and rights-of-ways that are over 300 feet long meet current specifications to facilitate emergency vehicle access with a forty-two (42) foot turning radius and turn around (Cul-De-Sac, T-turnaround, etc.) Minimum cleared passage for a private road is to be thirty (30) feet in width and sixteen (16) feet of clear height throughout the passageway.
9. Private roads serving five (5) residential lots or less must meet sub-base (18" sand) and subgrade (8" aggregate base course) requirements of the current City of Ishpeming "Engineering Standards for Design and Construction of Streets, Storm Drainage Systems, and Road-side Appurtenances" for Local Streets.

D. Private Road Paving

Private roads must be paved to meet current City of Ishpeming "Engineering Standards for Design and Construction of Streets, Storm Drainage Systems, and Road-side Appurtenances" for Local Streets if any of the following occur:

1. The road serves more than five (5) residential lots;
2. The road provides access to any multiple family development (s);
3. The road provides connection between any two public roads;
4. The road provides access to Industrial or Commercial property;
5. The private road is more than 500' in length from a public road.

E. Road Permit Denial / Right to Appeal

If any of the applicable conditions as outlined above are not met or there is information missing from the application, the Ishpeming City Zoning Staff may deny the Road Permit application. If the applicant feels that the Ishpeming City Zoning Staff has erred in their interpretation of this Ordinance, the applicant may file an administrative appeal with the Ishpeming City Zoning Board of Appeals within thirty (30) days of the denial.

If the applicant feels that the denial of the Road Permit creates a practical difficulty, the applicant may request a variance from the Ishpeming City Zoning Board of Appeals pursuant to standards for a variance as set forth in the Ishpeming City Zoning Ordinance. If these standards are not met, the applicant must acknowledge added risk and sign a Hold Harmless Agreement, to be registered with the land at the Marquette County Register of Deeds.

F. Consequences of Non-Compliance with this Ordinance

Any parcel accessed by a private road created in non-compliance with the Ordinance shall not be eligible for any zoning approvals, such as land splits, conditional land use approval or site plan approval. In addition, violation shall subject the violator to the fines and enforcement actions set forth, and as may otherwise be provided by law.

G. Existing Private Roads

Private roads that were created prior to the adoption of this ordinance shall be subject to all the conditions specified in the ordinance for any extension to the existing private road. Any parcel accessed by an extension of an existing private road, created in noncompliance with this ordinance shall not be eligible for any zoning approvals, such as zoning compliance, land splits, conditional land use approval or site plan approval.

22.16 Condominium Developments:

The following regulations shall apply to all condominium developments within the City:

- A. Initial information. Concurrently with the notice required to be given the city pursuant to Section 71 of the Condominium Act, Public Act No. 59 of 1978 (MCL 559.171), a person intending to develop a condominium development shall provide the following information:
1. The name, address, telephone number and email address of:
 - a. All persons with an ownership interest in the land on which the condominium development will be located together with a description of the nature of each entity's interest (for example, fee owner, optionee, or land contract vendee).
 - b. All engineers, attorneys, architects, or registered land surveyors associated with the project.
 - c. The developer or proprietor of the condominium development.
 2. The legal description of the land on which the condominium development will be developed together with appropriate tax identification numbers.
 3. The acreage content of the land on which the condominium development will be developed.
 4. The purpose of the development (for example, residential, commercial, industrial, etc.).
 5. Approximate number of condominium units to be developed on the subject parcel.

6. Whether or not a community water system is contemplated.
 7. Whether or not a community septic system is contemplated.
-
- B. Information to be kept current. The information shall be furnished to the City Zoning Administrator and shall be kept updated until such time as a zoning compliance permit has been issued pursuant to **Section 29.2B.**
 - C. Site plans for new projects. Prior to recording of the master deed required by Section 72 of Public Act No. 59 of 1978 (MCL 559.172), the condominium development shall undergo site plan review and approval pursuant to **Section 28.4.** In addition, the City shall require appropriate engineering plans and inspections prior to the issuance of any certificates of occupancy.
 - D. Site plans for expandable or convertible projects. Prior to expansion or conversion of a condominium development to additional land, the new phase of the project shall undergo site plan review and approval pursuant to **Section 28.4.**
 - E. Master deed, restrictive covenants and as-built survey. The condominium development developer or proprietor shall furnish the building official with the following: one copy of the recorded master deed, one copy of all restrictive covenants, and two copies of an as-built survey. The as-built survey shall be reviewed by an engineer consultant (city engineer) for compliance with City ordinances. Fees for this review shall be established by resolution of the City Council.
 - F. Monuments. All condominium developments which consist in whole or in part of condominium units which are building sites, mobile home sites, or recreational sites shall be marked with monuments as provided in this subsection.
 1. All monuments used shall be made of solid iron or steel bars at least one-half inch in diameter and 36 inches long and completely encased in concrete at least four inches in diameter.
 2. Monuments shall be located in the ground at all angles in the boundaries of the condominium development, at the intersection lines of streets and at the intersection of the lines of streets with the boundaries of the condominium development and at the intersection of alleys with the boundaries of the condominium development, at all points of curvature, points of tangency, points of compound curvature, points of reverse curvature and angle points in the side lines of streets and alleys and at all angles of an intermediate traverse line. It is not intended or required that monuments be placed within the traveled portion of a street to mark angles in the boundary of the condominium development if the angle points can be readily re-established by reference to monuments along the side lines of the streets.
 3. If the required location of a monument is in an inaccessible place, or where the locating of a monument would be clearly impracticable, it is sufficient to place a reference monument nearby, and the precise location thereof shall be clearly indicated on the plans and referenced to the true point.

City of Ishpeming Zoning Ordinance

4. If a point required to be monumented is on a bedrock outcropping, a steel rod, at least one-half inch in diameter, shall be drilled and grouted into solid rock to a depth of at least eight inches.
 5. All required monuments shall be placed flush with the ground where practicable.
 6. All unit corners and the intersection of all limited common elements and all common elements shall be monumented in the field by iron or steel bars or iron pipe at least 18 inches long and one-half inch in diameter, or other approved markers.
 7. The City Council may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one year, on the condition that the proprietor deposits with the City clerk cash or a certified check, or an irrevocable bank letter of credit to the City, whichever the proprietor selects, in an amount to be established by the City Council by resolution. Such cash, certified check, or irrevocable bank letter of credit shall be returned to the proprietor upon receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified.
- G. Compliance with federal, state and local law. All condominium developments shall comply with federal and state statutes and local ordinances.
- H. Occupancy before installation of improvements. The Zoning Administrator may allow occupancy of the condominium development before all improvements required by this section are installed, provided that cash, a certified check, or an irrevocable bank letter of credit is submitted sufficient in amount and type to provide for the installation of improvements before the expiration of the temporary occupancy permit without expense to the city.
- I. Single-family detached condominiums.
1. Pursuant to authority conferred by Section 141 of the Condominium Act, Public Act No. 59 of 1978 (MCL 559.241), all condominium subdivision plans must be approved by the City Council following review and recommendation for approval by the Planning Commission. In determining whether to recommend a condominium subdivision plan for approval to the City Council, the Planning Commission shall consult with the Zoning Administrator, city's attorney, engineer consultant (city engineer), and planning consultant (city planner) regarding the adequacy of the master deed, deed restrictions, utility systems and streets, development layout, and design and compliance with all requirements of the Condominium Act, Public Act No. 59 of 1978 (MCL 559.101 et seq.), and this zoning ordinance.
 2. A single-family detached condominium development shall be subject to all of the requirements and standards of the applicable single- or multiple-family residential district or an approved planned unit development (PUD) plan.
 3. The design of a single-family detached condominium project shall be subject to the following design layout and engineering standards, except as may otherwise be provided by this section. Streets shall conform to at least all minimum requirements of the general specifications and typical cross sections as set forth in the design layout standards in conditions set forth by the City Council.
 - a. Location, arrangement and design of streets.

- (1) The street layout shall provide for continuation of collector streets in the adjoining subdivisions or of the proper projection of streets when adjoining property is not subdivided, or conform to a plan for a neighborhood unit drawn up and adopted by the Planning Commission.
- (2) The street layout shall include minor streets so laid out that their use by through traffic shall be discouraged.
- (3) Should a proposed condominium development border on or contain an existing or proposed major thoroughfare, the Planning Commission may require marginal access streets, reverse frontage, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation and reduction of traffic hazards.
- (4) Should a proposed condominium development border on or contain a railroad, expressway, or other limited access highway right-of-way, the Planning Commission may require the location of a street approximately parallel to and on each side of such right-of-way at a distance suitable for the development of an appropriate use of the intervening land such as for public parks in residential districts. Such distances shall be determined with due consideration of the minimum distance required for approach grades to future grade separation.
- (5) Half streets shall be prohibited, except where absolutely essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations, and where the Planning Commission finds it will be practicable to require the dedication of the other half when the adjoining property is developed. Wherever there exists, adjacent to the tract to be subdivided, a dedicated or platted and recorded half street, the other half shall be platted or otherwise included in the condominium subdivision.
- (6) Should a proposed condominium development border upon or contain an existing or proposed canal, channel, or drainage way, the Planning Commission may require the location of a bridge facility suitable to permit the unimpeded flow of water and the passage of waterborne vehicles.

b. Right-of-way and pavement widths.

- (1) Street right-of-way and pavement widths shall conform to at least the following minimum requirements:

Street Type	Right-of-Way Width	Pavement Width
All types of streets	66 feet	24 feet
Cul-de-sac	75-foot radius	45-foot radius

- (2) No on-street parking shall be allowed.
- (3) Minimum length for residential cul-de-sac streets shall be 140 feet. Maximum length for residential cul-de-sac streets shall be 500 feet.

- (4) Access to streets across all ditches shall be provided by the proprietor with the city's specifications and procedures for driveway installation.
- c. Easements.
 - (1) Location of utility line easements shall be provided as necessary for utility lines. Such easements shall be a total of not less than 12 feet wide, six feet from each parcel.
 - (2) Recommendations on the proposed layout of telephone and electric company easements should be sought from all of the utility companies serving the area. It shall be the responsibility of the proprietor to submit copies of the proposed condominium development plan to all appropriate public utility agencies.
 - (3) Easements six feet in width, three feet from each parcel, shall be provided where needed, alongside condominium unit boundary lines so as to provide for streetlight dropouts. Prior to the approval of the condominium subdivision plan, a statement shall be obtained from the appropriate public utility indicating that easements have been provided along specific condominium unit boundaries. A notation shall be made on the condominium subdivision plan indicating: "The side boundary lines between condominium units (indicating building envelope numbers) are subject to streetlight dropout rights granted to the (name of utility company)."
- 4. Condominium units. Condominium units within detached condominium developments shall conform to the following standards:
 - a. Condominium units situated on corners in residential subdivisions shall be at least ten (10') feet wider than the minimum width permitted by this zoning ordinance.
 - b. Excessive condominium unit depth in relation to width shall be avoided. A depth-to-width ratio of 3:1 shall be considered a maximum.
 - c. Every condominium unit shall front or abut on a street.
 - d. Side condominium unit lines shall be at right angles or radial to the street lines.
 - e. Condominium units abutting major thoroughfares or collector streets, where marginal access streets are not desirable or possible to attain, shall be situated with reverse frontage condominium units, or with side condominium unit lines parallel to the major traffic streets.
 - f. Condominium units shall have a front-to-front relationship across all streets where possible.
 - g. Where condominium units border upon bodies of water, the front yard may be designated as the waterfront side of such condominium unit provided the building envelope has sufficient depth to provide adequate setback on the street side to maintain

a setback for all structures equal to the front setback on the street side as well as on the waterfront side.

5. Blocks.
 - a. Maximum length for blocks shall not exceed 1,300 feet in length, except where, in the opinion of the Planning Commission, conditions may justify a greater distance.
 - b. Widths of blocks shall be determined by the condition of the layout and shall be suited to the intended layout.
6. Natural features. The natural features and character of lands must be preserved wherever possible. Due regard must be shown for all natural features such as large trees, natural groves, watercourses, and similar community assets that will add attractiveness and value to the property, if preserved. The preservation of drainage and natural stream channels must be considered by the proprietor and the dedication and provision of adequate barriers, where appropriate, shall be required.
7. Walkways. Walkways shall be installed in all single-family detached condominium developments. Such walkways shall be a minimum of five (5') feet in width along both sides of collector and minor streets and six (6') feet in width along all major thoroughfares. Access to all general common areas shall be provided. Upon review of the site plan, the Planning Commission may approve alternate locations for the walkways or may waive the walkway requirement if it would not serve the purpose of providing adequate pedestrian circulation.
8. Utilities.
 - a. An adequate storm drainage system including necessary storm sewers, catch basins, manholes, culverts, bridges, and other appurtenances shall be required in all developments.
 - b. A sewage disposal system shall be required as regulated by the City of Ishpeming.
 - c. A water supply system shall be required as regulated by the City of Ishpeming.
 - d. The proprietor shall make arrangements for all lines for telephone, electric, television, and other similar services distributed by wire or cable to be placed underground entirely throughout the development area, and such conduits or cables shall be placed within private easements provided to such service companies by the developer or within dedicated public ways; provided that overhead lines may be permitted upon written recommendation of an engineer consultant (city engineer) and the approval of the Planning Commission at the time of site plan approval where it is determined that overhead lines will not constitute a detriment to the health, safety, general welfare, design, and character of the development. All such facilities placed in dedicated public ways shall be planned so as not to conflict with other underground utilities. All such facilities shall be constructed in accordance with standards of construction approved by the state public service commission. All drainage and underground utility installations which traverse privately held property shall be protected by easements granted by the proprietor.

9. Final documents to be provided. After submittal of the condominium plan and bylaws as part of the master deed, the proprietor shall furnish to the City a copy of the site plan on a Mylar sheet of at least 13 inches by 16 inches with an image not to exceed 10½ inches by 14 inches. A digital copy shall also be provided.

22.17 Open Space Preservation (with residential clustering example):
[Developer's option under Mich. Enabling Act]

- A. Statement of purpose. The purpose of this section is to provide an optional mechanism for development of single-family residences, where permitted, which assists in meeting the following goals: Maintain the character of the area, maintain an image of open space, permanently preserve open space and natural resources, protect a portion of lands for agriculture and farming, and achieve a balance between farming, open space and residential growth. Specifically, the City recognizes:
 1. That the preservation of wetlands, woodlands, open space and agricultural land in the City is necessary to the conservation of local, state, and national economic resources and is necessary, not only to the maintenance of the economy of the state, but also for the assurance of desirable living conditions for present and future residents of the City;
 2. That the discouragement of unnecessary conversion of open space and agricultural land to urban uses is a matter of public interest and will be of benefit to the City residents overall in that it will discourage noncontiguous urban development patterns, which unnecessarily increase the costs of services to community residents;
 3. That development under the open space preservation development option provisions of this section is a primary goal of the City. Development under the provisions of this option is intended to provide the preferred alternative to lot splitting or conventional subdivision or site condominium development in many areas of the City;
 4. That single-family residential developments approved through this development method shall:
 - a. Maintain the City's open space and rural or semi-rural settings;
 - b. Allow greater flexibility and encourage a more creative approach to residential development;
 - c. Preserve the City's natural resources, including woodlands, wetlands, floodplains, prime agricultural land, and similar natural assets;
 - d. Create a more desirable living environment through the preservation and conservation of the natural character of open fields, stands of trees, wetlands, brooks and streams, farmland and other similar assets;
 - e. Provide open space that directly benefits the residents of the development and the City;
and

- f. Protect the character of the district, retain scenic vistas by requiring optimum setbacks of residential development from highways and improve traffic safety by prohibiting direct access from individual home sites to such highways.
- B. Eligibility under the Michigan Zoning Enabling Act (MCL 125.3506 et seq.). To utilize this development option, a site without public sewer service shall be located within a zoning district that has a one-half (½) acre (21,280 sq. ft.) or larger minimum lot size or a site with public sewer service shall be located within a zoning district that has a one-third acre (14,420 sq. ft.) or larger minimum lot size. The open space preservation development (residential clustering) option shall be a principal use permitted in the 12.0 MR and 17.0 DD districts.
- C. Method of land division. Home sites may be developed under this option as a subdivision, a site condominium, or land division.
- D. Open space retained. To the greatest extent possible, all the natural features of the property such as large trees, natural groves, wetlands, floodplains, watercourses, natural drains and stream channels and similar assets that will add attractiveness and value to the property and will promote the health and welfare of the community shall be preserved. Retained open space and other protected resource areas shall be reasonably contiguous (not fragmented).
 1. Primary conservation areas. This category consists of:
 - a. Wetlands, lands that are generally inundated (under ponds, lakes, creeks, etc.), land within the 100-year floodplain, slopes exceeding 25 percent, and soils subject to slumping. These sensitive lands are deducted from the total parcel acreage to produce the "adjusted tract acreage," on which density shall be based (for both conventional and conservation subdivisions). (These areas are deducted because as a rule they would not be buildable lands under traditional development.)
 - b. Land that would be required for street rights-of-way (a minimum 10% of the net tract area) and land under permanent easement prohibiting future development (county drain easements, existing and planned public road ROWs, utility easements, etc.) shall also be deducted.
 2. Secondary conservation areas. In addition to the primary conservation areas, at least 50 percent of the remaining land shall be designated and permanently protected. Full density credit shall be allowed for land in this category that would otherwise be buildable under local, state, and federal regulations, so that their development potential is not reduced by this designation. Such density credit may be applied to other unconstrained parts of the site. This category typically includes all or part of the following kinds of resources: mature woodlands, significant wildlife habitat areas, prime farmland, historic, archaeological, scenic views into the site from public roads. At least 25 percent of the total of the minimum required secondary conservation areas may be suitable for

active recreation purposes, but no more than 50 percent shall be utilized for that purpose, in order to preserve a reasonable proportion of natural areas on the site. The purposes for which open space areas are proposed shall be documented by the applicant.

3. Lots. Protected areas shall be outside the boundaries of the proposed lots.

E. Method of preservation. The areas in open space, recreation, agriculture, or commons shall be perpetually protected from development. The open space shall be preserved using one or a combination of the following methods, subject to the review and approval of the City's attorney and the City Planning Commission:

1. Home owners association (HOA). Title to the open space lands and other protected resource areas may be held by a homeowner's association with required participation of all residents within the development. If an HOA is to hold title, a recognized independent conservation organization shall be granted a conservation easement covering all land areas to be protected.

2. Protective covenants. The covenants of the subdivision may include the preservation of lands within them. The exact locations of the open space and other protected resource areas shall be defined within this document. These covenants shall also state the types of uses that would be allowed in such open spaces and other protected areas. Covenants may be used with a home owners association but a recognized independent conservation organization shall be granted a conservation easement covering all land areas to be protected.

3. Condominium association. All elements that are reserved for open space and other protected resource areas shall be preserved as common elements as shown on the site plan, except those areas that may be dedicated to a unit of government. Any alteration to the open space and other protected areas under common element status shall require the submittal of a new site plan and approval by the appropriate bodies. If a condominium association is to hold title to any open space and/or other protected areas, a recognized independent conservation organization shall be granted a conservation easement covering all land areas to be protected.

4. Fee simple dedication to a unit of government. The open space lands are dedicated to a unit of government (City, village, township, school district, county, state, or federal, etc.). This dedication may have provisions within it that state that in no way shall the unit of government be obligated to any cost due to the acquisition, and that the municipality has ample access to all areas of the open space for adequate maintenance purposes should they ever be needed. There shall also be deed restrictions preventing the unit of government from selling the property or using it for development purposes. If dedication to the City or another governmental body is to be used, a recognized independent conservation organization shall be granted a conservation easement covering all land areas to be protected.

5. Conservation easements. The easement over the open space lands and other protected resource areas shall be held by a legal owner/holder, such as a conservation agency, and that owner shall have the right to enforce any aspect of the easement. The easement shall state the uses that are

allowed within the open space areas and other protected resource areas and which uses are disallowed. The agreement shall be as specific as possible as to what is allowed and where it is allowed to take place. If the easement is granted to any party other than a recognized independent conservation organization, the easement shall be co-signed by a recognized independent conservation organization to ensure a checks and balance system. Whichever organization holds the legal rights to the easement, they shall visit the site a minimum of once per year to inspect and record any violations that may be occurring within the open space areas and other protected resource areas and create and file a report of what is observed.

6. Public trust. The open space lands and other protected resource areas may be dedicated to a public trust. This shall include the accompaniment of money with it to provide funds for the trust to conduct annual surveys on the land to turn into state agencies which may require these reports. The two entities shall enter into an agreement which states that the trust, whose only purpose is to protect open lands and other protected resource areas, shall protect these spaces within the development.
 7. Conveyance of any unused development rights. Any unused development rights of the subject property may be conveyed to a unit of government or a conservation agency while allowing present and future owners of the open space lands to continue to maintain farming activities or open lands for their own use but permanently giving up the right to ever develop it.
- F. Density limit (yield plan). The number of dwellings permitted to be constructed shall not exceed the number that would be permitted under conventional zoning regulations as determined by gross parcel area less primary conservation areas as defined in the paragraphs under subsection D.1., divided by the minimum lot area set forth in the schedule of regulations for the district involved. The permitted density may be modified if a density bonus is approved by the Planning Commission.
- G. Density bonus.
1. Generally. To encourage developers to utilize this development option where a large amount of open space is permanently preserved instead of conventional forms of land division where little or no usable open space remains, the Planning Commission may permit the number of dwelling units to be increased by up to 30 percent depending upon the physical characteristics of the site and upon a determination by the commission that the plan is well designed and that proposed development complies in all respects with the intent and purpose of this section, provided all other requirements of this section are met. Proceeds from the sale of bonus lots are to be used to provide a conservation endowment (50%) and to provide an incentive (50%) to the developer. Spending from this conservation endowment fund shall be restricted to interest from such fund and shall be used to offset continuing open space monitoring and maintenance costs.
 2. Public access. To encourage appropriate and desirable lands to be set aside for public access to a portion of the site, a bonus of one additional potential lot may be granted to the developer in

exchange for a written and recorded easement to a unit of government for each five (5) acres of public access land provided. (Note: Land for connecting public paths or trails and adjoining buffer areas are one type of public access that may be desired. Public access to or along water bodies may be desired. Historic, archaeological, or cultural features, rare or unusual plants, or habitats are examples of other potential candidate resources for public access.) Fifty (50%) percent of the proceeds from the sale of the bonus lots shall be set aside for a public access endowment. The interest from the endowment shall be used to cover the additional public liability insurance requirements and cover other protection, maintenance, and inspection costs.

- H. Minimum lot size. The conventional minimum lot area and width requirements set forth in the schedule of regulations shall not apply. The minimum lot area and width shall be large enough for anticipated rural or very low density suburban household activities and shall also be determined by land area and distances required to comply with yard and setback requirements.
- I. Frontage on internal road. All lots shall front only upon a road which is internal to the development. No lots may be created which front upon existing public streets.
- J. Street standards. All internal public streets shall be designed and constructed to meet all requirements of the City and as may be set forth in the City subdivision regulations or the City site condominium requirements. All internal public streets shall be dedicated to the City, must be found acceptable to the City, and be incorporated into the City street system.
- K. Clustered home sites.
 - 1. General evaluation criteria.
 - a. Protects and preserves all floodplains, wetlands, and steep slopes.
 - b. Preserves and maintains mature woodlands, existing fields, pastures, meadows, orchards, and creates sufficient buffer areas.
 - c. If development must be located on open fields or pastures because of greater constraints in all other parts of the site, dwellings should be sited on the least prime agricultural soils, or in locations at the far edge of a field, as seen from existing public roads.
 - d. Maintains or creates an upland buffer of natural native species vegetation adjacent to wetlands and surface waters.
 - e. Designs around existing tree lines and hedgerows between fields or meadows, and minimizes impacts on large woodlands (greater than five acres).
 - f. Leaves scenic views and vistas unblocked or uninterrupted, particularly as seen from public thoroughfares.
 - g. Avoids siting new construction on prominent hilltops or ridges, by taking advantage of lower topographic features.

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- h. Protects wildlife habitat areas of species listed as endangered, threatened, or of special concern.
 - i. Designs around and preserves sites of historic, archaeological, or cultural value, their environs, and their related features (e.g. stones walls, earth-works, and burial grounds).
 - j. Protects any rural roadside or other unique character.
 - k. Landscapes common areas (such as community greens), cul-de-sac islands, and both sides of new streets with native species shade trees and flowering shrubs with high wildlife conservation value.
 - l. Provides active recreational areas in suitable locations that offer convenient access by residents and adequate screening from nearby house lots.
 - m. Includes a safe internal pedestrian circulation system, ideally connected to community pedestrian/bicycle system. The system must be integrated with open space, recreation, preservation areas, and provide convenient access from home sites.
 - n. Provides open space that is reasonably contiguous. (Design and Management Handbook for Preservation Areas, by the Natural Land Trust is a good reference resource.)
2. Specific criteria.
- a. Location of house sites. House sites should generally be located not closer than 100 feet from primary conservation areas, but may be situated within 50 feet of secondary conservation areas to provide buffering distances and afford enjoyable views. The building "footprint" of proposed residences may be changed in any direction by less than 50 feet without approval. Changes involving 50 feet or more may be changed with approval from the Planning Commission.
 - b. Street and lot layout. When lots and access streets are laid out, they shall be located in a way that avoids or at least minimizes adverse impacts on both the primary and secondary conservation areas. To the greatest extent practicable, wetland crossings and streets traversing existing slopes over 15 percent shall be strongly discouraged. Street connections shall generally be encouraged to minimize the number of new cul-de-sac to be maintained by the City and to facilitate easy access throughout the development. Single-loaded residential access streets may maximize the number of homes with enjoyment of open space views, but may require more land to be disturbed.
 - c. Lot lines. These are generally drawn midway between adjacent house locations. Lots may be irregularly shaped, including L-shaped "flag-lots".
- L. Setbacks. Dwellings shall be located in compliance with all yard and setback requirements of the district in which they are located. Dwelling units and structures shall be set back a minimum of 50 feet from any perimeter lot line of the parent parcel, except that they shall be set back at least 250 feet from any existing

public street right-of-way which borders the perimeter of the project site. Dwelling unit clusters shall be spaced an appropriate distance apart from another cluster, as determined by the Planning Commission, compatible with the surrounding community character and to discourage a suburban subdivision appearance.

- M. Landscaping. To maintain a rural or very low density suburban character of the district, the frontage along the perimeter public street shall be heavily landscaped to screen clustered home sites from view of the public to the greatest extent feasible. Scenic vistas from the perimeter public street shall be maintained (and perhaps enhanced) to the greatest extent feasible. A landscape plan for such areas shall be reviewed and approved by the Planning Commission. Existing natural screens, or new screens may be used. The Planning Commission may require the installation of a landscaped berm where necessary to meet the intent of this section.
- N. Sewage disposal and water supply. On-site wells and septic systems may be used where determined to be appropriate within the City. Community septic systems or package treatment plants and community wells in lieu of individual wells and septic fields may be permitted if approved by the City and state health department. Public water and sewage disposal systems shall not be extended to serve projects developed under this section if the site lies beyond an urban services area boundary, as may be set forth within the master plan, except in such instances where such utilities already are located at the perimeter of the site. Portions of the open space may be used, if approved by the Planning Commission and the health department for individual or community wells, for underground drainage fields for individual or community septic systems and for "spray fields" for spray irrigation purposes in a "land treatment" sewage disposal system. However, "mound" systems protruding above grade and aerated sewage treatment ponds shall be limited to no more than ten percent of the required minimum open space.
- O. Pedestrian linkages to open space. To the greatest extent feasible, the open spaces should be located and interwoven with the dwelling unit clusters so as to be easily accessible to residents of the development, except in cases where the open space to be preserved is not intended for the use of the residents (as in the case of active farming or protection of endangered species). Linking pedestrian trails shall be provided within the open space.
- P. Site plan. Approval under this section requires that a site plan meeting the requirements of **Section 28.7** be reviewed and approved by the Planning Commission. In addition to a site plan, the Planning Commission may require the submittal of additional documents as specified or called for herein.
- Q. Site condominium, subdivision approval, or land division. A project approved under this section shall also comply with all requirements of the City, county, and state for a site condominium, subdivision, or land division as may be applicable, and shall follow all such steps and procedures for approval required therein. If clustering under land division is intended, documentation of the potential number of new parcels out of the parent parcel must be submitted. Notwithstanding other provisions of this section, if developed under the land division method, the number of parcels or lots to be created shall not exceed the maximum number permitted under the State Land Division Act (MCL 560.101 et seq.).
- R. Application and approval process.

1. The applicant shall prepare and present the following exhibits to the Planning Commission for review and approval. The Planning Commission shall submit the applicant's exhibits to the planning consultant (City planner) for a recommendation. As may be necessary or advisable, a recommendation from an engineer consultant (City engineer) may also be sought during the preliminary approval process.
 - a. Applicant prepares and presents a "yield plan" for review and approval of the Planning Commission. The "yield plan" shall identify all primary conservation areas as defined in the paragraphs under subsection D.1., and shall accurately demonstrate the maximum number of lots or parcels which could be created if the property was developed conventionally.
 - b. Applicant submits conceptual preliminary plan with all basic existing and proposed land features and structures shown separately. Aerial photos and simple transparencies may be used.
 - c. Applicant submits conceptual landscape plan with all basic existing and proposed topography and vegetation features shown separately. Photos and simple transparencies may be used.
 - d. A site walkabout may be scheduled for the applicant, Planning Commissioners, and the local government's staff and/or consultants.
2. Planning Commission site plan review procedures (see Section 28.7.) are required in all eligible districts (12.0 MR and 17.0 DD districts) for this principal permitted use. All required steps shall be scheduled with a determination of approval, approval with conditions, or disapproval to follow accordingly.
3. Any legal instruments (easements, covenants, etc.) pertinent to the effectuating of the proposed open space preservation development must be reviewed and approved by the City's attorney. Any approved easements, covenants, or other legal instruments which run with the land are to be recorded with the county Register of Deeds. No zoning compliance permit or building permit shall be issued until this has been accomplished.

Residential Clustering Example

Parcel Size: 40 acres (A site like this with various natural limitations can be made more buildable under this development option.)

An example of normal zoning—(RR-2.5) Rural Residential District 2.5: 2.5 acre minimum lot size

Calculation of allowable number of lots:

40 acres = gross area

Less 15 percent for internal roadways (6.0 acres).

Less one (1.0) acres for planned county road ROW (parcel legal description running to the center of the road).

Less 1.5 acres for a county drain easement.

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Less 6.5 acres of regulated wetland, also 100-year floodplain, adjacent to county drain (a primary conservation area).

$$40 - 6.0 \text{ acres} - 1.0 \text{ acres} - 1.5 \text{ acres} - 6.5 \text{ acres} = 25 \text{ acres [adjusted tract acreage]}$$

$$\underline{25} \text{ net acres} / 2.5 \text{ acre minimum lot size} = 10.0.$$

Therefore, 10 lots allowed [result of lot "yield plan"].

Adjusted tract acreage eligible for development minus 50% preservation = Net amount of land to be developed.

25 acres	-	12.5 acres	=	12.5 net acres	[12.5 acres of secondary conservation areas to be permanently conserved:
					- 5.0 acres on north side of parcel to be retained by original farm owner for farming together with adjacent 160 acre cropland.
					- 2.5 acres of upland woods and stream to be held in common by resident owners.
					- 5.0 acres on east side to be dedicated for public access. See bonus below.]

$$12.5 \text{ acres} = \text{net developable area} \\ \text{less } 10\% \text{ for roadway (reduced need)} \\ 12.5 \times 0.90 = 11.25 \text{ net acres}$$

$$\text{Area per buildable home site:} \\ 11.25 \text{ net acres} / 10 \text{ allowable units.} \\ \text{Typical home site} = 1.125 \text{ acre.*}$$

$$\text{Potential Bonus Lots (Density Bonus).} \\ \text{Allowable units} \times (\text{maximum } 30\% \text{ bonus}) = \text{Potential Bonus Lots} \\ 10 \times 0.30 = + 3.0 \text{ (fractions } 1.5 \text{ and over rounded up) Potential Total: } 10 + 3 = 13 \text{ Lots*} \\ \text{Potential Bonus Lots (Public Access Bonus)}$$

	3 acres for 50 ft. buffer area surrounding portions of wetlands
+	1.5 acres for county trail way.
+	<u>0.5 acre for wetland observation site and interpretative displays</u>
	5.0 acres open to the general public (out of 15 acres of site conservation area.)

5 Acres Public Access = 1 Additional Bonus Lots

$$\text{Potential Total } 10 + 3 + 1 = 14 \text{ lots*} \\ 12.5 \text{ net acres} / 14 \text{ allowable units} \\ \text{Typical home site} = 0.89 \text{ acre*}$$

* **Note:** Actual typical home site size may vary due to on-site conditions.

RESERVED FOR FUTURE USE

RESERVED FOR FUTURE USE

23.0 SECTION 23.0: NON-CONFORMING USES AND STRUCTURES

23.1 Definitions and Classification of Non-Conforming Uses and Structures:

- A. Non-conforming uses and structures are those which do not conform to a provision or requirement of this ordinance, but which were lawfully established prior to the time of the adoption of this ordinance.

Class A non-conforming uses or structures are those which have been so designated by the Planning Commission after application by an interested person or the Zoning Administrator, upon finding that:

1. Continuance thereof would not be contrary to the public health, the safety, or welfare, or to the intent of this ordinance.
2. The use or structure does not and is not likely to significantly depress the value of nearby properties.
3. The use or structure was lawful at the time of inception.
4. No useful purpose would be served by strict application of the provisions or requirement set forth by this ordinance with which the use or structure does not conform.

- B. All non-conforming uses and structures which have not been designated as Class A, are automatically Class B non-conforming uses or structures.

23.2 Procedure for Obtaining Class A Designation, Conditions:

A written application shall be filed setting forth the name and address of the applicant, giving a legal description of the property to which the application pertains, and including such other information as may be necessary to enable the Planning Commission to make a determination of the matter. The Planning Commission may require the furnishing of such additional information as it considers necessary. The notice and hearing procedure before the Planning Commission shall be the same as in the case of application for a Variance. The decision shall be in writing and shall set forth the findings and reasons on which it is based. Conditions shall be attached, including any time limit, where necessary, to assure that the use or structure does not become contrary to the public health, safety, or welfare or the intent and purpose of this ordinance. No vested interest shall arise out of a Class A designation.

23.3 Revocation of Class A Designation:

- A. Any Class A designation shall be revoked, following the same procedure required for designation, upon a finding that as a result of any change or conditions or circumstances, the use or structure no longer qualifies for Class A designation.
- B. No Class A non-conforming use shall be resumed if it has been discontinued for a continuous period of at least eighteen (18) months or if it has been changed to a conforming use for any period. No Class A structure shall be used, altered, or enlarged in violation of any condition imposed in its designation.

23.4 Regulations Pertaining to Class B Non-Conforming Uses and Structures:

- A. It is a purpose of this ordinance to eliminate Class B non-conforming uses and structures as rapidly as is permitted by law without payment of compensation.

Exceptions: One and two family structures which are non-conforming on the basis of yard or height requirements may be maintained, repaired, altered, or added to as long as they remain otherwise conforming. Additions or alterations to the exterior of the structure shall conform to all requirements of this ordinance.

- B. No Class B non-conforming structure shall be enlarged or structurally altered, nor shall it be repaired or reconstructed if damaged by fire or other casualty to the extent that the cost of reconstruction or repair exceed the assessed value (50% of true cash value) of the structure as indicated on the current tax roll. Any such repair or reconstruction shall conform to all requirements of this ordinance.
- C. No Class B non-conforming use shall be changed to a substantially different non-conforming use nor enlarged so as to make use of more land area than used at the time of becoming non-conforming.
- D. No Class B non-conforming structure shall be resumed if it has been discontinued for a continuous period of at least six (6) months or if it has been changed to conforming use for any period or if the structure in which such use is conducted is damaged by fire or other casualty to the extent that the cost of reconstruction or repair exceeds the assessed value of the structure as indicated on the current tax roll.
- E. For the purposes of maintaining health and safety, Class B non-conforming structures and buildings may be repaired and maintained. Such repair and maintenance shall not increase the non-conformity of the structure, building, or uses therein, nor shall such repair and maintenance total more than fifty (50%) per cent of the current assessed value (25% true cash value) of the structure and/or building in any twelve (12) month period.
- F. In the case of mineral removal operation, existing holes or shafts may be worked and enlarged on the land which constituted the site on which operations were conducted at the time of becoming non-conforming, but no new holes or shafts shall be established.
- G. No Class B non-conforming use or structure shall be permitted to continue in existence if it was unlawful at the time of its inception.

24.0 SECTION 24.0: NON-CONFORMING LOTS

24.1 Zoning Ordinance Conformity:

- A. All lots or parcels of land created through division and/or combination with other lots or parcels of land shall conform to the requirements of this ordinance and the district in which they are located.

- B. A non-conforming lot may not be used except as permitted in **Section 24.2**.
- C. Contiguous, non-conforming lots simultaneously under the same ownership are considered, under the terms of this ordinance, to have been combined as necessary to eliminate the non-conformity. If all non-conformity cannot be eliminated, the non-conformity shall be reduced as much as possible.

24.2 Exceptions to Sections 24.1:

Structures or uses which were lawful prior to the adoption of this ordinance and which were existing on non-conforming lots may be used for any of the permitted uses in the districts in which they are located, providing all other requirements of this ordinance are met.

24.3 Exceptions and Exemptions:

The location of railroad tracks and yards and the location of essential services (as defined in this ordinance) are exempt from regulations under **Section 24.0**.

25.0 SECTION 25.0: CONDITIONAL USE PERMIT

25.1 Intent:

This section of the ordinance shall govern the permitting of Conditional Uses which may be located in specific districts when particular or unique problems and all objectionable facets of the use have been overcome and eliminated by consideration of proper planning techniques. It is the purpose of this section to maintain adequate provision for the security of the health, safety, and general welfare of the inhabitants and uses of the zoning district and adjoining districts.

25.2 Procedure:

No Conditional Use shall be established in any zoning district except upon permit issued by the Planning Commission. The Commission shall be guided in making a decision by the standards set forth in this ordinance in **Sections 25.3 and 25.4**. The Commission shall hear and decide only such Conditional Uses as specifically authorized by district and by the terms of this ordinance.

- A. Any application for a Conditional Use permit shall be submitted to the Zoning Administrator and shall be accompanied by such fees as set by the City Council.
- B. Any person seeking a Conditional Use permit shall provide the Zoning Administrator with all information required for this section (**Section 25.0**) and for site review (**Section 28.0**) and additional information as the Commission may reasonably require to determine whether the granting of the permit is consistent with the intent of this ordinance. An administratively complete application shall be noted as such by the Zoning Administrator, and the applicant shall be advised of this determination and its date in writing.
- C. A public hearing shall be held on all requests for a Conditional Use permit. Notice of the public hearing shall be given by publication and by personal service, or mail, in accordance with the provisions of **Section 30.5** of this Ordinance.

- D. The Commission shall hold the public hearing and consider all requests for a Conditional Use permit within five (5) weeks of receipt of the application and all required materials. The Commission shall take final action within three (3) months of the receipt of the required materials. Notice of the Planning Commission's decision shall be mailed to the applicant. The decision on a Conditional Use permit shall be incorporated in a statement of findings and conclusions relative to the Conditional Use, which decision shall specify the basis for the decision and any conditions imposed.
- E. In permitting a Conditional Use, the Commission shall make a finding that the Conditional Use will be in compliance with the general purpose of the ordinance and the intent of the district in which it is located and will not be injurious to the spirit of this ordinance and intent of district, and will not be injurious to the neighborhood, or otherwise detrimental to the public health and welfare. Requirements for principal uses must be met when granting a Conditional Use Permit.
- F. In permitting any Conditional Use, the Planning Commission may prescribe appropriate conditions and safeguards. Violation of any requirements, conditions or safeguards, made a part of the terms of the permit, shall be deemed a violation of this ordinance, and shall be punishable under **Section 31.0** of this ordinance. Permits issued on the basis of false information shall be void and continuance of the use shall be deemed a violation of this ordinance.
- G. No Conditional Use may be commenced until all conditions have been met. A performance bond acceptable to the Zoning Administrator may be required by the Planning Commission.
- H. The owner or occupant of an approved Conditional Use may only change the conditions of their Conditional Use by seeking an amendment. Such an amendment shall only be considered by the same means as an original Conditional Use proposal as required under this Section.
- I. Voiding of special approval use permit. Any Conditional Use permit granted under this Section shall become null and void and fees forfeited unless construction or use is commenced within 18 months of or if the authorized construction or use is suspended or abandoned for a period of six months after the time commencing the construction or use.
- J. Appeal to circuit court. Decisions of the Planning Commission on a Conditional Use permit shall be final. A person having an interest affected by a Conditional Use permit decision of the Planning Commission may appeal to circuit court.

25.3 General Guidelines:

- A. The Planning Commission shall be guided by administrative standards in **Section 26.0**.
- B. The Planning Commission shall require sufficient site area to prevent nuisance to neighboring uses and to allow for reasonable anticipated expansion of the use.
- C. If residential and non-residential buildings are erected exceeding the maximum height limit, as permitted in a Conditional Use permit granted by the Planning Commission, each side yard shall be increased one

(1) foot in width for each (1) foot of added height, and the front yard shall also be so increased in an amount equal to the added height.

D. The following requirements apply to Public Utility Substations in any zoning district:

Substations shall be located with all due regard to yard requirements established for the specific zoning district and must be adequately fenced with a fence at least eight (8') feet high, set back from the property line ten (10') feet along any public way.

25.4 Required Conditions for Zoning Districts:

A. Residential Districts (SR, GR, MR)

1. Conditional Uses in the (SR, GR, and MR) residential districts shall be permitted only on lots fronting on and with principal driveway access to a street, and so located and designed as to avoid undue traffic, noise, or other nuisances or dangers.
2. Customary accessory uses and structures for Conditional Uses in the (SR, GR, MR) districts shall meet all the requirements of **Section 19.1G & H.**
3. Home Occupations. The purpose of the Home Occupation Conditional Use provision is to permit the conduct of a part-time business for supplemental income purposes in the residential districts. Home occupations are limited to those uses which may be conducted within a residential dwelling without in any way changing the appearance or condition of the residence.

The following criteria shall be employed by the Planning Commission to determine a valid home occupation:

- a. Shall not employ more than one person who is not a member of the household.
- b. The structures on the property shall show no external indication of such home occupation, nor any change in the appearance of the building or premises from a dwelling, except that a non-illuminated sign not exceeding three-hundred (300) square inches in area may be attached to the dwelling to advertise the activity.
- c. May be conducted in an accessory building.
- d. Shall not constitute a retail store such as those permitted in the (GC) and/or (CBD) districts.
- e. Shall not necessitate the use of heavy commercial vehicles.
- f. The use shall not generate pedestrian or vehicular traffic beyond that normal to the residential district.
- g. No outdoor storage permitted.

- h. In addition to an accessory structure, no more than one room in the dwelling shall be employed for the home occupation.
 - i. In no way shall the appearance of the structure be altered or the occupation within the residence be conducted in a manner which would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, or the emission of sounds, noises, vibrations, or otherwise.
 - j. There shall be no use of utilities or community facilities beyond that normal to the use of the property for residential purposes.
 - k. The display of goods produced or services performed on the premises shall not be evident from outside the premises.
- 4. Group day care homes shall be licensed as either a group day care home or a day care center by the Michigan Department of Social Services prior to commencement of the use.
 - 5. Adult foster homes shall be licensed by the State of Michigan or a state authorized agency prior to commencement of the use.
 - 6. Outdoor swimming pools shall not be closer than ten (10') feet to any building or lot line and must be enclosed by a six foot (6') high fence with a gate.
 - 7. Religious institutions, cemeteries, convalescent homes and extended care facilities.
 - a. Shall be located so that the site has direct ingress from and egress to a major street or a minor street no more than two-hundred (200') feet from its intersection with a major street.
 - b. For each district where a religious institutions or cemetery is identified as a Conditional Use, no building shall be located closer than the setback established for the principal use.
 - 8. Schools:
 - a. A required front, side and rear yard of thirty (30') feet shall be required for all buildings.
 - b. Off-street passenger loading zones shall be provided for school buses and private vehicles.
 - c. Parking shall not occupy more than sixty (60%) per cent of the required side and rear yard.
 - d. Parking shall not occupy any portion of the required front yard.

B. General Commercial District (GC)

The following Conditional Uses may be permitted in the General Commercial (GC) district.

1. Office building dwelling units may be conditionally permitted subject to the following requirements.
 - a. No more than four (4) dwelling units, which meet state and local code, may be permitted in an office building.
 - b. Two (2) parking places for each such dwelling unit with direct access shall be provided.
 - c. The storage or use of flammable or hazardous material shall not be permitted in the building.
2. Establishments Selling Alcoholic Beverages

Establishments selling alcoholic beverages for consumption on the premises shall maintain a transitional yard as stipulated in subsection 19.1.D.2., and provide one (1) parking space for every one-hundred-twenty (120) square feet of usable floor area and may be located no closer than one-thousand (1,000') feet to a school or religious institution. Establishments selling alcoholic beverages must be separated by at least four-hundred (400') feet.

C. Industrial District (I)

The Commission may require additional safeguards to meet the intent of the Industrial District and to assure opportunity for additional industrial uses and for growth within each area of the City which is zoned industrial.

1. All Conditional Uses.
 - a. Notice of intent to build or expand must be given to the Zoning Administrator at the same time application is made to any federal or state agencies which may require permits.
 - b. Prior to final approval of a Conditional Use permit, each applicant shall obtain the necessary state and federal permits, including permits or waiver of permits from the Michigan Air Pollution Control Commission and the Water Resources Commission. The applicant shall, upon Commission request, forward all reports and findings from the state and federal agencies to the Zoning Administrator, along with site plans as described in Section 28.0.
2. The following Conditional Uses may be permitted in the Industrial (I) district.

- a. Except as provided under **subsection (30.) iii.** of this section, communication towers shall be allowed only in the I, Industrial District subject to the following conditional approval requirements:
- (1.) The tower must be setback from all property lines and from the edge of the planned road right-of-way a distance equal to its height for reasons of safety and aesthetics. Except that the setback may be reduced by the planning commission with due consideration of aesthetic circumstances, if the developer submits evidence that the tower is designed in the event of failure, to collapse within a more confined distance. Land included within such minimum required setbacks shall remain undivided and undeveloped with other structures not accessory to the tower.
 - (2.) Towers shall be of the freestanding type without guy wires.
 - (3.) Accessory structures are limited to uses associated with the maintenance and operation of the tower and may not be located any closer to any property line than 30 feet.
 - (4.) Accessory structures shall not exceed 600 square feet of gross building area.
 - (5.) A transitional yard(s) as stipulated in **subsection 19.1.D.2.** shall be met.
 - (6.) All towers shall be equipped with an anticlimbing device to prevent unauthorized access.
 - (7.) The plans of the tower construction shall be certified by a registered structural engineer.
 - (8.) The applicant shall provide verification that the antenna mount and structure have been reviewed and approved by a professional engineer and that the installation is in compliance with all applicable codes.
 - (9.) All towers must meet the standards of the Federal Aviation Administration and the Federal Communications Commission.
 - (10.) Communication towers in excess of 100 feet in height above grade level shall be prohibited within a two-mile radius of a public or private airport or one-half mile radius of a helipad.
 - (11.) All facility components accessory to a tower or antenna shall comply with all regular setback requirements for the district in which located. However, in no case shall said accessory components be located within 30 feet of a property line.

- (12.) Metal towers shall be constructed of, or treated with, corrosive-resistant material.
- (13.) Antennae and metal towers shall be grounded for protection against a direct strike by lightning and shall comply as to electrical wiring and connections with all applicable local statutes, regulations and standards.
- (14.) Towers with antennae shall be designed to withstand a uniform wind loading as prescribed in the Michigan 2012 Building Code, as amended.
- (15.) All signals and remote control conductors of low energy which extend substantially horizontally above the ground between a tower or antenna and a structure, or between towers, shall be at least eight (8') feet above the ground at all points, unless buried underground.
- (16.) Towers shall be located so that they do not interfere with reception in nearby areas. If problems occur after construction, the tower owner or lessee shall provide a remedy.
- (17.) Towers shall be located so there is room for vehicles doing maintenance to maneuver on the property owned and or leased by the applicant.
- (18.) The base of the tower shall occupy no more than 500 square feet.
- (19.) Minimum spacing between tower locations shall be two miles (without respect to municipal boundaries) in order to prevent a concentration of towers in one area.
- (20.) Height of the tower, including antennae, shall not exceed 180 feet from grade. The planning commission may allow towers of greater height in the interior of industrial districts in such cases where the planning commission determines that such height will not negatively impact upon adjacent properties in non-industrial districts.
- (21.) Towers shall not be artificially lighted, it being the intent of the City to encourage the use of towers of such height that they do not require lighting which may adversely affect nearby properties. However, if required by the FAA in the future, lighting shall be of the dual mode day/night type (red at night, strobe during the day) and be designed to refract upward so as to limit ground scatter to a maximum of 75 candela at the site property or leasehold line.
- (22.) Existing on-site vegetation shall be preserved to the maximum extent practicable.

- (23.) There shall not be displayed any advertising or identification intended to be visible from the ground or other structures, except as required for emergency purposes.
- (24.) The antenna shall be painted to match the exterior treatment of the tower. The chosen paint scheme should be designed to minimize off-site visibility of the antenna.
- (25.) Structures shall be subject to any state and federal regulations concerning non-ionizing electromagnetic radiation. If more restrictive state or federal standards are adopted in the future, the antenna shall be made to conform to the extent required by such standard or the Conditional Use approval shall be subject to revocation by the planning commission. Cost for testing and verification of compliance shall be borne by the operator of the antenna.
- (26.) There shall be no employees located on the site on a permanent basis to service or maintain the antenna. Occasional or temporary repair and service activities are excluded from this restriction.
- (27.) All parking and drive areas must be paved as provided in this ordinance. All driveway entrances shall meet the requirements of the City and a permit shall be obtained from the City for each driveway entrance.
- (28.) Except for the driveway opening, along the entire perimeter of the tower, including its related structures and fencing, and within the area leased or owned by the applicant, the developer shall plant a landscaping buffer, which the lessee or owner shall subsequently maintain. The buffer, at a minimum, shall consist of two staggered rows of trees that are a minimum of six feet tall when planted with a height at maturity of at least 20 feet. Trees shall be planted on 20-foot centers. Trees shall be 80 percent evergreens and 20 percent deciduous, mixed in species, using only species approved by the American Nurserymen's Association or a similar organization which may be specified elsewhere by City ordinance.
- (29.) All towers that cease to be used for a period of six continuous months shall be removed at the owner's expense, including all equipment and structures, and the owner shall restore the site to its original condition within three months of written notice and request by the City. If a tower is scheduled to be back in use within six months of the date of the City's notice, as provided herein, the owner may apply to the planning commission for an extension. Upon proof that use of the tower will recommence within six months of the notice to remove, the planning commission may grant an extension, not to exceed six months.
- (30.) The policy of the community is to minimize the number of communication towers in the City. Therefore, the City shall require the co-location of communication

towers. Pursuant to this policy, the following standards apply to communication towers:

- i. All new and modified communication towers shall be designed and constructed so as to accommodate co-location.
- ii. A Conditional Use permit for the construction and use of a new communication tower shall not be granted unless and until the applicant demonstrates that a feasible co-location opportunity is not already available for the coverage area and capacity needs.
- iii. An antenna with supporting accessory ground equipment and structures (no additional tower) may be co-located on an existing high structure (i.e. smokestacks, water towers, or tall buildings, etc.) in any zoning district, subject to all requirements of this section.

(31.) The following communication facilities are exempt from the above provisions, provided that they meet the requirements of the zoning district in which they are located and provided that the maximum height of these facilities shall be 60 feet:

- i. Citizen band radio facilities,
- ii. Short wave facilities,
- iii. Ham and amateur radio facilities,
- iv. Television reception antennae,
- v. Satellite dishes,
- vi. A trucking company's or farmer's communication system or other similar private communication systems,

(32.) Government facilities which are subject to state and/or federal law or regulations that preempt municipal regulatory authority are exempt from the above provisions only to the extent or degree preempted.

b. Sexually Oriented Businesses may be conditionally permitted subject to the following requirements.

(1.) Intent and Purpose:

The City Council of Ishpeming acknowledges that there are some uses of land which because of their sexually oriented nature are recognized as having serious unique objectionable characteristics and deleterious and adverse effects and consequences on surrounding properties. Conditional regulation of these sexually oriented businesses is needed to fulfill the goals of the City's Master Plan to prevent the adverse effects, i.e. blight and urban deterioration, reductions in value of surrounding property, social disorder and crime, the negative effects on community standards for aesthetic values and the City's tax base associated with the location and operation of sexually oriented businesses. The City Council believes that the purpose and intent of this section will best be accomplished by

requiring that sexually oriented businesses may be located only in those areas of the City which are zoned I, Industrial and then only upon the Planning Commission holding a public hearing and issuing a Conditional Use permit after having determined that the proposed use meets the requirements of [Section 25.0](#) of this Ordinance.

(2.) Definitions:

- i. Sexually Oriented Business Use – Any use of land, whether vacant or combined with structures or vehicles thereon, by which said property is devoted to displaying or exhibiting material for entertainment, a significant portion of which includes matter, actions depicting, describing or presenting “Specified Sexual Activities” or “Specified Anatomical Areas”. See definition “Sexually Oriented Business” in [Section 3.0](#).
- ii. Specified Sexual Activities – as used above, the phrase “Specified Sexual Activities” shall mean and include:
 - (a.) Human genitals in a state of sexual stimulation or arousal;
 - (b.) Acts of human masturbation, sexual intercourse or sodomy;
 - (c.) Fondling or other erotic touching of human genitals, pubic region, buttock or female breast; and
 - (d.) Appearing in a state of nudity.
- iii. Specified Anatomical Areas – as used in the above definitions, the phrase “Specified Anatomical Areas” shall mean and include:
 - (a.) Less than completely and opaquely covered: (a) human genitals, pubic region (b) buttocks, and (c) female breast below a point immediately above the top of the areola; and
 - (b.) Human genitals in a discernibly turgid state, even if completely and opaquely covered.

(3.) Dispersal Regulations:

- i. No sexually oriented business shall be located within eight-hundred (800) feet of any other sexually oriented business or within eight-hundred (800) feet of any of the following uses:

- (a.) Any Class “C” establishment licensed by the Michigan Liquor Control Commission;
- (b.) Indoor movie theaters;
- (c.) Any public park;
- (d.) Any religious institution (or other religions site or structure where a person or persons worship or gather);
- (e.) Any public or private school having a curriculum including kindergarten or any one or more of the grades one through twelve (1-12);
- (f.) Any child care center or nursery;
- (g.) Any adult foster care facility;
- (h.) Any senior citizen’s center;
- (i.) Any residentially zoned district and/or any residentially used structure; and
- (j.) Any other regulated uses as defined herein.

(4.) Age/Visibility Restrictions:

- i. No person under eighteen (18) years of age shall be permitted to enter any portion of the premises of a sexually oriented business where sexually oriented business products are displayed.
- ii. A sexually oriented business which sells or displays videotapes, discs or cassettes of general interest but also has a section or segment of the establishment devoted to the sale or display of sexually oriented business merchandise/products which distinguished or characterized by their emphasis on matter depicting, describing or relating to “Specified Anatomical Areas” or “Specified Sexual Activities”: as both are defined herein, shall provide for the display of such materials in a fully enclosed room with solid walls and doors separate from the common area of the premises and which totally obstructs viewing from the outside. The door shall have self-closing mechanism and shall be clearly marked “Adults Only”.
- iii. All entries, windows and other building openings for a sexually oriented business shall be located, covered, screened in such a manner as to prevent anyone from being able to view or otherwise observe the interior of the sexually oriented business from any vantage point outside of the business.

(5.) Advertising/Signage Limitations:

- i. Signs advertising sexually oriented businesses and sexually oriented business merchandise/products shall be permitted, subject to the following limitations and restrictions:
 - (a.) Any signs advertising the existence of any sexually oriented business shall not exceed a total aggregate area of twenty (20) square feet;
 - (b.) Any signs, advertisements, displays or any other material promoting sexually oriented business merchandise/ products shall not be displayed, shown or exhibited in any manner that allows them to be viewed by the public from any vantage point outside of the business;
 - (c.) Any signs advertising the existence of any sexually oriented business shall not be illuminated by any type of flashing, blinking or strobe lights;
 - (d.) Any signs advertising the existence of any sexually oriented business shall not be located within the public right of way;
 - (e.) Any signs advertising the existence of any sexually oriented business shall not be illuminated or located in any manner which causes it to be a traffic hazard or have a negative or detrimental effect on any surrounding land use; and
 - (f.) Any signs advertising the existence of a sexually oriented business shall only be located on the property for which a Conditional Use permit to operate a sexually oriented business has been granted.

SECTION 25.5: MARIJUANA FACILITY CONDITIONAL USE REQUIREMENTS

This section addresses specific requirements for a **Marijuana retailer** and/or a **Marijuana provisioning center**. Ordinance No. 2-1600 authorizes and regulates Marijuana facilities in the City of Ishpeming. Two (2) **Marijuana retailer/ Marijuana provisioning centers** may be located within the CBD (Central Business District) or Two (2) **Marijuana retailer/ Marijuana provisioning centers** may be located within the GC (General Commercial) zoning district, or One (1) **Marijuana retailer/ Marijuana provisioning center** may be located in each of the said zoning Districts, but not more than two (2) establishments licensed as Marijuana retailers or Marijuana Provisioning Centers, whether operating as combined retailer/provisioning centers or as stand-alone establishments, may be located within the City.

The definitions for the bolded text are located in the Zoning Ordinance.

Marijuana Facility Requirements:

- A. At the time of application for a Conditional Use Permit, the Marijuana Facility must have a provisional

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license from the State of Michigan and also follow the Michigan Regulation and Taxation of Marijuana Act, MCL 333.27951 et seq.

- B. Marijuana facilities may not be permitted as a home business or an accessory use.
- C. All county, state and federal laws pertaining to the emission of odor, smoke, noise, vibration etc. shall be met at all times during operation.
- D. Odor from Marijuana retail or provisioning shall be addressed with an activated carbon filtration system to ensure that air leaving the building through an exhaust vent passes through an activated carbon filter. The filtration system shall consist of one or more fans and activated carbon filters sized for the Cubic Feet per Minute (CFM) equivalent of the volume of the building divided by three. The filters shall be rated for the applicable CFM, and be in use and maintained in working order.
- E. Negative air pressure shall be maintained inside the building. Doors and windows shall remain closed except for the minimum time required for ingress and egress.
- F. No trash, garbage or waste material shall be stored outdoors unless effectively screened from view.
- G. Marijuana retailer / Marijuana provisioning center facilities shall have a minimum of 1 parking space per 1,000 square feet of floor area, and a minimum of two (2) spaces, *when located within the GC (General Commercial) zoning district.*

RESERVED FOR FUTURE USE

26.0 SECTION 26.0: ADMINISTRATIVE STANDARDS

For the purpose of administering this ordinance, the Zoning Administrator, the Planning Commission, the Zoning Board of Appeals and any other reviewing body or official shall consider each case as an individual case. Consideration shall be given to the location, size, and character of a use to determine if the use will be in harmony with the intent and appropriate orderly development of the district in which it is situated and will not be detrimental to the orderly development of adjacent districts. Consideration shall also be given to the following:

- A. Intent of the Zoning District.
- B. Current use of adjacent lands and neighborhood.
- C. Physical appearance of existing or proposed structures (location, height, bulk of building as well as construction materials).
- D. The suitability of the proposed landscaping in providing ground cover, screening and decoration on the site.
- E. The nature and intensity of operations involved in or conducted in connection with the proposed use.
- F. The time of day of the use, the physical and economic relationship of one type of use to another.
- G. The assembly of persons or employees, which may be hazardous to the neighborhood or incongruous or conflict with normal traffic in the vicinity.
- H. Vehicular and pedestrian traffic volumes and patterns, particularly of children, as well as vehicular turning movements in relation to traffic flows, intersections and site distances.
- I. The physical characteristics of the site such as: area, drainage, topography, open space, landscaping, and access to minor and/or major streets.
- J. Demands upon public services such as electricity, police, and fire protection, schools, and refuse disposal.
- K. The type and amount of litter, waste, noise, dust, traffic, fumes, glare and vibration which may be generated by such use.
- L. Area requirements for the proposed use and the potential for the use or its area requirements to expand.
- M. Other factors necessary to maintain property values in the neighborhood and guarantee safety, light, air and privacy to the principal uses in the district.

27.0 SECTION 27.0: FEES

Fees for any appeal to the Zoning Board of Appeals or petitions for Planning Commission consideration of Zoning Ordinance Amendments (rezonings), Conditional Use Permits or Planned Unit Development/ Site Plan Review, Non-conforming Lots or Structures, Condominium/ Subdivision Developments, Land Division, Open Space Preservation (Residential Clustering), Zoning Compliance, Sign, or Fence Permits shall be established by resolution of the City Council. No activity on such request or appeal shall commence until said fee has been paid. Said fees are waived for actions initiated by the City Council, the Planning Commission or the Zoning Administrator.

28.0 SECTION 28.0: SITE PLAN REVIEW

28.1 Intent:

It is the purpose of this Section to require site plan review approval for all buildings, structures and uses that can be expected to have a significant impact on natural resources, traffic patterns, adjacent parcels and the character of future development. The regulations contained herein are intended to provide and promote the orderly development of the City of Ishpeming; safe and convenient traffic movement, both within a site and in relation to access streets; the stability of land values and investments by preventing the impairment or depreciation of land values and development, by the erection of structures or additions or alterations thereto, without proper attention to setting or to unsightly or undesirable appearances; harmonious relationship to buildings, other structures and uses, both within a site and/or adjacent sites; and the conservation of natural amenities and resources.

28.2 Plot or Site Plan Required:

A plot or site plan is required for and shall accompany the applications for:

- A. Zoning Compliance Permits for:
 - 1. Any proposed construction
 - 2. Any commencement of a new use
 - 3. Any proposed change in use
- B. Conditional Use Permit
- C. Variances
- D. Class A Non-Conforming Use designation or Continued Use of a Non-Conforming Structure or Use
- E. Any other request for zoning status where the Zoning Administrator determines a site plan is necessary for accurate review or documentation of the existing development.

28.3 Plot Plans for Residential Dwelling, Accessory Uses, Structures and Agricultural Buildings:

- A. Plot Plans for Single and Two-family dwellings, residential accessory uses and structures and agricultural buildings are required to be submitted to the Zoning Administrator.
- B. A plot plan for single and two-family dwellings, residential accessory uses and structures, and agricultural buildings shall show the following information:
 - 1. A legal description of the site.
 - 2. All lot lines and dimensions of the lot.
 - 3. All roads and easements.

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4. All existing and proposed buildings shall be shown and labeled.
5. Proposed use of each building.
6. Distances between buildings and all lot lines.
7. Building dimensions.
8. Natural features affecting development (rock, water, etc.).
9. Well and septic locations, as required.
10. A north arrow and scale.
11. The actual dimensions of the proposed developed area (as shown by a licensed surveyor, engineer, architect, or registered landscape architect) showing the relationship of the subject property to abutting properties. This requirement is at the discretion of the Zoning Administrator.

C. The plot plan may be drawn on the application form or on a separate sheet of paper.

28.4 Site Plans for Commercial, Industrial, Multiple-Family and Other Developments:

A. Site plans for commercial and industrial uses, multiple-family residential developments, parking lots, and all other developments shall show the following:

1. A scale adequate to illustrate the proposed activity and all information required by this Section.
2. A legal description and street address of the property; the name, address, email, and telephone number of the owner, developer and/or designer.
3. North arrow and date the site plan was prepared.
4. The actual dimensions of the proposed developed area (as shown by a licensed surveyor, engineer, architect, or registered landscape architect) showing the relationship of the subject property to abutting properties.
5. The location of all existing and proposed structures, including signs, on the subject property and all existing structures on land immediately adjacent to the site within 100 feet of the site's parcel lines.
6. The dimensions of all existing and proposed structures, including height.
7. Distances between all existing and proposed structures and all lot lines.
8. Use(s) of all existing or proposed structures on the property.
9. The location and dimensions of all existing and proposed ingress/egress points, sidewalks, driveways and parking areas on the subject property.
10. The location and all road right-of-way widths of all abutting streets, alleys, and private easements located within or abutting the property. Named streets and roads shall be labeled.
11. The location of existing ingress/egress points, driveways, streets, roads and/or alleys within 250 feet of the boundary of the property.
12. The location of the proposed planting and screening, fencing, signs and advertising features.
13. The size and location of all existing and proposed public and private utilities and required landscaping.
14. The location of natural features affecting development, such as rock outcrops, water, wetland, etc.
15. Location of all existing and proposed surface water impoundments and surface water drainage pattern.
16. The location and extent of any planned earth movement. Indicate status of any necessary permits, such as soil erosion and sedimentation permits, wetlands permit, etc.
17. Provisions for the maintenance and responsibility of common areas.

18. Requisites for future maintenance, repair and snow removal on streets, roads, parking areas and sidewalks.
19. Any other information necessary, in the opinion of the Zoning Administrator, to establish compliance with this Ordinance or any other applicable ordinance.

B. Site plans for **Section 28.4** shall be drawn on a sheet of paper measuring not more than 24 inches by 36 inches, drawn to a scale not smaller than 40 feet to the inch and certified by a registered land surveyor, professional engineer or architect.

28.5 Procedure for Plot/Site Plan Submission and Review:

- A. The applicant shall be required to submit as many copies as are needed for review directly to the Zoning Administrator, who will transmit them to responsible City departments. At a minimum, four copies of the site plan shall be provided to the Zoning Administrator. If the site plan has been prepared in digital format (.dwg, .dxf, etc.), a digital copy shall also be provided.
- B. Upon receipt of a **Section 28.3** plot plan, the Zoning Administrator shall within 10 working days determine whether it is in proper form and contains all of the required information. The Zoning Administrator shall review the Site Plan to determine compliance with this Ordinance and other ordinances of the City of Ishpeming. Adequacy of municipal utility services will be assessed by the Ishpeming Department of Public Works and Fire Department, as required. If found to be satisfactory, the Zoning Administrator shall issue a zoning compliance permit within ten (10) working days.
- C. For **Section 28.4** site plans the Zoning Administrator shall determine whether it is in proper form and contains all of the required information for zoning review. An administratively complete application, for zoning review purposes, shall be noted as such by the Zoning Administrator, and the applicant shall be advised of this determination and its date in writing. Prior to final site plan approval, the applicant shall receive approval of all relevant City departments.

The Zoning Administrator shall review the site plan and shall act on all site plans within thirty (30) days of the date of determination that the application is administratively complete provided that all other City departments, have furnished the results of their respective reviews.

- D. The Zoning Administrator will consider all site plans submitted to him/her for approval, revision or disapproval administratively:
 1. When the Zoning Administrator determines the site plan is in compliance with the Zoning Ordinance and other regulations, he/she shall so indicate on the site plan and in a memo to the applicant, with a copy provided to the Planning Commission.
 2. When the Zoning Administrator determines the site plan is in compliance, except with minor revisions, the noted changes shall be so indicated on the plan. When these changes have been adequately addressed, the applicant shall resubmit a revised site plan to the Zoning Administrator for final approval.
 3. When the Zoning Administrator determines extensive revisions to the site plan are necessary to meet the Zoning Ordinance and other applicable regulations, the site plan shall be disapproved and the applicant requested to prepare an alternative site plan. In this case the word

“disapproval” shall be written on the plan and reasons for disapproval indicated in the Zoning Administrator’s memo.

- E. The Zoning Administrator, Planning Commission, and Zoning Board of Appeals shall use the standards of **Section 28.7** in their review.
- F. Either the Zoning Administrator or the applicant may request in writing that a site plan be considered and reviewed by the Planning Commission. In this case, the Zoning Administrator shall first determine whether the application is administratively complete and the applicant shall be advised of this determination and its date in writing. The Planning Commission shall review the site plan at their next regularly scheduled meeting, provided the Zoning Administrator and city staff, as may be appropriate to the case, have had time to prepare comments. The Planning Commission shall act on all site plans referred to it within sixty (60) days of the date of determination that the application is administratively complete.
- G. The proposer may appeal any denial to the Zoning Board of Appeals in accordance with the current fee schedule.
- H. Upon completion of any building or interior structural improvements, a digital copy of the final or as-constructed structures’ floor plans are to be electronically delivered to the City of Ishpeming Fire Department. Additionally upon completion of a development, at the discretion of the Zoning Administrator, an as-built site plan may be required.

28.6 Amendments to Approved Site Plans:

- A. Proposed amendments to an approved site plan may be made by the Zoning Administrator provided such changes conform to this Ordinance and the applicant agrees.
- B. Proposed minor changes to an approved site plan may be made by the Zoning Administrator after construction has begun provided that:
 - 1. There is no significant change in the use or character of the development.
 - 2. There is no increase in the overall lot coverage of the structures.
 - 3. There is no significant increase in the intensity of use.
 - 4. There is no reduction in the required open space.
 - 5. There are no reductions in the required off-street parking and loading.
 - 6. There is no reduction in pavement widths or utility pipe sizes.
 - 7. There is no significant increase in traffic on public streets or an increase in the burden on public utilities or services.

- C. Significant changes which will affect and cause a change in the use, character, or intent of the development, an increase in the intensity of use, changes in the overall coverage of the structures, or problems of traffic circulation, utility services, or similar services, or a reduction in the approved open space, off-street parking and loading space, or pavement width requirements must be authorized by the Zoning Administrator. Review of the changes must be made in the same manner as the original site plan.

28.7 Standards for the Review of Site Plans:

- A. The site plan shall be reviewed by the Zoning Administrator and/or the Planning Commission for compliance with the following standards:
 - 1. All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of lot, the character of adjoining property and the type and size of buildings. The site will be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
 - 2. The landscaping shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and by topographic modifications which result in maximum harmony with adjacent areas.
 - 3. Special attention shall be given to proper site surface drainage so that removal of storm waters will not adversely affect neighboring properties.
 - 4. The site plan shall provide reasonable visual and auditory privacy for all dwelling units located therein. Fences, walks, barriers and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.
 - 5. All buildings or groups of buildings shall be arranged to permit emergency vehicle access to all sides of each building, which may include a designated fire lane as required by the Ishpeming Fire Chief upon review.
 - 6. All buildings or groups of buildings shall be arranged to permit the efficient movement of traffic on the site.
 - 7. Parking on the site shall be located so as not to impede traffic flow or create an unsafe dangerous situation for motorists or pedestrians. Parking spaces shall be conveniently located near the entrances to the building.
 - 8. Every structure or dwelling shall have access to a street, walkway or other area for common use.
 - 9. In areas of residential and all commercial developments and anticipated pedestrian use, streets and roadways shall have a sidewalk at least four (4') feet in width on each side of the street or roadway. A planting strip of at least two (2') feet shall separate the sidewalk from the roadway. This standard may be modified by the Zoning Administrator based on site specifics.
 - 10. As an alternative to sidewalks, a pathway/walkway may be constructed to accommodate pedestrian/non-motorized use. The pathway/walkway shall be at least four (4') feet in width and convenient for pedestrian use. Depending on the expected traffic volume, the pathway/walkway

could be on the side of the road, striped to separate vehicle traffic from pedestrian/non-motorized use. See Section 21.2.C.5.

11. All loading or unloading and outside storage areas, including areas for storage of trash, which face or are visible from residential properties, abut a residential zone or public thoroughfares, shall be screened, at a minimum, by a vertical fence consisting of structural (fence) or plant materials no less than six (6') feet in height with an opacity of at least 75%. See Ishpeming Ordinance 8-600 (Fence Ordinance) for details and a permitting form.
 12. Exterior lighting shall be so arranged 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.
 13. The arrangement of public and common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets, sidewalks and non-motorized pathways in the area. Streets and drives which are part of an existing or planned street pattern which serves adjacent development shall be of a width appropriate to the traffic volume they will carry and shall be in compliance with the requirements of the Michigan Department of Transportation and the City of Ishpeming. Driveways and ingress/egress points shall be planned and arranged so as to provide for the safe and efficient movement of traffic.
 14. Site plans shall conform to all applicable requirements of state and federal statutes and approval may be conditioned upon the applicant receiving necessary state and/or federal permits before final site plan approval or a zoning compliance permit is granted.
- B. For any site which has historically, archeologically, or native culturally significant features, the site plan must discuss and address how these features are intended to be historically preserved.

28.8 Site Plan Financial Completion Guarantee:

- A. Prior to the issuance of any Zoning permit for any building other than a single-family home or duplex, and prior to the signing of the final plat by the City Clerk in a platted subdivision, or prior to the issuance of any Zoning permit for any building in a site condominium project, the applicant for same shall, upon request, provide to the City the following:
1. A financial completion guarantee. Said deposit shall guarantee completion of all site improvements shown on the approved final site plan, final preliminary plat construction plans or site condominium project plans. For the purpose of this Section, completion shall mean inspection by the appropriate City officials and/or other government agencies for compliance with the final approved site plan or preliminary plat finally approved by the City Council, not less than six (6) months after all site plan or plat improvements have been installed.
- B. Site improvements shall mean, but not be limited to, drives and streets, curbs and gutters, sidewalks, water and sanitary sewer systems, drainage facilities and retention/detention basins, final grading and swales, retaining walls, landscaping and parking lots.
- C. The minimum amount of the guarantee may be as follows:

1. Residential projects, except single family homes and duplexes: Five hundred (\$500.00) dollars per dwelling unit.
 2. Non-residential projects: One (1) % of the estimated cost of construction.
- D. In the event that the applicant fails to correct any deficiencies within thirty (30) days of written notice from the City, the City shall have the authority to use the guarantee to complete the site improvements, or repairs to said improvements, within a period of nine (9) months following the issuance of the last certificate of occupancy unless good cause can be shown by the applicant for the delay in completion. The City may, at its sole discretion, agree in writing to a specific extension of the nine (9) month period. The City may use the completion guarantee to hire subcontractors to complete work, fund inspections and for the administration of the required work, including legal fees.
- E. The guarantee, or portion thereof, shall be promptly released, without interest, upon the inspection and approval of all improvements in compliance with the approved final site plan and all applicable City standards and specifications. Portions of the guarantee may be released in not more than three (3) installments, provided:
1. The project or approved phase of a project has been completed for six (6) months and the improvements for which the release is requested have been inspected and approved in accordance with the above standards, and the remaining balance is sufficient to cover the remaining improvements, including administrative and contingency expenses.
 2. **This guarantee shall not be reduced below the minimum amount required in paragraph C. above.**
- F. Types of Completion Guarantees - The applicant may provide a guarantee in the form of a cash deposit or certified check, or in the form of a surety bond or letter of credit in a form acceptable to the City. Surety bonds and letters of credit shall be valid for a period of one (1) year past the anticipated request for the last certificate of occupancy for the entire project and shall contain language acceptable to the City that states that unless the bond or letter of credit is released by the City, that thirty (30) days prior to its expiration the bond or letter of credit shall automatically renew for one (1) year periods unless the issuer of the security sends by certified mail to the City a notice of its intention to not renew the financial security, not less than sixty (60) days prior to the expiration of security.

29.0 SECTION 29: ZONING ADMINISTRATOR

29.1 Establishment:

- A. The office of Zoning Administrator is hereby established. The Zoning Administrator shall be appointed by the City Manager with the approval of the City Council. The Zoning Administrator may be provided with assistance of such other persons as the City Manager may direct.

29.2 Duties:

- A. Administration of Zoning Ordinance. The Zoning Administrator shall administer the provisions of this ordinance and shall have all administrative powers in connection therewith which are not specifically assigned to some other office or body. The Zoning Administrator shall be guided by the standards set forth in **Section 26.0**
- B. Zoning Compliance Certificate. The Zoning Administrator shall review all zoning permits and site plans for compliance with the provisions of this ordinance, or any written order from the Zoning Board of Appeals or Planning Commission.
 - 1. The Zoning Administrator shall have no power to vary or waive ordinance requirements, other than specifically defined herein.
 - 2. The Zoning Administrator shall not issue a statement of Zoning Compliance where it appears that any land area required to conform to any provision of this ordinance is also required as a part of any adjoining property to keep the development or use thereof in conformity with this ordinance, or to keep it from becoming more non-conforming if such land area was, at any time, subsequent to the commencement of development or use of such adjoining property, in common ownership with such adjoining property.
- C. Special Zoning Orders Book and Map. The Zoning Administrator shall keep a book to be known as the Special Zoning Orders Book, in which the Zoning Administrator shall list, with brief description, all Variances, Conditional Use Permits, authorization for developments, designations of Class A non-conformance and terminations of any of them. Each item shall be assigned a number when entered. The Zoning Administrator shall also keep a map of the City, to be known as the Special Zoning Orders Map, on which the Zoning Administrator shall record the numbers in the special Zoning Orders Book to indicate the locations affected by the items in the book. The Special Zoning Orders Book and Map shall be open to public inspection.
- D. The Zoning Administrator shall keep records of all official actions, all of which shall be a public record.
- E. The Zoning Administrator shall maintain and make available, for public inspection, the official zoning map.
- F. The Zoning Administrator shall have the power to make inspections of buildings and premises necessary to carry out duties in the enforcement of this ordinance.

- G. If the Zoning Administrator shall find that any of the provisions of this ordinance are being violated, he/she shall notify, in writing, the person responsible for such violation, indicating the nature and location of the violation, and ordering the action necessary to correct it. The Zoning Administrator shall order discontinuance of illegal additions, alterations, or structural changes; discontinuance of any illegal use; or shall take any other action authorized by this ordinance to insure compliance with or to prevent violation of the provision of this ordinance.
- H. Reports and Recommendations. The Zoning Administrator shall review all requests for administrative or legislative action. He/she shall forward an analysis of site factors and other information pertaining to the request to the appropriate body upon request. The analysis may include a recommendation for action.

30.0 SECTION 30.0: ZONING BOARD OF APPEALS (ZBA)

30.1 Intent:

It is the intent of this ordinance that all questions of interpretation and enforcement of this ordinance shall be first presented to the Zoning Administrator. Such questions shall be presented to the Zoning Board of Appeals only on appeal from the decision of the Administrator. Recourse from decision of the Zoning Board of Appeals shall be to the courts as provided by law and particularly by Section 125.3605, Act 110 of 2006 as amended, except as otherwise provided herein.

30.2 Membership:

- A. Establishment. A Zoning Board of Appeals (hereinafter referred to as Board) is hereby established, which shall consist of five (5) members to be appointed by a majority vote of the City Council, each for a term of three (3) years. Members of the Board must meet eligibility requirements established by the City Council. Members of the present Board shall continue in office until the expiration of their terms. The City Council shall by majority vote appoint, as necessary, persons to fill vacant positions for varying terms so that not more than three (3) terms expire in any given year. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. Vacancies for unexpired terms shall be filled within one (1) month after the vacancy becomes effective, for the remainder of the term. One member of the Board shall be a member of the Planning Commission. No more than one member of the Board may be a member of the City Council; provided, however, that this member may not serve as Chairperson of the Zoning Board of Appeals.
- B. The City Council may appoint not more than two (2) alternate members for the same term as regular members to the Board. The alternate member(s) has the same voting rights as a regular member of the Board when serving. The alternative member appointed to a case shall serve in the case until a final decision is made. An alternate member may be called to serve as a regular member of the Board if;
 - 1. The regular member is absent from or will be unable to attend two (2) or more consecutive meetings of the Board, or
 - 2. The regular member will be unable to attend meetings for a period of more than thirty (30) consecutive days, or
 - 3. A regular member needs to abstain for reasons of conflict of interest.

- C. **Removal of Members.** A member of the Zoning Board of Appeals may be removed by the City Council for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.

30.3 Procedure:

- A. **Proceedings.** The Board shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this ordinance. Meetings shall be held at the call of the Zoning Administrator or chairperson and at such other times as the Board may determine. The chairperson or, in his/her absence, the acting chairperson may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

The Board shall arrange for the keeping of minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its submissions, all of which shall be public records and shall be immediately filed in the office of the Zoning Administrator.

- B. **Appeals to the ZBA.** Appeals to the Board may be filed by any person aggrieved or adversely affected by any decision of the Zoning Administrator, or by an officer, department, board, or bureau of the State of Michigan, or by the City of Ishpeming. Such appeals shall be filed within twenty-one (21) days after the decision or action of the Zoning Administrator by filing with the Zoning Administrator and with the Board a written notice of appeal specifying the grounds thereof. The Zoning Administrator shall transmit to the Board all papers and records regarding the appeal. The Board shall fix a reasonable time for the hearing of the appeal as specified in **Section 30.5.B.**
- C. **Stay of Proceedings.** An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board after the notice of appeal is filed with him/her that by reason of facts stated in the certificate, a stay would, in his/her opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order, which may be granted by the Board or by a court of record on application, on notice to the Zoning Administrator and for good cause shown.

30.4 Powers and Duties:

The Zoning Board of Appeals shall have the following powers and duties:

- A. **Administrative Review.** To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of this ordinance. A decision shall state the grounds of any determination made by the Board.

- B. **Non-use Variances.** The Board shall have the power to grant non-use variances upon written application. Non-use variances relate to the construction, structural changes, or alteration of buildings or structures related to dimensional requirements of this Zoning Ordinance or any other non-use related standard in this Zoning Ordinance.
- C. **Conditions Governing Non-use Variance Applications, Procedures.** The Board may authorize in specific cases such non-use variance from the terms of this ordinance as will not be contrary to the public interest or public safety, where, owing to special conditions, a literal enforcement of the provisions of this ordinance would result in practical difficulties. A non-use variance from the terms of this ordinance shall not be granted by the Zoning Board of Appeals unless and until:
1. A written application for a variance is submitted demonstrating:
 - a. That special conditions and circumstances exist which are not applicable to other lands, structures, or buildings in the same district;
 - b. That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance.
 - c. That the special conditions and circumstances do not result from the actions of the applicant;
 - d. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district;
 - e. That no non-conforming use of neighboring lands, structures, or buildings in the same district and no permitted or non-conforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.
 2. All fees set by the City Council to cover the administrative costs of such application have been paid.
 3. Notice of public hearing shall be given as required in **Section 30.5.B.**
 4. The public hearing shall be held not more than sixty (60) days after receipt of a written request for a non-use variance. Any party may appear in person or be represented by a duly authorized agent or attorney.
 5. The Board shall make findings that the requirements of **Section 30.4.C.** have been met by the applicant for a variance.
 6. The Board shall make a finding that the reasons set forth in the application justify the granting of the variance, that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure, and that there are practical difficulties involved in the literal enforcement of this Ordinance.

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7. The Board shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood, or otherwise be detrimental to the public welfare.
 8. In granting any variance, the Board shall be guided by the Administrative Standard in **Section 26.0**. The Board may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance, punishable under **Section 31.2** of this ordinance.
 9. Under no circumstances shall the Board grant a variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.
- D. Reversing Decision of Administrative Official. In exercising the above-mentioned powers, the Board may, so long as such action is in conformity with the terms of this ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the administrative official from whom the appeal is taken.
- E. The concurring vote of a majority of the members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, or to decide in favor of the applicant any matter upon which they are required to pass under this ordinance, or to effect any variation in the application of this ordinance. A decision of the Board shall take immediate effect.
- F. Dual Membership, Non-participation. A member of the Zoning Board of Appeals who is also a member of the Planning Commission or the City Council shall not participate in a public hearing on or vote on the same matter that the member voted on as a member of the Planning Commission or City Council. However, the member may consider and vote on other unrelated matters involving the same property.
- 30.5 Public Hearings:
- A. A public hearing shall be held on each action which is brought before the Board.
 - B. If the Zoning Board of Appeals receives a written request seeking a non-use variance or an interpretation of this Zoning Ordinance, or an appeal of an administrative decision, the Zoning Board of Appeals shall conduct a public hearing on the request. The public hearing shall be held not more than sixty (60) days after receipt of the written request. Notice shall be given as required under **Section 33.1**; however, if the request does not involve a specific parcel of property, notice need only be published as provided in **Section 33.2.C.1.a**.
 - C. Any party may appear in person or by duly authorized agent or attorney to comment on any variance or administrative review. Written comments may be submitted prior to the scheduled hearing.

30.6 Appeals:

An appeal from any decision of the Board is governed by the provisions of M.C.L.A. §125.3606, as amended.

SECTION 31.0: ENFORCEMENT

31.1 False Statements:

Any zoning compliance permit based on any false statement in the application or supporting documents is absolutely void ab initio and shall be revoked. No zoning compliance permit shall remain valid if the use or structure it authorizes becomes non-conforming. The Zoning Administrator shall not refuse to issue a zoning compliance permit when conditions imposed by this and other City ordinances are complied with by the applicant despite violations of contracts, such as covenants or private agreements which may occur upon the granting of said permits.

31.2 Violations and Penalties:

Violation of any of the provisions of this ordinance, including the failure to perform any act required hereunder, or the commission of any act prohibited hereunder, shall constitute a Municipal Civil Infraction. A person, firm, or corporation determined to be responsible or responsible "with explanation" for a Municipal Civil Infraction shall be subject to a civil fine of not more than One-Hundred (\$100.00) Dollars plus costs *per day*, and if applicable, damages and expenses as provided by law. A Municipal Civil Infraction action brought for any violation of this ordinance shall follow the procedures set forth in Act. No. 12, P.A. 1994, as amended, and a Defendant charged with a Municipal Civil Infraction violation shall have all of the rights, duties, responsibilities, and obligations set forth therein. Each and every day on which any violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. Buildings erected, altered, razed, or converted, or uses carried on in violation of this ordinance are declared to be a nuisance per se.

31.3 Procedures for Reporting Violations:

Apparent zoning violations may be reported by any citizen to the Planning Commission or the Zoning Administrator, who is exclusively responsible for addressing reported violations.

32.0: VESTED RIGHTS

Vested Rights. Nothing in this ordinance shall be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein, and they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety, and welfare.

33.0: PUBLIC NOTICE.

33.1 Public Notification:

All applications for development approval requiring a public hearing shall comply with the Michigan Zoning Enabling Act, P.A. 110 of 2006 and the other provisions of this Section with regard to public notification.

33.2 Procedures and Content:

A. **Responsibility:** When the provisions of this Ordinance or the Michigan Zoning Enabling Act require that notice be published, the Zoning Administrator shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation in the City of Ishpeming, and mailed or delivered as provided in this section.

B. **Content:** All mail, personal and newspaper notices for public hearings shall:

1. **Describe Nature of the Request or Hearing:** Identify whether the request or hearing is for a rezoning, text amendment, conditional land use, planned unit development, variance, appeal, ordinance interpretation, or other purpose.
2. **Location:** Indicate the property that is the subject of the request or hearing. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used such as a tax parcel identification number, identifying the nearest cross street, or including a map showing the location of the property. No street addresses must be listed when eleven (11) or more adjacent properties are proposed for rezoning, or when the request is for an ordinance interpretation or amendment not involving a specific property.
3. **Schedule:** Indicate the date, time and location of the public hearing(s).
4. **Written comments:** Include a statement describing when and where written comments will be received concerning the request or hearing. Include a statement that the public may appear at the public hearing in person or by counsel.
5. **Handicap Access:** Information concerning how handicap access will be accommodated if the meeting facility is not handicap accessible.

C. **Personal and Mailed Notice:**

1. **General:** When the provisions of this Ordinance or state law require that personal or mailed notice be provided, notice shall be provided to:

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- a. The owners of property that is the subject of the request and the applicant, if different than the owner(s) of the property.
 - b. Except for rezoning requests involving eleven (11) or more adjacent properties or an ordinance interpretation request that does not involve a specific property; to all persons to whom real property is assessed within three-hundred (300) feet of the boundary of the property subject to the request, regardless of whether the property or occupant is located within the boundaries of the City of Ishpeming. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall be given notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.
 - c. All neighborhood organizations, public utility companies, railroads, and other persons who have requested to receive notice pursuant to **Section 33.3, Registration to Receive Notice by Mail**.
 - d. Other governmental units or infrastructure agencies within one (1) mile of the property involved in the application.
 - e. If eleven (11) or more adjacent properties are proposed for rezoning, the Zoning Administrator shall give a notice of the proposed rezoning in the same manner as required under **Section 33.2**, except for the requirement of **Section 33.2.C.1.b.**, and except that no individual addresses of properties are required to be listed under **Section 33.2.B.2.** for that group of adjacent properties.
2. Notice by Mail/Affidavit: Notice shall be deemed mailed by its deposit in the United States mail, first class, properly addressed, postage paid. The Zoning Administrator shall prepare a list of property owners and registrants to whom notice was mailed, as well as anyone to whom personal notice was delivered.
- D. Published Notice: For a public hearing on a request or application for a Rezoning, Ordinance Text or Map Amendment, Special Land Use, Conditional Land Use, Planned Unit Development, Variance, Appeal, or Ordinance Interpretation, the notice shall be published one time in a newspaper of general circulation in the City of Ishpeming.
- E. Timing of Notice: Unless otherwise provided in the Michigan Zoning Enabling Act, P. A. 110 of 2006, or this Ordinance, notice of a public hearing shall be provided as follows:
1. For a public hearing on an application for a Rezoning, Text Amendment, Conditional Land Use, Planned Unit Development, Variance, Appeal, or Ordinance Interpretation, notice shall be given not less than fifteen (15) days before the date the request will be considered.

2. For any other public hearing required by this Ordinance: at least fifteen (15) days before the date the request will be considered.

33.3 Registration to Receive Notice by Mail:

- A. General: Any neighborhood organization, public utility company, railroad, or any other person may register with the Zoning Administrator to receive written notice of all applications for development approval pursuant to **Section 33.2.C.1.c.**, Personal and Mailed Notice, or written notice of all applications for development approval within the zoning district in which they are located. The Zoning Administrator shall be responsible for providing this notification. Fees may be assessed for the provision of this notice, as established by the City Council.
- B. Requirements: The requesting party must provide the Zoning Administrator with information on an official form to ensure notification can be made. All registered persons must re-register annually to continue to receive notification pursuant to this Section.

34.0 **SECTION 34.0. - ACCESS MANAGEMENT**

THE FOLLOWING DEFINITIONS ARE FOR SECTION 34 EXCLUSIVELY:

Access Point: a) The connection of a driveway at the right-of-way line to a road or;
b) A new road, driveway, shared access or service drive.

County Primary shall include the following under the jurisdiction of the Marquette County Road Commission:
County Road 587 (Cooper Lake Cut-across); County Road GP, (Cooper Lake Road).

Driveway Offset: The distance between the centerline of two driveways on opposite sides of an undivided roadway.

Driveway, Shared: A driveway connecting two or more contiguous properties to the public road system.

Overlay Zone or Overlay District: A zoning district that encompasses one or more underlying zones and that imposes additional requirements beyond those required for the underlying zone.

Throat Length: The distance parallel to the centerline of a driveway to the first on-site location at which a driver can make a right-turn or a left-turn. On roadways with curb and gutter, the throat length shall be measured from the face of the curb. On roadways without a curb and gutter, the throat length shall be measured from the edge of the paved shoulder.

Underlying District: The base zone below an overlay zone, which establishes the fundamental permitted uses, densities and dimensional regulations applicable to lands subject to a zoning ordinance.

34.1 Findings and Intent

Conditions along the major highways in Marquette County are changing with increasing development and traffic. Continued development along US-41/M-28 will further increase traffic volumes and introduce additional conflict points which will erode traffic operations and increase potential for traffic crashes. Numerous published

studies document the positive relationship between well-designed access management systems and traffic operations and safety. Those studies and the experiences of many other communities demonstrate that implementing standards on the number, placement and design of access points (driveways and side street intersections) can preserve the capacity of the roadway and reduce the potential for crashes while preserving a good business environment and the existing investment in the highway. The conditions along US-41/M-28 and a series of access management recommendations are embodied in the US-41/M-28 Access Management Action Plan. Among those recommendations are the creation of an overlay zone along these highways within Marquette County and the adoption of uniform access management standards by all the jurisdictions along the US-41/M-28 corridor which are based on the Michigan Department of Transportation access management standards and the Michigan Access Management Guidebook, provided to local governments by the Michigan Department of Transportation.

The provisions of this section are intended to promote safe and efficient travel on state highways within Marquette County; improve safety and reduce the potential for crashes; minimize disruptive and potentially hazardous traffic conflicts; ensure safe access by emergency vehicles; protect the substantial public investment in the highway and street system by preserving capacity and avoiding the need for unnecessary and costly reconstruction which disrupts business and traffic flow; separate traffic conflict areas by reducing the number of driveways; provide safe spacing standards between driveways, and between driveways and intersections; provide for shared access between abutting properties; implement the Comprehensive Use Plan and the US-41/M-28 Access Management Action Plan recommendations; ensure reasonable access to properties, although not always by the most direct access; and to coordinate access decisions with the Michigan Department of Transportation, the Marquette County Road Commission, and adjoining jurisdictions, as applicable.

To these ends, the following provisions:

1. Establish a highway overlay zone to regulate access points along the highway.
2. Identify additional submittal information and review procedures required for parcels that front along US-41/M-28.
3. Require demonstration that new parcels are accessible and in compliance with the access standards of this article to ensure safe accessibility as required by the Land Division Act.
4. Restrict lots and parcels to a single access point except under certain circumstances.
5. Require longer frontages or wider minimum lot widths than are required in underlying zoning districts to help achieve access management spacing standards.
6. Require coordinated access among adjacent lands wherever feasible.
7. Improve situations where existing development along the highways does not conform to the standards and intent of this article.
8. Establish uniform standards to ensure fair and equal application.

34.2 Applicability

The standards of this section apply to all lots and parcels that abut the highway right-of-way of US-41/M-28 and such other lands that front on intersecting streets within 250 feet of the right-of-way of US-41/M-28 within the City of Ishpeming. This area is referred to as the highway overlay zone.

The standards of this section shall be applied by the Zoning Administrator during site plan review and by the Planning Commission during site plan review, as is appropriate to the application. The Planning Commission shall make written findings of nonconformance, conformance, or conformance if certain conditions are met with the standards of this section prior to disapproving or approving a site plan per the requirements of [Section 34.6](#). The City shall coordinate its review of the access elements of a plot plan or site plan with the appropriate road authority prior to making a decision on an application ([see Section 34.4](#)). The approval of a plot plan or site plan does not negate the responsibility of an applicant to subsequently secure driveway permits from the appropriate road authority, either the City of Ishpeming, the Marquette County Road Commission, or the Michigan Department of Transportation (depending on the roadway). Any driveway permit obtained by an applicant prior to review and approval of a plot plan or site plan as required under this article will be ignored, unless it is conditioned upon approval under this article.

These regulations apply in addition to, and simultaneously with, the other applicable regulations of the zoning ordinance. Permitted and special land uses within the highway overlay zone shall be as regulated in the underlying zoning district (as designated on the zoning map), and shall meet all the applicable requirements for that district, with the following additional provisions:

1. The number of access points is the fewest needed to allow motorists reasonable access to the site.
2. Access spacing from intersections and other driveways shall meet the standards within the highway overlay zone, and the guidelines of the applicable road agency (MDOT and/or Marquette County Road Commission) and the recommendations of the US-41/M-28 Access Management Access Plan as appropriate.
3. Where an applicant shares access with adjacent uses, either now or in the future, any shared access and maintenance agreements must be recorded with the County Register of Deeds.
4. No building or structure, nor the enlargement of any building or structure, shall be erected unless the highway overlay zone regulations applicable to the site are met and maintained in connection with such building, structure, or enlargement.
5. No land division, subdivision or site condominium project for land within this highway overlay zone shall be approved unless compliance with the access spacing standards in this section is demonstrated.
6. Any change in use on a site that does not meet the access standards of this highway overlay zone, shall be required to submit an application for approval by the Planning Commission and submit information to the MDOT, and/or County Road Commission as appropriate, to determine if a new access permit is required. [See Section 34.11](#) below.
7. For building or parking lot expansions, or changes in use, or site redevelopment that cannot meet the standards of this article due to parcel size or configuration, the Planning Commission shall determine the extent of upgrades to bring the site into greater compliance with the access standards of this highway overlay zone. In making its decision, the Planning Commission shall consider the existing and projected traffic conditions, any sight distance limitations, site topography or natural features, impacts on internal site circulation, characteristics of the affected land uses, recommendations within the US-41/M-28 Access Management Action Plan, and any recommendations from the MDOT, and/or Marquette County Road Commission as appropriate. Required improvements may include removal, rearrangement or redesign of driveways or other access.
8. Where conflict occurs between the standards of this article and other applicable ordinances, the more restrictive regulations shall apply.

34.3 One Access Per Parcel

- A. All land in a parcel or lot having a single tax code number, as of the effective date of the amendment adding this provision to the article (hereafter referred to as "the parent parcel"), that shares a lot line for less than 600 feet with right-of-way on US-41/M-28 shall be entitled to one driveway or road access per parcel from said public road or highway, unless hereafter shared access or alternative access is provided to that parcel.
 - 1. All subsequent land divisions of a parent parcel, shall not increase the number of driveways or road accesses beyond those entitled to the parent parcel on the effective date of this amendment.
 - 2. Parcels subsequently divided from the parent parcel, either by metes and bounds descriptions, or as a plat under the applicable provisions of the Land Division Act, Public Act 288 of 1967, as amended, or developed as a condominium project in accord with the Condominium Act, Public Act 59 of 1978, as amended, shall have access by a platted subdivision road, by another public road, by an approved private road, frontage road or rear service drive.
- B. Parent parcels with more than 600 feet of frontage on a public road or highway shall also meet the requirements of **Sec. 34.3 A. 1.** and **Sec. 34.3 A. 2.** above, except that whether subsequently divided or not, they are entitled to not more than one driveway for each 600 feet of public road frontage thereafter, unless a registered traffic engineer determines to the satisfaction of the Planning Commission that topographic conditions, curvature on the road, or sight distance limitations demonstrate an additional driveway within a lesser distance is safer or the nature of the land use to be served requires an additional driveway for improved safety. See also **Section 34.18 2.a.**

34.4 Applications

- A. Applications for driveway or access approval shall be made on a form prescribed by and available at the Michigan Department of Transportation and Marquette County Road Commission as applicable. A copy of the completed form submitted to the applicable road authority shall be submitted to the Zoning Administrator as well.
- B. Applications for all uses requiring site plan review shall meet the submittal, review and approval requirements of **Section 28.4 Site Plans** of the City zoning ordinance in addition to those of this article. In addition:
 - 1. Applications are strongly encouraged to rely on the following sources for access designs, the National Access Management Manual, TRB, 2003; National Cooperative Highway Research Program (NCHRP), "Access Management Guidelines to Activity Centers" Report 348, "Impacts of Access Management Techniques" Report 420; and the AASHTO (American Association of State Highway and Transportation Officials) "Green Book" A Policy on Geometric Design of Highways and Streets. The following techniques are addressed in these guidebooks and are strongly encouraged to be used when designing access:
 - a. Not more than one driveway access per abutting road.
 - b. Shared driveways.
 - c. Service drives: front and/or rear.
 - d. Parking lot connections with adjacent property.
 - e. Other appropriate designs to limit access points on an arterial or collector.

2. As applicable, applications shall be accompanied by an escrow fee for professional review per the requirements of **Section 28.8**.
3. In addition to the information required in **Section 28.4 Site Plans** the information listed below shall also be submitted for any lot or parcel within the highway overlay zone accompanied by clear, scaled drawings (minimum of 1"=20') showing the following items:
 - a. Property lines.
 - b. Right-of-way lines and width, and location and width of existing road surface.
 - c. Dumpsters or other garbage containers.
 - d. Existing access points. Existing access points within 200 feet on either side of the US-41/M-28 frontage, and along both sides of any adjoining roads, shall be shown on the site plan, aerial photographs or on a plan sheet.
 - e. Surface type and dimensions shall be provided for all existing and proposed driveways (width, radii, throat length, length of any deceleration lanes or tapers, pavement markings and signs), intersecting streets, and all curb radii within the site.
 - f. The site plan shall illustrate the route and dimensioned turning movements of any passenger vehicles as well as expected truck traffic, tankers, delivery vehicles, waste receptacle vehicles and similar vehicles. The plan should confirm that routing of vehicles will not disrupt operations at the access points nor impede maneuvering or parking within the site.
 - g. The applicant shall submit evidence indicating that the sight distance, driveway spacing and drainage requirements of the Michigan Department of Transportation or Marquette County Road Commission are met.
 - h. Dimensions between proposed and existing access points on both sides of the highway or road (and median cross-overs if applicable now or known in the future).
 - i. Design dimensions and justification for any alternative or innovative access design such as frontage roads, rear access or service drives, or parking lot cross-access.
 - j. Where shared access is proposed or required, a shared access and maintenance agreement shall be submitted for approval. Once approved, this agreement shall be recorded with the county register of deeds.
 - k. Show all existing and proposed landscaping, signs, and other structures or treatments within and adjacent to the right-of-way.
 - l. The location of all proposed snow storage from parking lots which must not interfere with clear sight distance when turning into or out of a site, or safely moving within a site.
 - m. Traffic impact study meeting the requirements of **Section 34.21** where applicable.

34.5 Review and Approval Process

The following process shall be completed to obtain access approval:

1. An access application meeting the requirements of this article above shall be submitted to the Zoning Administrator on the same day it was submitted to the Michigan Department of Transportation and/or the Marquette County Road Commission, as applicable.

2. The completed application must be received by the Zoning Administrator at least 14 days prior to the Planning Commission meeting where the application will be reviewed.
3. The applicant, the Zoning Administrator and representatives of the Marquette County Road Commission, the Michigan Department of Transportation and the Planning Commission may meet prior to the Planning Commission meeting to review the application and proposed access design. Such a meeting shall occur for all projects where a traffic impact study is required.
4. If the Planning Commission considers the application first, it shall recommend approval conditioned upon approval of the applicable road authority, or it shall recommend denial based on nonconformance with this article, or if necessary, table action and request additional information. The action of the Planning Commission shall be immediately transmitted to the applicable road authority.
5. It is expected that if the Michigan Department of Transportation and/or the Marquette County Road Commission, as applicable, review the application first, each entity will immediately send its decision on the application to the Planning Commission for their consideration. One of three actions may result;
 - a. If the Planning Commission and the Michigan Department of Transportation, and the road commission, as applicable, approve the application as submitted, the access application shall be approved.
 - b. If both the Planning Commission and the Michigan Department of Transportation and the road commission, as applicable, deny the application, the application shall not be approved.
 - c. If either the Planning Commission, Michigan Department of Transportation, or road commission, as applicable, requests additional information, approval with conditions, or does not concur in approval or denial, there shall be a joint meeting of the Zoning Administrator, a representative of the Planning Commission and staff of the Michigan Department of Transportation and/or the Marquette County Road Commission, as applicable, and the applicants. The purpose of this meeting will be to review the application to obtain concurrence between the Planning Commission and the applicable road authorities regarding approval or denial and the terms and conditions of any permit approval.
6. No application will be considered approved, nor will any permit be considered valid unless all the above-mentioned agencies, as applicable, have indicated approval unless approval by any of the above-mentioned agencies would clearly violate adopted regulations of the agency. In this case the application shall be denied by that agency and the requested driveway(s) shall not be constructed. Conditions may be imposed by the Planning Commission to ensure conformance with the terms of any driveway permit approved by a road authority.

34.6 Record of Application

The Zoning Administrator shall keep a record of each application that has been submitted, including the disposition of each one. This record shall be a public record.

34.7 Period of Approval

Approval of an application remains valid for a period of one year from the date it was authorized. If authorized construction, including any required rear service road or frontage road is not initiated by the end of one year, the authorization is automatically null and void. Any additional approvals that have been granted by the Planning Commission or the Zoning Board of Appeals, such as special land use permits, or variances, also expire at the end of one year.

34.8 Renewal

An approval may be extended for a period not to exceed one-year. The extension must be requested, in writing by the applicant before the expiration of the initial approval. The Zoning Administrator may approve extension of an authorization provided there are no deviations from the original approval present on the site or planned, and there are no violations of applicable ordinances and no development on abutting property has occurred with a driveway location that creates an unsafe condition. If there is any deviation or cause for question, the Zoning Administrator shall consult a representative of the Michigan Department of Transportation and/or the Marquette County Road Commission, as applicable, for input.

34.9 Re-Issuance Requires New Application

Re-issuance of an authorization that has expired requires a new access application form to be filled out, fee paid, and processed independently of previous action. See subsection 34.5 (1).

34.10 Maintenance

The applicant shall assume all responsibility for all maintenance of driveway approaches from the right-of-way line to the edge of the traveled roadway.

34.11 Change of Use Also May Require New Driveway

When a building permit is sought for the reconstruction, rehabilitation or expansion of an existing site or a zoning or occupancy certificate is sought for use or change of use for any land, buildings, or structures, all of the existing, as well as proposed driveway approaches and parking facilities shall comply, or be brought into compliance, with all design standards as required by the Michigan Department of Transportation and/or the Marquette County Road Commission and/or the City of Ishpeming Engineering Standards for Design and Construction as applicable, and as set forth in this article prior to the issuance of a zoning permit, and pursuant to the procedures of this section.

34.12 Changes Require New Application

Where authorization has been granted for entrances to a parking facility, said facility shall not be altered or the plan of operation changed until a revised access application has been submitted and approved as specified in this section.

34.13 Closing of Driveways

Application to construct or reconstruct any driveway entrance and approach to a site shall also cover the reconstruction or closing of all nonconforming or unused entrances and approaches to the same site at the expense of the property owner, unless some other arrangement is agreed to by the road authority responsible for the road in question.

34.14 Inspection

The City Engineer shall inspect the driveway and any other required access elements during construction and following construction for conformance with the approved application prior to allowing occupancy. The City Engineer may consult with MDOT and/or the County Road Commission as applicable, prior to making a determination of conformance or nonconformance with an approved application.

34.15 Performance Bond

The community may require a performance bond or cash deposit in any sum not to exceed \$5,000.00 for each such driveway approach or entrance to insure compliance with an approved application. Such bond shall terminate and the deposit be returned to the applicant when the terms of the approval have been met or when the authorization is cancelled or terminated.

34.16 Reserved for Future Use

34.17 Lot Width and Setbacks

- A. Minimum Lot Width - Except for existing lots of record, all lots fronting on US-41/M-28 subject to this section, shall not be less than 300 feet in width, unless served by shared access or a service drive that meets the requirements of **Section 34.18 (9), (10), or (11)**, in which case minimum lot width may be reduced to not less than 100 feet in width if a deed restriction is approved and recorded with the County Register of Deeds demonstrating an effective method for long term maintenance of the shared access, service drive and/or parking lot cross-access.
- B. Structure Setback - No structure other than signs, as allowed in the **Ishpeming Sign Ordinance 8-400**, telephone poles and other utility structures that are not buildings, transfer stations or substations, shall be permitted within the applicable front yard setback as specified in **Section 19.0 A. Size, Height & Placement Regulations**.
- C. Parking Setback and Landscaped Area - No parking or display of vehicles, goods or other materials for sale, shall be located within 25 feet of the roadway right-of-way. This setback shall be planted in grass and landscaped with small clusters of salt tolerant trees and shrubs suitable to the underlying soils unless another design is approved under the landscape provisions of **Section 22.1 Landscaping Requirements** of the City zoning ordinance.

34.18 Access Management Standards

No road, driveway, shared access, parking lot cross-access, service road, or other access arrangement to all lots and parcels within the highway overlay zone shall be established, reconstructed or removed without first meeting the requirements of this section.

- 1. Development of Access Points. Each lot/parcel with highway frontage on US-41/M-28 shall be permitted one access point. This access point may consist of an individual driveway, a shared access with an adjacent use, or access via a service drive or frontage road. As noted **in Sections 34.2 and 34.3**, land divisions shall not be permitted that may prevent compliance with the access location standards of this highway overlay zone.
- 2. Driveway Access Alternatives. When alternatives to a single, two-way driveway are necessary to provide reasonable driveway access to property fronting on US-41/M-28, and shared access or a service drive are not a viable option, the following progression of alternatives should be used:
 - a. One standard, two-way driveway;
 - b. Additional ingress/egress lanes on one standard, two-way driveway;
 - c. Two, one-way driveways;
 - d. Additional ingress/egress lanes on two, one-way driveways;

- e. Additional driveway(s) on an abutting street with a lower functional classification;
- f. Additional driveway on arterial street.

Note: Restricted turns and roadway modifications will be considered in conjunction with alternative driveway designs.

3. Spacing Requirements of Driveways and Intersecting Streets alongside Public Streets. Driveways and new intersecting streets shall provide the following spacing from other access points along the same side of the public street (measured from centerline to centerline of each access point), based on the posted speed limit along the public street segment, unless the appropriate road authority approves less based on the land use characteristics, lot size, and/or restricted turns in the driveway design.

Posted Speed Limit	Along US-41/M-28*	Along Other Intersecting Major Arterials	Along all Other Intersecting Streets (not major arterials)
35 mph or less	245 ft.	245 ft.	150 ft.
40 mph	300 ft.	300 ft.	185 ft.
45 mph	350 ft.	350 ft.	230 ft.
50 mph	455 ft.	455 ft.	275 ft.
55 mph	455 ft.	455 ft.	350 ft.

* Unless greater spacing is required by MDOT.

4. Adjacent Sites. Where the subject site adjoins land that may be developed or redeveloped in the future, including adjacent lands or potential outlots, the access shall be located to ensure the adjacent site(s) can also meet the access location standards in the future.
5. Driveways or Intersecting Streets with Existing/Planned Medians. Driveways or new intersecting streets along sections of US-41/M-28 with an existing or planned median shall be located in consideration of existing or approved median crossovers. A sufficient length for weaving across travel lanes and storage within the median shall be provided, consistent with MDOT published standards.
6. Driveways and Intersecting Streets Aligned With Driveways on Opposite Side of Street. Driveways and new intersecting streets shall be aligned with driveways on the opposite side of the street or offset a minimum of 250 feet, centerline to centerline wherever feasible. The Planning Commission may reduce this to not less than 150 feet where each of the opposing access points generates less than 50 trips (inbound and outbound) during the peak hour of the public street or where sight distance limitations exist, or shall rely on the best option identified by MDOT.
7. Minimum Spacing of Driveways from Intersections. Minimum spacing of driveways from intersections shall be in accordance with the table below (measured from pavement edge to pavement edge) unless MDOT authorizes a lesser spacing:

Signalized Locations*	Distance in Feet	Unsignalized Locations	Distance in Feet
Along US-41/M-28	300	Along US-41/M-28	300
Along other public streets	200	Intersections with US-41/M-28	300
		Other intersections	150

* Spacing for signalized intersections shall also be applied at intersections where MDOT indicates spacing and approach volumes may warrant a signal in the future.

8. Direct Access. Where direct access consistent with the various standards above cannot be achieved, access should be via a shared driveway or service drive. In particular, the Planning Commission may require development of frontage roads, or rear service drives where such facilities can provide access to signalized locations, where service drives may minimize the number of driveways, and as a means to ensure that traffic is able to more efficiently and safely ingress and egress.
9. Shared or Joint Use.
 - a. Sharing or joint use of a driveway by two or more property owners shall be encouraged. In cases where access is restricted by the spacing requirements of subsection (3) above a shared driveway may be the only access design allowed. The shared driveway shall be constructed along the midpoint between the two properties unless a written easement is provided which allows traffic to travel across one parcel to access another, and/or access the public street.
 - b. In cases where a shared access facility is recommended, but is not yet available, temporary direct access may be permitted, provided the site plan is designed to accommodate the future service drive, and a written agreement is submitted that the temporary access will be removed by the applicant, when the alternative access system becomes available. This may require posting of a performance guarantee to cover the cost of removing the temporary driveway if the applicant or then owner does not remove the temporary driveway once a permanent driveway is established.
10. Frontage Roads or Service Drives. Frontage roads or service drives (see Figure 1, Page 137) shall be designed, constructed and maintained in accordance with the following standards:
 - a. Location. Frontage roads or service drives shall generally be parallel to the front property line and may be located either in front of, or behind, principal buildings and may be placed in required yards. In considering the most appropriate alignment for a service road, the Planning Commission shall consider the setbacks of existing and/or proposed buildings and anticipated traffic flow for the site.
 - b. Alignment. The alignment of the service drive can be refined to meet the needs of the site and anticipated traffic conditions, provided the resulting terminus allows the drive to be extended through the adjacent site(s). This determination may require use of aerial photographs, property line maps, topographic information and other supporting documentation.
 - c. Setback. Service drives and frontage roads shall be set back as far as reasonably possible from the intersection of the access driveway with the public street. A minimum of 30 feet shall be maintained between the public street right-of-way and the pavement of the frontage road, with a minimum 60 feet of throat depth provided at the access point. The access point location shall conform with all the applicable standards of this article.
 - d. Access Easement. A frontage road or service drive shall be within an access easement permitting traffic circulation between properties. The easement shall be recorded with the County Register of Deeds. This easement shall be at least 40 feet wide. A frontage road or service drive shall have a minimum pavement width of 26 feet, measured face to face of curb with an approach width of 36 feet at intersections. The frontage road or service drive shall be constructed of a paved surface material that is resistant to erosion and shall meet City of Ishpeming, Marquette County Road Commission or MDOT (depending on what road the service drive parallels) standards for base and thickness of asphalt or concrete, unless the community has more restrictive standards.

- e. Snow Storage. A minimum of 15 feet of snow storage/landscaping area shall be reserved along both sides of the frontage road or service drive.
- f. Service Drive Maintenance. No service drive shall be established on existing public right-of-way. The service drive shall be a public street (if dedicated to and accepted by the public), or a private road maintained by the adjoining property owners it serves who shall enter into a formal agreement for the joint maintenance of the service drive. The agreement shall also specify who is responsible for enforcing speed limits, parking and related vehicular activity on the service drive. This agreement shall be approved by the City Attorney and recorded with the deed for each property it serves by the County Register of Deeds. If the service drive is a private road, the City of Ishpeming shall reserve the right to make repairs or improvements to the service drive and charge back the costs directly or by special assessment to the benefiting landowners if they fail to properly maintain a service drive.
- g. Landscaping. Landscaping along the service drive shall conform with the requirements of **Section 22.1**. Installation and maintenance of landscaping shall be the responsibility of the developer or a property owners association.
- h. Parking Areas. All separate parking areas (i.e. those that do not use joint parking cross-access) shall have no more than one access point or driveway to the service drive.
- i. Parking. The service road is intended to be used exclusively for circulation, not as a parking, loading or unloading aisle. Parking shall be prohibited along two-way frontage roads and service drives that are constructed at the minimum width (**see subsection 34.2 (4)**). One-way roads or two-way roads designed with additional width for parallel parking may be allowed if it can be demonstrated through traffic studies that on-street parking will not significantly affect the capacity, safety or operation of the frontage road or service drive. Perpendicular or angle parking along either side of a designated frontage road or service drive is prohibited. The Planning Commission may require the posting of "no parking" signs along the service road. As a condition to site plan approval, the Planning Commission may permit temporary parking in the easement area where a continuous service road is not yet available, provided that the layout allows removal of the parking in the future to allow extension of the service road. Temporary parking spaces permitted within the service drive shall be in excess of the minimum required under Article VI of this chapter, Parking and Loading Standard).
- j. Directional Signs and Pavement Markings. Pavement markings may be required to help promote safety and efficient circulation. The property owner shall be required to maintain all pavement markings. All directional signs and pavement markings along the service drive shall conform with the current Michigan Manual of Uniform Traffic Control Devices.
- k. Assumed Width of Pre-Existing Service Drives. Where a service drive in existence prior to the effective date of this provision has no recorded width, the width will be considered to be 40 feet for the purposes of establishing setbacks and measured an equal distance from the midpoint of the road surface.
- l. Pedestrian and Bicycle Access. Separate, safe access for pedestrians and bicycles shall be provided on a sidewalk or paved path that generally parallels the service drive unless alternate and comparable facilities are approved by the Planning Commission.
- m. Number of Lots or Dwellings Served. No more than 25 lots or dwelling units may gain access from a service drive to a single public street.

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- n. Service Drive Signs. All new public and private service drives shall have a designated name on a sign meeting the standards on file in the City of Ishpeming.
- o. Pre-Existing Conditions. In the case of expansion, alteration or redesign of existing development where it can be demonstrated that pre-existing conditions prohibit installation of a frontage road or service drive in accordance with the aforementioned standards, the Planning Commission shall have the authority to allow and/or require alternative cross access between adjacent parking areas through the interconnection of main circulation aisles. Under these conditions, the aisles serving the parking stalls shall be aligned perpendicularly to the access aisle, as shown in Figure 1c., with islands, curbing and/or signage to further delineate the edges of the route to be used by through traffic.

- 12. Access Easements. Shared driveways, cross access driveways, connected parking lots, and service drives shall be recorded as an access easement and shall constitute a covenant running with the land. Operating and maintenance agreements for these facilities should be recorded with the deed. (Examples of access easements are found in Appendix B of the Michigan Access Management Guidebook.)
- 13. Site Distance of Access Points. Access points shall be located to provide safe sight distance, as determined by the applicable road agency.
- 14. Clear Vision Maintenance. All access points shall maintain clear vision as illustrated in Figures 2 and 3.

Figure 2

CLEAR VISION AT DRIVEWAYS

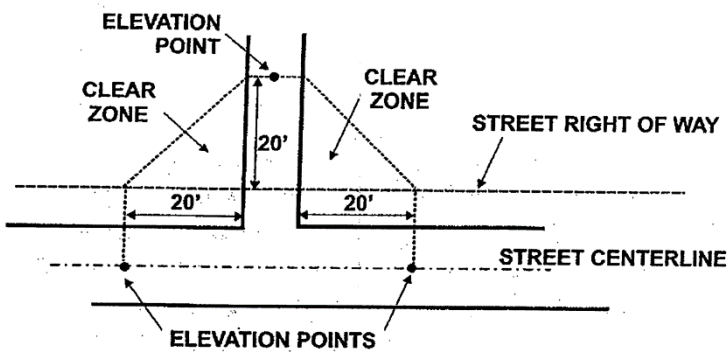
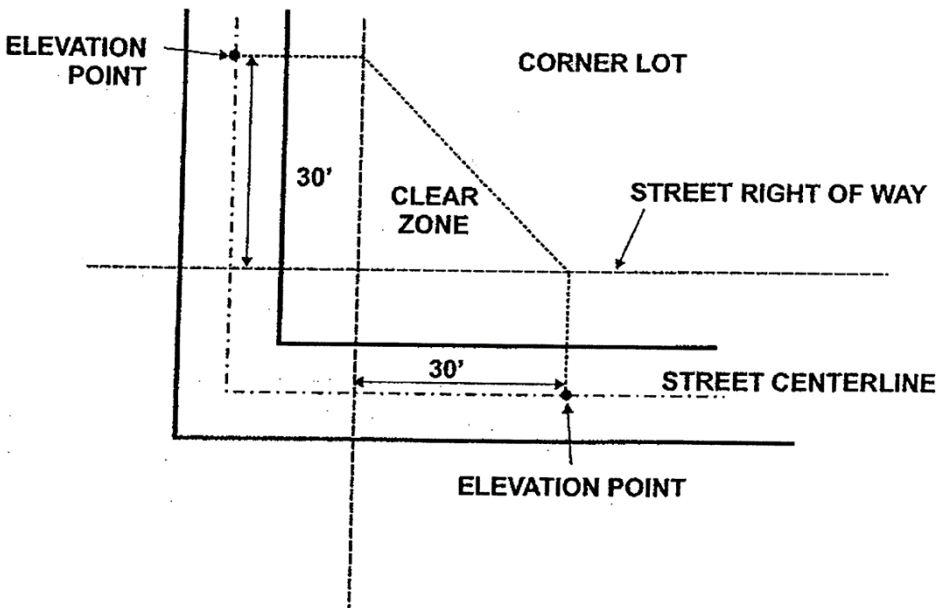


Figure 3

CLEAR VISION ON CORNER



15. Throat Width and Length of Driveway. Throat width and throat length of driveways shall be as required by the road authority and this article. The driveway design shall safely accommodate the needs of pedestrians and bicyclists.
16. Grades and Drainage:
 - a. Driveways shall be constructed such that the grade for the 25 feet nearest the pavement edge or shoulder does not exceed 1.5 percent (one and one-half foot vertical rise in 100 feet of horizontal distance) wherever feasible. Where not feasible, grades shall conform with requirements of the applicable road authority.
 - b. Driveways shall be constructed such that drainage from impervious areas located outside of the public right-of-way, which are determined to be in excess of existing drainage from these areas shall not be discharged into the roadway drainage system without the approval of the responsible agency. Storm drains, or culverts, if required shall be of a size adequate to carry the anticipated storm flow and be constructed and installed pursuant to the specifications of the responsible road authority.
17. Directional Signs and Pavement Markings. In order to ensure smooth traffic circulation on the site, direction signs and pavement markings shall be installed at the driveway(s) in a clearly visible location as required by the City of Ishpeming as part of the site plan review process and approved by the Michigan Department of Transportation and Marquette County Road Commission (as appropriate), and shall be maintained on a permanent basis by the property owner. Directional signs and pavement markings shall conform to the standards in the Michigan Manual of Uniform Traffic Control Devices.
18. Traffic Signals. Access points on US-41/M-28 may be required to be signalized in order to provide safe and efficient traffic flow. Any signal shall meet the spacing requirements of the applicable road authority. A development may be responsible for all or part of any right-of-way, design, hardware, and construction costs of a traffic signal if it is determined by the road authority that the signal is warranted by the traffic generated from the development. The procedures for signal installation and the percent of financial participation required of the development in the installation of the signal shall be in accordance with criteria of the road authority with jurisdiction.
19. Interference with Municipal Facilities. No driveway shall interfere with municipal facilities such as street lights or traffic signal poles, signs, fire hydrants, cross walks, bus loading zones, utility poles, fire alarm supports, drainage structures, or other necessary street structures. The Zoning Administrator is authorized to order and effect the removal or reconstruction of any driveway which is constructed in conflict with street structures. The cost of reconstructing or relocating any new or proposed such driveways shall be at the expense of the property owner with the problem driveway.

34.19 Nonconforming Driveways

- A. Driveways that do not conform to the regulations in this section, and were constructed before the effective date of this section, shall be considered legal nonconforming driveways. Existing driveways previously granted a temporary access permit by MDOT or the County Road Commission are legal nonconforming driveways until such time as the temporary access permit expires.
- B. Loss of legal nonconforming status results when a nonconforming driveway ceases to be used for its intended purpose, as shown on the approved site plan, or a plot plan, for a period of 12 months or more. Any reuse of the driveway may only take place after the driveway conforms to all aspects of this article.

- C. Legal nonconforming driveways may remain in use until such time as the use of the driveway or property is changed or expanded in number of vehicle trips per day or in the type of vehicles using the driveway (such as many more trucks) in such a way that impact the design of the driveway. At this time, the driveway shall be required to conform to all aspects of the Ordinance.
- D. Driveways that do not conform to the regulations in this article and have been constructed after adoption of this article, shall be considered illegal nonconforming driveways.
- E. Illegal nonconforming driveways are a violation of this article. The property owner shall be issued a violation notice which may include closing off the driveway until any nonconforming aspects of the driveway are corrected. Driveways constructed in illegal locations shall be immediately closed upon detection and all evidence of the driveway removed from the right-of-way and site on which it is located. The costs of such removal shall be borne by the property owner.
- F. Nothing in this article shall prohibit the repair, improvement, or modernization of lawful nonconforming driveways, provided it is done consistent with the requirements of this section.

34.20 Waivers and Variances of Requirements

- A. Waiver of standards. Any applicant for access approval under the provisions of this section may apply for a waiver of standards in **Section 34.18** if the applicant cannot meet one or more of the standards according to the procedures provided below:
 - 1. For waivers on properties involving land uses with less than 500 vehicle trips per day based on rates published in the Trip Generation Manual of the Institute of Transportation Engineers: Where the standards in this section cannot be met, suitable alternatives, documented by a registered traffic engineer and substantially achieving the intent of the section may be accepted by the Zoning Administrator, provided that all of the following apply:
 - a. The use has insufficient size to meet the dimensional standards.
 - b. Adjacent development renders adherence to these standards economically unfeasible.
 - c. There is no other reasonable access due to topographic or other considerations.
 - d. The standards in this section shall be applied to the maximum extent feasible.
 - e. The responsible road authority agrees a waiver is warranted.
 - 2. For waivers on properties involving land uses with more than 500 vehicle trips per day based on rates published in the Trip Generation Manual of the Institute of Transportation Engineers: During site plan review the Planning Commission shall have the authority to waive or otherwise modify the standards of **Section 34.18** following an analysis of suitable alternatives documented by a registered traffic engineer and substantially achieving the intent of this section, provided all of the following apply:
 - a. Access via a shared driveway or front or rear service drive is not possible due to the presence of existing buildings or topographic conditions.
 - b. Roadway improvements (such as the addition of a traffic signal, a center turn lane or bypass lane) will be made to improve overall traffic operations prior to project completion, or occupancy of the building.
 - c. The use involves the redesign of an existing development or a new use which will generate less traffic than the previous use.

- d. The proposed location and design is supported by the County Road Commission and/or the Michigan Department of Transportation, as applicable, as an acceptable design under the circumstances.
- B. Variance standards. The following standards shall apply when the Zoning Board of Appeals considers a request for a variance from the standards of this section.
1. The granting of a variance shall not be considered until a waiver under subsection (1) or (2) above has been considered and rejected.
 2. Applicants for a variance must provide proof of practical difficulties unique to the parcel (such as wetlands, steep slopes, an odd parcel shape or narrow frontage, or location relative to other buildings, driveways or an intersection or interchange) that make strict application of the provisions of this section impractical. This shall include proof that:
 - a. Indirect or restricted access cannot be obtained; and,
 - b. No reasonable engineering or construction solution can be applied to mitigate the condition; and,
 - c. No reasonable alternative access is available from a road with a lower functional classification than the primary road; and,
 - d. Without the variance, there is no reasonable access to the site and the responsible road authority agrees.
 3. The Zoning Board of Appeals shall make a finding that the applicant for a variance met their burden of proof above, that a variance is consistent with the intent and purpose of this section, and is the minimum necessary to provide reasonable access.
 4. Under no circumstances shall a variance be granted unless not granting the variance would deny all reasonable access, endanger public health, welfare or safety, or cause an unnecessary hardship on the applicant. No variance shall be granted where such hardship is self-created.

34.21 Traffic Impact Study

- A. If the proposed land use exceeds the traffic generation thresholds below, then the Zoning Administrator shall require submittal of a traffic impact study at the expense of the applicant, as described below prior to consideration of the application or site plan by either the Zoning Administrator or the Planning Commission. At their discretion, the Planning Commission may accept a traffic impact study prepared for another public agency. A traffic impact study shall be provided for the following developments unless waived by the Planning Commission following consultation with the Michigan Department of Transportation or Marquette County Road Commission, as applicable:
1. For any residential development of more than 20 dwelling units, or any office, commercial, industrial or mixed use development, with a building over 50,000 square feet, or
 2. When permitted uses could generate either a 30 percent increase in average daily traffic, or at least 100 directional trips during the peak hour of the traffic generator or the peak hour on the adjacent streets, or over 750 trips in an average day, or
 3. Such other development that may pose traffic problems in the opinion of the Planning Commission.

- B. At a minimum the traffic impact study shall be in accordance with accepted principles as described in the handbook Evaluating Traffic Impact Studies, a Recommended Practice for Michigan, developed by the MDOT and other Michigan transportation agencies and contain the following:
1. A narrative summary including the applicant and all project owners, the project name, a location map, size and type of development, project phasing, analysis of existing traffic conditions and/or site restrictions using current data transportation system inventory, peak hour volumes at present and projected, number of lanes, roadway cross section, intersection traffic, signal progression, and related information on present and future conditions. The capacity analysis software should be the same for each project, such as using HCS 2000 or a later version.
 2. Projected trip generation at the subject site or along the subject service drive, if any, based on the most recent edition of the Institute of Transportation Engineers Trip Generation manual. The City may approve use of other trip generation data if based on recent studies of at least three similar uses within similar locations in Michigan.
 3. Illustrations of current and projected turning movements at access points. Include identification of the impact of the development and its proposed access on the operation of the abutting streets. Capacity analysis shall be completed based on the most recent version of the Highway Capacity Manual published by the Transportation Research Board, and shall be provided in an appendix to the traffic impact study.
 4. Description of the internal vehicular circulation and parking system for passenger vehicles and delivery trucks, as well as the circulation system for pedestrians, bicycles and transit users.
 5. Justification of need, including statements describing how any additional access (more than one driveway location) will improve safety on the site and will be consistent with the US-41/M-28 Access Management Action Plan and the City of Ishpeming Master Plan, and will not reduce capacity or traffic operations along the roadway.
 6. Qualifications and documented experience of the author of the traffic impact study, describing experience in preparing traffic impact studies in Michigan. The preparer shall be either a registered traffic engineer (P.E.) or transportation planner with at least five years of experience preparing traffic impact studies in Michigan. If the traffic impact study involves geometric design, the study shall be prepared or supervised by a registered engineer with a strong background in traffic engineering.
- C. The City may utilize its own traffic consultant to review the applicant's traffic impact study, with the cost of the review being borne by the applicant per [Section 22.10](#).

SECTION 35.0: REZONED-AREAS

35.1 From February 1984 thru April 2019

- A. Land bordered on the south by U. S. Highway 41, on the west by County Road GP (Cooper Lake Road), on the north by the City boundary, and on the east by Second Street and the Ishpeming Cemetery, which is zoned Mining.
1. The following land descriptions are changed from Mining to Deferred Development:
NW 1/4 of NW 1/4 of Section 4; SW 1/4 of NW 1/4 of Section 4;
SE 1/4 of NW 1/4 of Section 4; NW 1/4 of NE 1/4 of Section 4;
NE 1/4 of NE 1/4 of Section 4 northwest of the Carp River;
Northern 1/2 of SW 1/4 of SW 1/4 of Section 34;
Southern 1/2 of SW 1/4 of SW 1/4 of Section 34 west of the Carp River.

2. The following land descriptions are changed from Mining to General Commercial:

- Southern 1/2 of SW 1/4 of SW 1/4 of Section 34 east of the Carp River;
- NW 1/4 of NW 1/4 of Section 3, east and south of the Carp River, which is not currently zoned General Commercial;
- NE 1/4 of NW 1/4 of Section 3, north of U. S. Highway 41, which is not currently zoned General Commercial;
- SW 1/4 of NW 1/4 of Section 3, north of U. S. Highway 41, which is not currently zoned General Commercial;
- NE 1/4 of NE 1/4 of Section 4, southeast of the Carp River;
- SE 1/4 of NE 1/4 of Section 4, north of U. S. Highway 41, which is not currently zoned General Commercial;
- SW 1/4 of NE 1/4 of Section 4, which is not currently zoned General Commercial;
- NW 1/4 of SE 1/4 of Section 4, north of U. S. Highway 41, which is not currently zoned General Commercial;
- NE 1/4 of SW 1/4 of Section 4, north of U. S. Highway 41, which is not currently zoned General Commercial;
- NW 1/4 of SW 1/4 of Section 4;
- SW 1/4 of SW 1/4 of Section 4, north of U. S. Highway 41, which is not currently zoned General Commercial.

B. Lots 115 to 120, inclusive, of the Assessor's Plat of the Hard Ore Extension are rezoned from General Residential to General Commercial.

C. The following land description is rezoned from Single Family to Multiple Residential.

Commencing at the W 1/4 Corner of Said Section 9; thence N 89°31'50"E 1,318.96 feet, to the NW Corner of said NE 1/4 SW 1/4; thence N 89°30'22"E 816.86 feet (along the North line of said NE 1/4 SW 1/4, to a river traverse point on the East bank of the Carp River and the Point of Beginning); thence on the following river traverse S 31°32'09"W 279.85feet; thence S35°05'03"E 119.92 feet; thence S 82°43'24"W 190.89 feet; thence S 40°56'16"E 94.46 feet; thence S 43°02'51"W 200.35 feet; thence N 61°01'53"W 73.16 feet; thence S 24°48'56"E 159.04 feet; thence S 66°55'22"W 144.97 feet; thence S 39°56'51"W 280.20 feet; thence S 84°59'46"W 153.01 feet (to the end of river traverse, and on the West line of said NE 1/4 SW 1/4); thence S 0°43'29"W 345.57 feet (to the SW Corner of said NE 1/4 SW 1/4); thence N 89°43'42"E 837.19 feet (along the 1/16 line); thence N 0°19'02"W 184.95 feet; thence S 89°43'27"W 100.00 feet; thence N 0°19'02"W 115.00 feet; thence S 89°43'27"E 100.00 feet; thence N 0°19'02"W 50.00 feet; thence N 89°43'27"E 50.00 feet; thence N 0°19'12"W 300.00 feet; thence N 0°19'02"W 135.00 feet; thence N 89°43'27"E 52.94 feet (to the West R/W of Washington Street); thence N 0°52'28"W 531.14 feet (along said R/W to the North line of said NE 1/4 SW 1/4); thence S 89°30'22"W 477.43 feet, to the Point of Beginning. Said parcel contains 21.03 (+/-) acres, extends to the thread of the Carp River, and is bordered on the East by the L.S.I. Co. Subdivision to the City of Ishpeming.

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- D. Land bordered on the north by U. S. 41, on the south by Bessemer Street, on the east by Third Street, and on the west by Second Street is rezoned from Deferred Development to General Commercial.
- E. From General Commercial to Single Family Residential:
That part of the SW 1/4 of Section 4, T47N, R27W, lying North of a line 300 feet North of U. S. 41.
- F. From Deferred Development to Single Family Residential:
The S 1/2 of the NW 1/4 of Section 4, T47N, R27W.
- G. From Industrial to Residential:
The Southerly 200 feet of that part of the NW 1/4 of NW 1/4 of Section 10, T47N R27W, and the NE 1/4 of NE 1/4 of Section 9, T47N R27W, lying west of Lakeshore Drive and east of abandoned railroad right-of-way.
- H. NW 1/4 of NW 1/4 of Section 9, T47N, R27W (Hollis woodlot), that portion lying South of Wisconsin Central railroad right of way is rezoned from Deferred Development to Industrial.
- I. NW 1/4 of SW 1/4 of Section 9, T47N, R27W, that portion south of Riverview Drive is rezoned from Multiple Family to Single Family Residence.
- J. River Ridge and Apple Ridge Drive area is rezoned as follows:
The SW 1/4 of SW 1/4 of Section 9, the W 1/2 of NW 1/4, the NW 1/4 of SW 1/4, and that part of the E 1/2 of the SW 1/4 lying north of Saginaw Street and west of Pepin-Ireco railroad right of way of Section 16, T47N, R27W, from Deferred Development to Single Family Residence

Also the SE 1/4 of SW 1/4 of Section 9, that part of the NE 1/4 of NW 1/4 of Section 16 lying north and west of Pepin-Ireco railroad right of way from Deferred Development to General Residential

- K. From Single Residential (SR) to Multiple Residential (MR):
Part of Section 4, T47N, R27W, beginning at the intersection of South ROW of Highland Drive and East ROW of County Road GP (Cooper Lake Road); thence N88°E 212.52'; thence N1°E 174.52'; thence S88°E 138'; thence S1°W 150'; thence S88°E 40'; thence S3°E 734.34'; thence S55°E 107.59'; thence S15°E 177.59'; thence S11°W 172.01'; thence S48°E 180.07'; thence S63°W 710.04'; thence N1°W 1533.88' along County Road GP to Point of Beginning. (16.15 acres)
- L. From Multiple Residential (MR) to General Commercial (GC):
Part of the Southwest Quarter of the Northwest Quarter (SW 1/4-NW 1/4) of Section Ten (10), T47N-R27W, City of Ishpeming, Marquette County, Michigan, being more particularly described as:

Commencing at the West Quarter corner of said Section 10; thence N01°20'48"W along the West line of said Section 619.44 feet to the Point of Beginning.

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Thence N60°25'00"E 554.14 feet to a point on the Westerly boundary line of U. S. Steel Corporation's Assessor's Plat Number One of the Hard Ore Extension; thence S43°01'10"E along said plat line 22.31 feet; thence S72°44'45"E along said plat line 90.52 feet; thence S03°55'30"W along said plat line 39.25 feet; thence S82°38'41"W 243.37 feet; thence S64°45'14"W 375.36 feet to the Point of Beginning.

The above described parcel contains 0.48 acres, more or less.

M. From Multiple Residential (MR) to Industrial (I):

Part of the Southwest Quarter of the Northwest Quarter (SW 1/4-NW 1/4) of Section Ten (10), T47N-R27W, City of Ishpeming, Marquette County, Michigan, being more particularly described as:

Commencing at the West Quarter corner of said Section 10; thence N01°20'48"W along the West line of said Section 126.63 feet to the Point of Beginning;

Thence continuing N01°20'48"W along said section line 200.00 feet; thence N77°39'12"E 289.84 feet; thence S78°13'02"E 323.95 feet; thence N00°06'26"W 66.81 feet to the southwesterly corner of U. S. Steel Corporation's Assessor's Plat Number One of the Hard Ore Extension; thence N89°16'00"E along the Southerly boundary line of said plat 216.61 feet; thence S61°43'20"E along said plat line 105.48 feet; thence S89°37'00"E along said plat line 89.42 feet; thence N02°47'00"W along said plat line 37.32 feet; thence S86°17'30"E along said plat line 82.78 feet; thence S01°29'12"W 178.30 feet to a point on the centerline of Incinerator Road; thence S87°15'45"W along said centerline 482.56 feet; thence N80°56'05"W along said centerline 336.02 feet; thence S69°01'55"W along said centerline 274.87 feet to the Point of Beginning.

The above described parcel contains 4.40 acres, more or less.

N. From Mining (M) to Industrial (I):

Part of the Southwest Quarter of the Northwest Quarter (SW 1/4-NW 1/4) of Section Ten (10), T47N-R27W, City of Ishpeming, Marquette County, Michigan, being more particularly described as:

Beginning at the West Quarter corner of said Section 10; thence N01°20'48"W along the West line of said section 126.63 feet to a point on the centerline of Incinerator Road; thence N69°01'55"E along said centerline 274.87 feet; thence S80°56'05"E along said centerline 336.02 feet; thence N87°15'45"E along said centerline 482.56 feet; thence S01°29'12"W 222.69 feet to a point on the East-West Quarter line of said section; thence N88°30'48"W along said quarter line 1062.10 feet to the Point of Beginning.

The above described parcel contains 4.90 acres, more or less.

O. From Mining (M) to Single Family Residential (SFR):

Part of Section 2, T47N, R27W, beginning 300 feet south and 225 feet east of NW corner of NE 1/4 of SW 1/4; thence north 750 feet; thence west 225 feet; thence north 160 feet; thence west 575 feet; thence south 910 feet; thence west 800 feet to the Point of Beginning.

The above described parcel contains 15.92 acres, more or less.

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P. From Single Family Residential (SFR) to Multiple Residential (MR):

Part of the SE 1/4 of NW 1/4 of Section 4, T47N R27W, beginning 773.34' N of SE corner; thence N01° E328.73'; thence N88° W747.86'; thence S01° W675'; thence S88° E566.97'; thence N339.11'; thence N88° E204.43' to POB.

The above described parcel contains 10.18 acres, more or less.

Q. From Single Family Residential to General Commercial:

Lots 15 and 16 of the Palms-Book Addition to the City of Ishpeming.

R. From Mining to Deferred Development:

That part of Section 2 and the N 1/2 of NE 1/4 of Section 11, T47N R27W currently in the Mining Zoning District.

S. From Industrial to Deferred Development:

That part of the NE 1/4 of NW 1/4 of Section 11, T47N R27W currently in the Industrial Zoning District.

T. From General Residential to Multiple Residential:

Excelsior Iron Company's Second Addition to the City of Ishpeming, entire Blocks 10 and 11 and abandoned Fourth Street between Blocks 10 and 11 (Phelps School site).

U. From General Commercial to Central Business District:

The North 165' of Block 1, Excelsior Iron Company's Addition.

V. From General Residential to Central Business District:

Lots 1-5, the N 80 feet of the E 8 feet of Lot 10 and Lots 11 and 12 of Block 2, Excelsior Iron Company's Addition.

W. From Single Residential to Deferred Development:

The S 1/2 of the NW 1/4 of Section 4, T47N-R27W, except the W 300 feet thereof and except a parcel beginning at the center ¼ Corner, thence north 936 feet M/L, thence west 470 feet M/L, thence south 509 feet M/L, thence west 491 feet M/L, thence south 426 feet M/L, thence east 1,000 feet M/L to point of beginning.

X. From General Residential to General Commercial:

Lot 1, The Assessor's Plat of Bessemer Street.

Y. From Deferred Development to General Commercial

Part of the SW ¼ NW ¼ of Section 3, T47N-R27W: Beginning at NW corner of Lot 1 of The Assessors Plat of Bessemer Street; Thence N'ly along the East ROW of Third St. 520', more or less, to the S'ly R.R. Row; Thence NE 'ly along said R.R. R.O.W. 105' M/L; Thence S'ly Parallel with said East ROW of Third St. 530' M/L to the North line of said Assessors Plat of Bessemer Street; Thence W'ly along said North line 100' to the P.O.B.

Z. RZ 2019-01: From Deferred Development to General Commercial

The NW ¼ NE ¼ of Section 4, T47N-R27W except the West 150' thereof.

35.2: From May 2019 thru Present:

- 1) RZ 2019-02: From Mining to General Residential
Lot 63 and Part of S. Salisbury St. of The Assessor's Plat of the Salisbury Location located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 15, T47N-R27W.
- 2) RZ 2019-03: From Deferred Development to General Residential
Lot 1 Thru Lot 7 and East New York St. of The Assessor's Plat of East New York St. located in the W $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 2, T47N-R27W.
- 3) RZ 2019-04: From Industrial to General Residential
Lots 19–27 of The Assessor's Plat of the Nebraska Location and East Bank Street, located in the NE $\frac{1}{4}$ of Section 10, T47N-R27W.
- 4) RZ 2019-05: From Deferred Development to Multiple Residential
Parts of SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 3, T47N-R27W
- 5) RZ 2019-06: From Industrial and Mining to General Residential and Multiple Residential
Barnum Addn. Lots 56-60 & Lots 62-65, also Assr. Plat of Barnum Loc'n. Lots 1-6, & Assr. Plat of Barnum Loc'n. No. 2 Lots 7-9 & 14-15, also an unplatted parcel in SE $\frac{1}{4}$ NE $\frac{1}{4}$ all located in the E $\frac{1}{4}$ of Sec. 9, T47N R27W
- 6) RZ 2020-01: From General Residential to General Commercial
Lots 63 & 64, CCIC's 5th Addn.
- 7) RZ 2021-01 From General Commercial and General Residential to Central Business District
Between Euclid, First, Canda, & Maple Streets also Nelson's Addition Lots 45 & 46 & W $\frac{1}{2}$ of Vacated Alley between Lots 46 & 47.

APPENDIX “A”

North American Industrial Classification System 2012 (NAICS)

This classification system is used in all of Ishpeming’s Commercial Zoning Districts (listed below), with each use identified by a unique number along with titles of commercial categories / uses. All uses permitted in Ishpeming’s Zoning Ordinance are highlighted in yellow. Please check the specific commercial Zoning District to determine if the use is permitted by right or conditionally, as it may vary with the District.

**Neighborhood Commercial (NC) General Commercial (GC)
Central Business District (CBD) Industrial (I) Mining (MI)**

Information with text descriptions of each category / use are available in the office of the Zoning Administrator during normal business hours or are available on line at:

www.census.gov/cgi-bin/sssd/naics/naicsrch?chart=2012

11 Agriculture, Forestry, Fishing and Hunting

- 111 Crop Production
- 1111 Oilseed and Grain Farming
- 11111 Soybean Farming
- 111110 Soybean Farming
- 11112 Oilseed (except Soybean) Farming
- 111120 Oilseed (except Soybean) Farming
- 11113 Dry Pea and Bean Farming
- 111130 Dry Pea and Bean Farming
- 11114 Wheat Farming
- 111140 Wheat Farming
- 11115 Corn Farming
- 111150 Corn Farming
- 11116 Rice Farming
- 111160 Rice Farming
- 11119 Other Grain Farming
- 111191 Oilseed and Grain Combination Farming
- 111199 All Other Grain Farming
- 1112 Vegetable and Melon Farming
- 11121 Vegetable and Melon Farming
- 111211 Potato Farming
- 111219 Other Vegetable (except Potato) and Melon Farming

- 1113 Fruit and Tree Nut Farming
- 11131 Orange Groves
- 111310 Orange Groves
- 11132 Citrus (except Orange) Groves

- 111320 Citrus (except Orange) Groves
- 11133 Noncitrus Fruit and Tree Nut Farming
- 111331 Apple Orchards
- 111332 Grape Vineyards
- 111333 Strawberry Farming

- 44121 Recreational Vehicle Dealers
- 441210 Recreational Vehicle Dealers
- 44122 Motorcycle, Boat, and Other Motor Vehicle Dealers
- 441222 Boat Dealers
- 441228 Motorcycle, ATV, and All Other Motor Vehicle Dealers
- 4413 Automotive Parts, Accessories, and Tire Stores
- 44131 Automotive Parts and Accessories Stores
- 441310 Automotive Parts and Accessories Stores
- 44132 Tire Dealers
- 441320 Tire Dealers
- 442 Furniture and Home Furnishings Stores
- 4421 Furniture Stores
- 44211 Furniture Stores
- 442110 Furniture Stores
- 4422 Home Furnishings Stores
- 44221 Floor Covering Stores
- 442210 Floor Covering Stores
- 44229 Other Home Furnishings Stores
- 442291 Window Treatment Stores
- 442299 All Other Home Furnishings Stores
- 443 Electronics and Appliance Stores
- 4431 Electronics and Appliance Stores

- 44314 Electronics and Appliance Stores
- 443141 Household Appliance Stores
- 443142 Electronics Stores
- 444 Building Material and Garden Equipment and Supplies Dealers

- 4441 Building Material and Supplies Dealers
- 44411 Home Centers
- 444110 Home Centers
- 44412 Paint and Wallpaper Stores
- 444120 Paint and Wallpaper Stores

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111334	Berry (except Strawberry) Farming	44413	Hardware Stores
111335	Tree Nut Farming	444130	Hardware Stores
111336	Fruit and Tree Nut Combination Farming	44419	Other Building Material Dealers
111339	Other Noncitrus Fruit Farming	444190	Other Building Material Dealers
1114	Greenhouse, Nursery, and Floriculture Production	4442	Lawn and Garden Equipment and Supplies Stores
11141	Food Crops Grown Under Cover	44421	Outdoor Power Equipment Stores
111411	Mushroom Production	444210	Outdoor Power Equipment Stores
111419	Other Food Crops Grown Under Cover	44422	Nursery, Garden Center, and Farm Supply Stores
11142	Nursery and Floriculture Production	444220	Nursery, Garden Center, and Farm Supply Stores
111421	Nursery and Tree Production	445	Food and Beverage Stores
111422	Floriculture Production	4451	Grocery Stores
1119	Other Crop Farming	44511	Supermarkets and Other Grocery (except Convenience) Stores
11191	Tobacco Farming	445110	Supermarkets and Other Grocery (except Convenience) Stores
111910	Tobacco Farming	44512	Convenience Stores
11192	Cotton Farming	445120	Convenience Stores
111920	Cotton Farming	4452	Specialty Food Stores
11193	Sugarcane Farming	44521	Meat Markets
111930	Sugarcane Farming	445210	Meat Markets
11194	Hay Farming	44522	Fish and Seafood Markets
111940	Hay Farming	445220	Fish and Seafood Markets
11199	All Other Crop Farming	44523	Fruit and Vegetable Markets
111991	Sugar Beet Farming	445230	Fruit and Vegetable Markets
111992	Peanut Farming	44529	Other Specialty Food Stores
111998	All Other Miscellaneous Crop Farming	445291	Baked Goods Stores
112	Animal Production and Aquaculture	445292	Confectionery and Nut Stores
1121	Cattle Ranching and Farming	445299	All Other Specialty Food Stores
11211	Beef Cattle Ranching and Farming, including Feedlots	4453	Beer, Wine, and Liquor Stores
112111	Beef Cattle Ranching and Farming	44531	Beer, Wine, and Liquor Stores
112112	Cattle Feedlots	445310	Beer, Wine, and Liquor Stores
11212	Dairy Cattle and Milk Production	446	Health and Personal Care Stores
112120	Dairy Cattle and Milk Production	4461	Health and Personal Care Stores
11213	Dual-Purpose Cattle Ranching and Farming	44611	Pharmacies and Drug Stores
112130	Dual-Purpose Cattle Ranching and Farming	446110	Pharmacies and Drug Stores
1122	Hog and Pig Farming	44612	Cosmetics, Beauty Supplies, and Perfume Stores
11221	Hog and Pig Farming	446120	Cosmetics, Beauty Supplies, and Perfume Stores
112210	Hog and Pig Farming	44613	Optical Goods Stores
1123	Poultry and Egg Production	446130	Optical Goods Stores
11231	Chicken Egg Production	44619	Other Health and Personal Care Stores
112310	Chicken Egg Production	446191	Food (Health) Supplement Stores
11232	Broilers and Other Meat Type Chicken Production	446199	All Other Health and Personal Care Stores
112320	Broilers and Other Meat Type Chicken Production	447	Gasoline Stations
11233	Turkey Production	4471	Gasoline Stations
112330	Turkey Production	44711	Gasoline Stations with Convenience Stores
11234	Poultry Hatcheries	447110	Gasoline Stations with Convenience Stores
112340	Poultry Hatcheries	44719	Other Gasoline Stations
11239	Other Poultry Production	447190	Other Gasoline Stations
112390	Other Poultry Production	448	Clothing and Clothing Accessories Stores
1124	Sheep and Goat Farming	4481	Clothing Stores

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11241	Sheep Farming	44811	Men's Clothing Stores
112410	Sheep Farming	448110	Men's Clothing Stores
11242	Goat Farming	44812	Women's Clothing Stores
112420	Goat Farming	448120	Women's Clothing Stores
1125	Aquaculture	44813	Children's and Infants' Clothing Stores
11251	Aquaculture	448130	Children's and Infants' Clothing Stores
112511	Finfish Farming and Fish Hatcheries	44814	Family Clothing Stores
112512	Shellfish Farming	448140	Family Clothing Stores
112519	Other Aquaculture	44815	Clothing Accessories Stores
1129	Other Animal Production	448150	Clothing Accessories Stores
11291	Apiculture	44819	Other Clothing Stores
112910	Apiculture	448190	Other Clothing Stores
11292	Horses and Other Equine Production	4482	Shoe Stores
112920	Horses and Other Equine Production	44821	Shoe Stores
11293	Fur-Bearing Animal and Rabbit Production	448210	Shoe Stores
112930	Fur-Bearing Animal and Rabbit Production	4483	Jewelry, Luggage, and Leather Goods Stores
11299	All Other Animal Production	44831	Jewelry Stores
112990	All Other Animal Production	448310	Jewelry Stores
113	Forestry and Logging	44832	Luggage and Leather Goods Stores
1131	Timber Tract Operations	448320	Luggage and Leather Goods Stores
11311	Timber Tract Operations	451	Sporting Goods, Hobby, Musical Instrument, and Book Stores
113110	Timber Tract Operations	4511	Sporting Goods, Hobby, and Musical Instrument Stores
1132	Forest Nurseries and Gathering of Forest Products	45111	Sporting Goods Stores
11321	Forest Nurseries and Gathering of Forest Products	451110	Sporting Goods Stores
113210	Forest Nurseries and Gathering of Forest Products	45112	Hobby, Toy, and Game Stores
1133	Logging	451120	Hobby, Toy, and Game Stores
11331	Logging	45113	Sewing, Needlework, and Piece Goods Stores
113310	Logging	451130	Sewing, Needlework, and Piece Goods Stores
114	Fishing, Hunting and Trapping	45114	Musical Instrument and Supplies Stores
1141	Fishing	451140	Musical Instrument and Supplies Stores
11411	Fishing	4512	Book Stores and News Dealers
114111	Finfish Fishing	45121	Book Stores and News Dealers
114112	Shellfish Fishing	451211	Book Stores
114119	Other Marine Fishing	451212	News Dealers and Newsstands
1142	Hunting and Trapping	452	General Merchandise Stores
11421	Hunting and Trapping	4521	Department Stores
114210	Hunting and Trapping	45211	Department Stores
115	Support Activities for Agriculture and Forestry	452111	Department Stores (except Discount Department Stores)
1151	Support Activities for Crop Production	452112	Discount Department Stores
11511	Support Activities for Crop Production	4529	Other General Merchandise Stores
115111	Cotton Ginning	45291	Warehouse Clubs and Supercenters
115112	Soil Preparation, Planting, and Cultivating	452910	Warehouse Clubs and Supercenters
115113	Crop Harvesting, Primarily by Machine	45299	All Other General Merchandise Stores
115114	Postharvest Crop Activities (except Cotton Ginning)	452990	All Other General Merchandise Stores
115115	Farm Labor Contractors and Crew Leaders	453	Miscellaneous Store Retailers
115116	Farm Management Services	4531	Florists
1152	Support Activities for Animal Production	45311	Florists

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11521	Support Activities for Animal Production	453110	Florists
115210	Support Activities for Animal Production	4532	Office Supplies, Stationery, and Gift Stores
1153	Support Activities for Forestry	45321	Office Supplies and Stationery Stores
11531	Support Activities for Forestry	453210	Office Supplies and Stationery Stores
115310	Support Activities for Forestry	45322	Gift, Novelty, and Souvenir Stores
21	Mining, Quarrying, and Oil and Gas Extraction	453220	Gift, Novelty, and Souvenir Stores
211	Oil and Gas Extraction	4533	Used Merchandise Stores
2111	Oil and Gas Extraction	45331	Used Merchandise Stores
21111	Oil and Gas Extraction	453310	Used Merchandise Stores
211111	Crude Petroleum and Natural Gas Extraction	4539	Other Miscellaneous Store Retailers
211112	Natural Gas Liquid Extraction	45391	Pet and Pet Supplies Stores
212	Mining (except Oil and Gas)	453910	Pet and Pet Supplies Stores
2121	Coal Mining	45392	Art Dealers
21211	Coal Mining	453920	Art Dealers
212111	Bituminous Coal and Lignite Surface Mining	45393	Manufactured (Mobile) Home Dealers
212112	Bituminous Coal Underground Mining	453930	Manufactured (Mobile) Home Dealers
212113	Anthracite Mining	45399	All Other Miscellaneous Store Retailers
2122	Metal Ore Mining	453991	Tobacco Stores
21221	Iron Ore Mining	453998	All Other Miscellaneous Store Retailers (except Tobacco Stores)
212210	Iron Ore Mining	454	Nonstore Retailers
21222	Gold Ore and Silver Ore Mining	4541	Electronic Shopping and Mail-Order Houses
212221	Gold Ore Mining	45411	Electronic Shopping and Mail-Order Houses
212222	Silver Ore Mining	454111	Electronic Shopping
21223	Copper, Nickel, Lead, and Zinc Mining	454112	Electronic Auctions
212231	Lead Ore and Zinc Ore Mining	454113	Mail-Order Houses
212234	Copper Ore and Nickel Ore Mining	4542	Vending Machine Operators
21229	Other Metal Ore Mining	45421	Vending Machine Operators
212291	Uranium-Radium-Vanadium Ore Mining	454210	Vending Machine Operators
212299	All Other Metal Ore Mining	4543	Direct Selling Establishments
2123	Nonmetallic Mineral Mining and Quarrying	45431	Fuel Dealers
21231	Stone Mining and Quarrying	454310	Fuel Dealers
212311	Dimension Stone Mining and Quarrying	45439	Other Direct Selling Establishments
212312	Crushed and Broken Limestone Mining and Quarrying	454390	Other Direct Selling Establishments
212313	Crushed and Broken Granite Mining and Quarrying	48-49	Transportation and Warehousing
212319	Other Crushed and Broken Stone Mining and Quarrying	481	Air Transportation
21232	Sand, Gravel, Clay, and Ceramic and Refractory Minerals Mining and Quarrying	4811	Scheduled Air Transportation
212321	Construction Sand and Gravel Mining	48111	Scheduled Air Transportation
212322	Industrial Sand Mining	481111	Scheduled Passenger Air Transportation
212324	Kaolin and Ball Clay Mining	481112	Scheduled Freight Air Transportation
212325	Clay and Ceramic and Refractory Minerals Mining	4812	Nonscheduled Air Transportation
21239	Other Nonmetallic Mineral Mining and Quarrying	48121	Nonscheduled Air Transportation
212391	Potash, Soda, and Borate Mineral Mining	481211	Nonscheduled Chartered Passenger Air Transportation
212392	Phosphate Rock Mining	481212	Nonscheduled Chartered Freight Air Transportation
212393	Other Chemical and Fertilizer Mineral Mining	481219	Other Nonscheduled Air Transportation
212399	All Other Nonmetallic Mineral Mining	482	Rail Transportation
213	Support Activities for Mining	4821	Rail Transportation
2131	Support Activities for Mining	48211	Rail Transportation

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21311	Support Activities for Mining	482111	Line-Haul Railroads
213111	Drilling Oil and Gas Wells	482112	Short Line Railroads
213112	Support Activities for Oil and Gas Operations	483	Water Transportation
213113	Support Activities for Coal Mining	4831	Deep Sea, Coastal, and Great Lakes Water Transportation
213114	Support Activities for Metal Mining	48311	Deep Sea, Coastal, and Great Lakes Water Transportation
213115	Support Activities for Nonmetallic Minerals (except Fuels) Mining	483111	Deep Sea Freight Transportation
22	Utilities	483112	Deep Sea Passenger Transportation
221	Utilities	483113	Coastal and Great Lakes Freight Transportation
2211	Electric Power Generation, Transmission and Distribution	483114	Coastal and Great Lakes Passenger Transportation
22111	Electric Power Generation	4832	Inland Water Transportation
221111	Hydroelectric Power Generation	48321	Inland Water Transportation
221112	Fossil Fuel Electric Power Generation	483211	Inland Water Freight Transportation
221113	Nuclear Electric Power Generation	483212	Inland Water Passenger Transportation
221114	Solar Electric Power Generation	484	Truck Transportation
221115	Wind Electric Power Generation	4841	General Freight Trucking
221116	Geothermal Electric Power Generation	48411	General Freight Trucking, Local
221117	Biomass Electric Power Generation	484110	General Freight Trucking, Local
221118	Other Electric Power Generation	48412	General Freight Trucking, Long-Distance
22112	Electric Power Transmission, Control, and Distribution	484121	General Freight Trucking, Long-Distance, Truckload
221121	Electric Bulk Power Transmission and Control	484122	General Freight Trucking, Long-Distance, Less Than Truckload
221122	Electric Power Distribution	4842	Specialized Freight Trucking
2212	Natural Gas Distribution	48421	Used Household and Office Goods Moving
22121	Natural Gas Distribution	484210	Used Household and Office Goods Moving
221210	Natural Gas Distribution	48422	Specialized Freight (except Used Goods) Trucking, Local
2213	Water, Sewage and Other Systems	484220	Specialized Freight (except Used Goods) Trucking, Local
22131	Water Supply and Irrigation Systems	48423	Specialized Freight (except Used Goods) Trucking, Long-Distance
221310	Water Supply and Irrigation Systems	484230	Specialized Freight (except Used Goods) Trucking, Long-Distance
22132	Sewage Treatment Facilities	485	Transit and Ground Passenger Transportation
221320	Sewage Treatment Facilities	4851	Urban Transit Systems
22133	Steam and Air-Conditioning Supply	48511	Urban Transit Systems
221330	Steam and Air-Conditioning Supply	485111	Mixed Mode Transit Systems
23	Construction	485112	Commuter Rail Systems
236	Construction of Buildings	485113	Bus and Other Motor Vehicle Transit Systems
2361	Residential Building Construction	485119	Other Urban Transit Systems
23611	Residential Building Construction	4852	Interurban and Rural Bus Transportation
236115	New Single-Family Housing Construction (except For-Sale Builders)	48521	Interurban and Rural Bus Transportation
236116	New Multifamily Housing Construction (except For-Sale Builders)	485210	Interurban and Rural Bus Transportation
236117	New Housing For-Sale Builders	4853	Taxi and Limousine Service
236118	Residential Remodelers	48531	Taxi Service
2362	Nonresidential Building Construction	485310	Taxi Service
23621	Industrial Building Construction	48532	Limousine Service
236210	Industrial Building Construction	485320	Limousine Service
23622	Commercial and Institutional Building Construction	4854	School and Employee Bus Transportation
236220	Commercial and Institutional Building Construction	48541	School and Employee Bus Transportation
237	Heavy and Civil Engineering Construction	485410	School and Employee Bus Transportation

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2371	Utility System Construction	4855	Charter Bus Industry
23711	Water and Sewer Line and Related Structures Construction	48551	Charter Bus Industry
237110	Water and Sewer Line and Related Structures Construction	485510	Charter Bus Industry
23712	Oil and Gas Pipeline and Related Structures Construction	4859	Other Transit and Ground Passenger Transportation
237120	Oil and Gas Pipeline and Related Structures Construction	48599	Other Transit and Ground Passenger Transportation
23713	Power and Communication Line and Related Structures Construction	485991	Special Needs Transportation
237130	Power and Communication Line and Related Structures Construction	485999	All Other Transit and Ground Passenger Transportation
2372	Land Subdivision	486	Pipeline Transportation
23721	Land Subdivision	4861	Pipeline Transportation of Crude Oil
237210	Land Subdivision	48611	Pipeline Transportation of Crude Oil
2373	Highway, Street, and Bridge Construction	486110	Pipeline Transportation of Crude Oil
23731	Highway, Street, and Bridge Construction	4862	Pipeline Transportation of Natural Gas
237310	Highway, Street, and Bridge Construction	48621	Pipeline Transportation of Natural Gas
2379	Other Heavy and Civil Engineering Construction	486210	Pipeline Transportation of Natural Gas
23799	Other Heavy and Civil Engineering Construction	4869	Other Pipeline Transportation
237990	Other Heavy and Civil Engineering Construction	48691	Pipeline Transportation of Refined Petroleum Products
238	Specialty Trade Contractors	486910	Pipeline Transportation of Refined Petroleum Products
2381	Foundation, Structure, and Building Exterior Contractors	48699	All Other Pipeline Transportation
23811	Poured Concrete Foundation and Structure Contractors	486990	All Other Pipeline Transportation
238110	Poured Concrete Foundation and Structure Contractors	487	Scenic and Sightseeing Transportation
23812	Structural Steel and Precast Concrete Contractors	4871	Scenic and Sightseeing Transportation, Land
238120	Structural Steel and Precast Concrete Contractors	48711	Scenic and Sightseeing Transportation, Land
23813	Framing Contractors	487110	Scenic and Sightseeing Transportation, Land
238130	Framing Contractors	4872	Scenic and Sightseeing Transportation, Water
23814	Masonry Contractors	48721	Scenic and Sightseeing Transportation, Water
238140	Masonry Contractors	487210	Scenic and Sightseeing Transportation, Water
23815	Glass and Glazing Contractors	4879	Scenic and Sightseeing Transportation, Other
238150	Glass and Glazing Contractors	48799	Scenic and Sightseeing Transportation, Other
23816	Roofing Contractors	487990	Scenic and Sightseeing Transportation, Other
238160	Roofing Contractors	488	Support Activities for Transportation
23817	Siding Contractors	4881	Support Activities for Air Transportation
238170	Siding Contractors	48811	Airport Operations
23819	Other Foundation, Structure, and Building Exterior Contractors	488111	Air Traffic Control
238190	Other Foundation, Structure, and Building Exterior Contractors	488119	Other Airport Operations
2382	Building Equipment Contractors	48819	Other Support Activities for Air Transportation
23821	Electrical Contractors and Other Wiring Installation Contractors	488190	Other Support Activities for Air Transportation
238210	Electrical Contractors and Other Wiring Installation Contractors	4882	Support Activities for Rail Transportation
23822	Plumbing, Heating, and Air-Conditioning Contractors	48821	Support Activities for Rail Transportation
238220	Plumbing, Heating, and Air-Conditioning Contractors	488210	Support Activities for Rail Transportation

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23829	Other Building Equipment Contractors	4883	Support Activities for Water Transportation
238290	Other Building Equipment Contractors	48831	Port and Harbor Operations
2383	Building Finishing Contractors	488310	Port and Harbor Operations
23831	Drywall and Insulation Contractors	48832	Marine Cargo Handling
238310	Drywall and Insulation Contractors	488320	Marine Cargo Handling
23832	Painting and Wall Covering Contractors	48833	Navigational Services to Shipping
238320	Painting and Wall Covering Contractors	488330	Navigational Services to Shipping
23833	Flooring Contractors	48839	Other Support Activities for Water Transportation
238330	Flooring Contractors	488390	Other Support Activities for Water Transportation
23834	Tile and Terrazzo Contractors	4884	Support Activities for Road Transportation
238340	Tile and Terrazzo Contractors	48841	Motor Vehicle Towing
23835	Finish Carpentry Contractors	488410	Motor Vehicle Towing
238350	Finish Carpentry Contractors	48849	Other Support Activities for Road Transportation
23839	Other Building Finishing Contractors	488490	Other Support Activities for Road Transportation
238390	Other Building Finishing Contractors	4885	Freight Transportation Arrangement
2389	Other Specialty Trade Contractors	48851	Freight Transportation Arrangement
23891	Site Preparation Contractors	488510	Freight Transportation Arrangement
238910	Site Preparation Contractors	4889	Other Support Activities for Transportation
23899	All Other Specialty Trade Contractors	48899	Other Support Activities for Transportation
238990	All Other Specialty Trade Contractors	488991	Packing and Crating
31-33	Manufacturing	488999	All Other Support Activities for Transportation
311	Food Manufacturing	491	Postal Service
3111	Animal Food Manufacturing	4911	Postal Service
31111	Animal Food Manufacturing	49111	Postal Service
311111	Dog and Cat Food Manufacturing	491110	Postal Service
311119	Other Animal Food Manufacturing	492	Couriers and Messengers
3112	Grain and Oilseed Milling	4921	Couriers and Express Delivery Services
31121	Flour Milling and Malt Manufacturing	49211	Couriers and Express Delivery Services
311211	Flour Milling	492110	Couriers and Express Delivery Services
311212	Rice Milling	4922	Local Messengers and Local Delivery
311213	Malt Manufacturing	49221	Local Messengers and Local Delivery
31122	Starch and Vegetable Fats and Oils Manufacturing	492210	Local Messengers and Local Delivery
311221	Wet Corn Milling	493	Warehousing and Storage
311224	Soybean and Other Oilseed Processing	4931	Warehousing and Storage
311225	Fats and Oils Refining and Blending	49311	General Warehousing and Storage
31123	Breakfast Cereal Manufacturing	493110	General Warehousing and Storage
311230	Breakfast Cereal Manufacturing	49312	Refrigerated Warehousing and Storage
3113	Sugar and Confectionery Product Manufacturing	493120	Refrigerated Warehousing and Storage
31131	Sugar Manufacturing	49313	Farm Product Warehousing and Storage
311313	Beet Sugar Manufacturing	493130	Farm Product Warehousing and Storage
311314	Cane Sugar Manufacturing	49319	Other Warehousing and Storage
31134	Nonchocolate Confectionery Manufacturing	493190	Other Warehousing and Storage
311340	Nonchocolate Confectionery Manufacturing	51	Information
31135	Chocolate and Confectionery Manufacturing	511	Publishing Industries (except Internet)
311351	Chocolate and Confectionery Manufacturing from Cacao Beans	5111	Newspaper, Periodical, Book, and Directory Publishers
311352	Confectionery Manufacturing from Purchased Chocolate	51111	Newspaper Publishers
3114	Fruit and Vegetable Preserving and Specialty Food Manufacturing	511110	Newspaper Publishers
31141	Frozen Food Manufacturing	51112	Periodical Publishers

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311411	Frozen Fruit, Juice, and Vegetable Manufacturing	511120	Periodical Publishers
311412	Frozen Specialty Food Manufacturing	51113	Book Publishers
31142	Fruit and Vegetable Canning, Pickling, and Drying	511130	Book Publishers
311421	Fruit and Vegetable Canning	51114	Directory and Mailing List Publishers
311422	Specialty Canning	511140	Directory and Mailing List Publishers
311423	Dried and Dehydrated Food Manufacturing	51119	Other Publishers
3115	Dairy Product Manufacturing	511191	Greeting Card Publishers
31151	Dairy Product (except Frozen) Manufacturing	511199	All Other Publishers
311511	Fluid Milk Manufacturing	5112	Software Publishers
311512	Creamery Butter Manufacturing	51121	Software Publishers
311513	Cheese Manufacturing	511210	Software Publishers
311514	Dry, Condensed, and Evaporated Dairy Product Manufacturing	512	Motion Picture and Sound Recording Industries
31152	Ice Cream and Frozen Dessert Manufacturing	5121	Motion Picture and Video Industries
311520	Ice Cream and Frozen Dessert Manufacturing	51211	Motion Picture and Video Production
3116	Animal Slaughtering and Processing	512110	Motion Picture and Video Production
31161	Animal Slaughtering and Processing	51212	Motion Picture and Video Distribution
311611	Animal (except Poultry) Slaughtering	512120	Motion Picture and Video Distribution
311612	Meat Processed from Carcasses	51213	Motion Picture and Video Exhibition
311613	Rendering and Meat Byproduct Processing	512131	Motion Picture Theaters (except Drive-Ins)
311615	Poultry Processing	512132	Drive-In Motion Picture Theaters
3117	Seafood Product Preparation and Packaging	51219	Postproduction Services and Other Motion Picture and Video Industries
31171	Seafood Product Preparation and Packaging	512191	Teleproduction and Other Postproduction Services
311710	Seafood Product Preparation and Packaging	512199	Other Motion Picture and Video Industries
3118	Bakeries and Tortilla Manufacturing	5122	Sound Recording Industries
31181	Bread and Bakery Product Manufacturing	51221	Record Production
311811	Retail Bakeries	512210	Record Production
311812	Commercial Bakeries	51222	Integrated Record Production/Distribution
311813	Frozen Cakes, Pies, and Other Pastries Manufacturing	512220	Integrated Record Production/Distribution
31182	Cookie, Cracker, and Pasta Manufacturing	51223	Music Publishers
311821	Cookie and Cracker Manufacturing	512230	Music Publishers
311824	Dry Pasta, Dough, and Flour Mixes Manufacturing from Purchased Flour	51224	Sound Recording Studios
31183	Tortilla Manufacturing	512240	Sound Recording Studios
311830	Tortilla Manufacturing	51229	Other Sound Recording Industries
3119	Other Food Manufacturing	512290	Other Sound Recording Industries
31191	Snack Food Manufacturing	515	Broadcasting (except Internet)
311911	Roasted Nuts and Peanut Butter Manufacturing	5151	Radio and Television Broadcasting
311919	Other Snack Food Manufacturing	51511	Radio Broadcasting
31192	Coffee and Tea Manufacturing	515111	Radio Networks
311920	Coffee and Tea Manufacturing	515112	Radio Stations
31193	Flavoring Syrup and Concentrate Manufacturing	51512	Television Broadcasting
311930	Flavoring Syrup and Concentrate Manufacturing	515120	Television Broadcasting
31194	Seasoning and Dressing Manufacturing	5152	Cable and Other Subscription Programming
311941	Mayonnaise, Dressing, and Other Prepared Sauce Manufacturing	51521	Cable and Other Subscription Programming
311942	Spice and Extract Manufacturing	515210	Cable and Other Subscription Programming
31199	All Other Food Manufacturing	517	Telecommunications
311991	Perishable Prepared Food Manufacturing	5171	Wired Telecommunications Carriers
311999	All Other Miscellaneous Food Manufacturing	51711	Wired Telecommunications Carriers

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312	Beverage and Tobacco Product Manufacturing	517110	Wired Telecommunications Carriers
3121	Beverage Manufacturing	5172	Wireless Telecommunications Carriers (except Satellite)
31211	Soft Drink and Ice Manufacturing	51721	Wireless Telecommunications Carriers (except Satellite)
312111	Soft Drink Manufacturing	517210	Wireless Telecommunications Carriers (except Satellite)
312112	Bottled Water Manufacturing	5174	Satellite Telecommunications
312113	Ice Manufacturing	51741	Satellite Telecommunications
31212	Breweries	517410	Satellite Telecommunications
312120	Breweries	5179	Other Telecommunications
31213	Wineries	51791	Other Telecommunications
312130	Wineries	517911	Telecommunications Resellers
31214	Distilleries	517919	All Other Telecommunications
312140	Distilleries	518	Data Processing, Hosting, and Related Services
3122	Tobacco Manufacturing	5182	Data Processing, Hosting, and Related Services
31223	Tobacco Manufacturing	51821	Data Processing, Hosting, and Related Services
312230	Tobacco Manufacturing	518210	Data Processing, Hosting, and Related Services
313	Textile Mills	519	Other Information Services
3131	Fiber, Yarn, and Thread Mills	5191	Other Information Services
31311	Fiber, Yarn, and Thread Mills	51911	News Syndicates
313110	Fiber, Yarn, and Thread Mills	519110	News Syndicates
3132	Fabric Mills	51912	Libraries and Archives
31321	Broadwoven Fabric Mills	519120	Libraries and Archives
313210	Broadwoven Fabric Mills	51913	Internet Publishing and Broadcasting and Web Search Portals
31322	Narrow Fabric Mills and Schiffli Machine Embroidery	519130	Internet Publishing and Broadcasting and Web Search Portals
313220	Narrow Fabric Mills and Schiffli Machine Embroidery	51919	All Other Information Services
31323	Nonwoven Fabric Mills	519190	All Other Information Services
313230	Nonwoven Fabric Mills	52	Finance and Insurance
31324	Knit Fabric Mills	521	Monetary Authorities-Central Bank
313240	Knit Fabric Mills	5211	Monetary Authorities-Central Bank
3133	Textile and Fabric Finishing and Fabric Coating Mills	52111	Monetary Authorities-Central Bank
31331	Textile and Fabric Finishing Mills	521110	Monetary Authorities-Central Bank
313310	Textile and Fabric Finishing Mills	522	Credit Intermediation and Related Activities
31332	Fabric Coating Mills	5221	Depository Credit Intermediation
313320	Fabric Coating Mills	52211	Commercial Banking
314	Textile Product Mills	522110	Commercial Banking
3141	Textile Furnishings Mills	52212	Savings Institutions
31411	Carpet and Rug Mills	522120	Savings Institutions
314110	Carpet and Rug Mills	52213	Credit Unions
31412	Curtain and Linen Mills	522130	Credit Unions
314120	Curtain and Linen Mills	52219	Other Depository Credit Intermediation
3149	Other Textile Product Mills	522190	Other Depository Credit Intermediation
31491	Textile Bag and Canvas Mills	5222	Nondepository Credit Intermediation
314910	Textile Bag and Canvas Mills	52221	Credit Card Issuing
31499	All Other Textile Product Mills	522210	Credit Card Issuing
314994	Rope, Cordage, Twine, Tire Cord, and Tire Fabric Mills	52222	Sales Financing
314999	All Other Miscellaneous Textile Product Mills	522220	Sales Financing
315	Apparel Manufacturing	52229	Other Nondepository Credit Intermediation
3151	Apparel Knitting Mills	522291	Consumer Lending

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31511	Hosiery and Sock Mills	522292	Real Estate Credit
315110	Hosiery and Sock Mills	522293	International Trade Financing
31519	Other Apparel Knitting Mills	522294	Secondary Market Financing
315190	Other Apparel Knitting Mills	522298	All Other Nondepository Credit Intermediation
3152	Cut and Sew Apparel Manufacturing	5223	Activities Related to Credit Intermediation
31521	Cut and Sew Apparel Contractors	52231	Mortgage and Nonmortgage Loan Brokers
315210	Cut and Sew Apparel Contractors	522310	Mortgage and Nonmortgage Loan Brokers
31522	Men's and Boys' Cut and Sew Apparel Manufacturing	52232	Financial Transactions Processing, Reserve, and Clearinghouse Activities
315220	Men's and Boys' Cut and Sew Apparel Manufacturing	522320	Financial Transactions Processing, Reserve, and Clearinghouse Activities
31524	Women's, Girls', and Infants' Cut and Sew Apparel Manufacturing	52239	Other Activities Related to Credit Intermediation
315240	Women's, Girls', and Infants' Cut and Sew Apparel Manufacturing	522390	Other Activities Related to Credit Intermediation
31528	Other Cut and Sew Apparel Manufacturing	523	Securities, Commodity Contracts, and Other Financial Investments and Related Activities
315280	Other Cut and Sew Apparel Manufacturing	5231	Securities and Commodity Contracts Intermediation and Brokerage
3159	Apparel Accessories and Other Apparel Manufacturing	52311	Investment Banking and Securities Dealing
31599	Apparel Accessories and Other Apparel Manufacturing	523110	Investment Banking and Securities Dealing
315990	Apparel Accessories and Other Apparel Manufacturing	52312	Securities Brokerage
316	Leather and Allied Product Manufacturing	523120	Securities Brokerage
3161	Leather and Hide Tanning and Finishing	52313	Commodity Contracts Dealing
31611	Leather and Hide Tanning and Finishing	523130	Commodity Contracts Dealing
316110	Leather and Hide Tanning and Finishing	52314	Commodity Contracts Brokerage
3162	Footwear Manufacturing	523140	Commodity Contracts Brokerage
31621	Footwear Manufacturing	5232	Securities and Commodity Exchanges
316210	Footwear Manufacturing	52321	Securities and Commodity Exchanges
3169	Other Leather and Allied Product Manufacturing	523210	Securities and Commodity Exchanges
31699	Other Leather and Allied Product Manufacturing	5239	Other Financial Investment Activities
316992	Women's Handbag and Purse Manufacturing	52391	Miscellaneous Intermediation
316998	All Other Leather Good and Allied Product Manufacturing	523910	Miscellaneous Intermediation
321	Wood Product Manufacturing	52392	Portfolio Management
3211	Sawmills and Wood Preservation	523920	Portfolio Management
32111	Sawmills and Wood Preservation	52393	Investment Advice
321113	Sawmills	523930	Investment Advice
321114	Wood Preservation	52399	All Other Financial Investment Activities
3212	Veneer, Plywood, and Engineered Wood Product Manufacturing	523991	Trust, Fiduciary, and Custody Activities
32121	Veneer, Plywood, and Engineered Wood Product Manufacturing	523999	Miscellaneous Financial Investment Activities
321211	Hardwood Veneer and Plywood Manufacturing	524	Insurance Carriers and Related Activities
321212	Softwood Veneer and Plywood Manufacturing	5241	Insurance Carriers
321213	Engineered Wood Member (except Truss) Manufacturing	52411	Direct Life, Health, and Medical Insurance Carriers
321214	Truss Manufacturing	524113	Direct Life Insurance Carriers
321219	Reconstituted Wood Product Manufacturing	524114	Direct Health and Medical Insurance Carriers
3219	Other Wood Product Manufacturing	52412	Direct Insurance (except Life, Health, and Medical) Carriers
32191	Millwork	524126	Direct Property and Casualty Insurance Carriers

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321911	Wood Window and Door Manufacturing	524127	Direct Title Insurance Carriers
321912	Cut Stock, Resawing Lumber, and Planing	524128	Other Direct Insurance (except Life, Health, and Medical) Carriers
321918	Other Millwork (including Flooring)	52413	Reinsurance Carriers
32192	Wood Container and Pallet Manufacturing	524130	Reinsurance Carriers
321920	Wood Container and Pallet Manufacturing	5242	Agencies, Brokerages, and Other Insurance Related Activities
32199	All Other Wood Product Manufacturing	52421	Insurance Agencies and Brokerages
321991	Manufactured Home (Mobile Home) Manufacturing	524210	Insurance Agencies and Brokerages
321992	Prefabricated Wood Building Manufacturing	52429	Other Insurance Related Activities
321999	All Other Miscellaneous Wood Product Manufacturing	524291	Claims Adjusting
322	Paper Manufacturing	524292	Third Party Administration of Insurance and Pension Funds
3221	Pulp, Paper, and Paperboard Mills	524298	All Other Insurance Related Activities
32211	Pulp Mills	525	Funds, Trusts, and Other Financial Vehicles
322110	Pulp Mills	5251	Insurance and Employee Benefit Funds
32212	Paper Mills	52511	Pension Funds
322121	Paper (except Newsprint) Mills	525110	Pension Funds
322122	Newsprint Mills	52512	Health and Welfare Funds
32213	Paperboard Mills	525120	Health and Welfare Funds
322130	Paperboard Mills	52519	Other Insurance Funds
3222	Converted Paper Product Manufacturing	525190	Other Insurance Funds
32221	Paperboard Container Manufacturing	5259	Other Investment Pools and Funds
322211	Corrugated and Solid Fiber Box Manufacturing	52591	Open-End Investment Funds
322212	Folding Paperboard Box Manufacturing	525910	Open-End Investment Funds
322219	Other Paperboard Container Manufacturing	52592	Trusts, Estates, and Agency Accounts
32222	Paper Bag and Coated and Treated Paper Manufacturing	525920	Trusts, Estates, and Agency Accounts
322220	Paper Bag and Coated and Treated Paper Manufacturing	52599	Other Financial Vehicles
32223	Stationery Product Manufacturing	525990	Other Financial Vehicles
322230	Stationery Product Manufacturing	53	Real Estate and Rental and Leasing
32229	Other Converted Paper Product Manufacturing	531	Real Estate
322291	Sanitary Paper Product Manufacturing	5311	Lessors of Real Estate
322299	All Other Converted Paper Product Manufacturing	53111	Lessors of Residential Buildings and Dwellings
323	Printing and Related Support Activities	531110	Lessors of Residential Buildings and Dwellings
3231	Printing and Related Support Activities	53112	Lessors of Nonresidential Buildings (except Miniwarehouses)
32311	Printing	531120	Lessors of Nonresidential Buildings (except Miniwarehouses)
323111	Commercial Printing (except Screen and Books)	53113	Lessors of Miniwarehouses and Self-Storage Units
323113	Commercial Screen Printing	531130	Lessors of Miniwarehouses and Self-Storage Units
323117	Books Printing	53119	Lessors of Other Real Estate Property
32312	Support Activities for Printing	531190	Lessors of Other Real Estate Property
323120	Support Activities for Printing	5312	Offices of Real Estate Agents and Brokers
324	Petroleum and Coal Products Manufacturing	53121	Offices of Real Estate Agents and Brokers
3241	Petroleum and Coal Products Manufacturing	531210	Offices of Real Estate Agents and Brokers
32411	Petroleum Refineries	5313	Activities Related to Real Estate
324110	Petroleum Refineries	53131	Real Estate Property Managers
32412	Asphalt Paving, Roofing, and Saturated Materials Manufacturing	531311	Residential Property Managers
324121	Asphalt Paving Mixture and Block Manufacturing	531312	Nonresidential Property Managers

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324122	Asphalt Shingle and Coating Materials Manufacturing	53132	Offices of Real Estate Appraisers
32419	Other Petroleum and Coal Products Manufacturing	531320	Offices of Real Estate Appraisers
324191	Petroleum Lubricating Oil and Grease Manufacturing	53139	Other Activities Related to Real Estate
324199	All Other Petroleum and Coal Products Manufacturing	531390	Other Activities Related to Real Estate
325	Chemical Manufacturing	532	Rental and Leasing Services
3251	Basic Chemical Manufacturing	5321	Automotive Equipment Rental and Leasing
32511	Petrochemical Manufacturing	53211	Passenger Car Rental and Leasing
325110	Petrochemical Manufacturing	532111	Passenger Car Rental
32512	Industrial Gas Manufacturing	532112	Passenger Car Leasing
325120	Industrial Gas Manufacturing	53212	Truck, Utility Trailer, and RV (Recreational Vehicle) Rental and Leasing
32513	Synthetic Dye and Pigment Manufacturing	532120	Truck, Utility Trailer, and RV (Recreational Vehicle) Rental and Leasing
325130	Synthetic Dye and Pigment Manufacturing	5322	Consumer Goods Rental
32518	Other Basic Inorganic Chemical Manufacturing	53221	Consumer Electronics and Appliances Rental
325180	Other Basic Inorganic Chemical Manufacturing	532210	Consumer Electronics and Appliances Rental
32519	Other Basic Organic Chemical Manufacturing	53222	Formal Wear and Costume Rental
325193	Ethyl Alcohol Manufacturing	532220	Formal Wear and Costume Rental
325194	Cyclic Crude, Intermediate, and Gum and Wood Chemical Manufacturing	53223	Video Tape and Disc Rental
325199	All Other Basic Organic Chemical Manufacturing	532230	Video Tape and Disc Rental
3252	Resin, Synthetic Rubber, and Artificial Synthetic Fibers and Filaments Manufacturing	53229	Other Consumer Goods Rental
32521	Resin and Synthetic Rubber Manufacturing	532291	Home Health Equipment Rental
325211	Plastics Material and Resin Manufacturing	532292	Recreational Goods Rental
325212	Synthetic Rubber Manufacturing	532299	All Other Consumer Goods Rental
32522	Artificial and Synthetic Fibers and Filaments Manufacturing	5323	General Rental Centers
325220	Artificial and Synthetic Fibers and Filaments Manufacturing	53231	General Rental Centers
3253	Pesticide, Fertilizer, and Other Agricultural Chemical Manufacturing	532310	General Rental Centers
32531	Fertilizer Manufacturing	5324	Commercial and Industrial Machinery and Equipment Rental and Leasing
325311	Nitrogenous Fertilizer Manufacturing	53241	Construction, Transportation, Mining, and Forestry Machinery and Equipment Rental and Leasing
325312	Phosphatic Fertilizer Manufacturing	532411	Commercial Air, Rail, and Water Transportation Equipment Rental and Leasing
325314	Fertilizer (Mixing Only) Manufacturing	532412	Construction, Mining, and Forestry Machinery and Equipment Rental and Leasing
32532	Pesticide and Other Agricultural Chemical Manufacturing	53242	Office Machinery and Equipment Rental and Leasing
325320	Pesticide and Other Agricultural Chemical Manufacturing	532420	Office Machinery and Equipment Rental and Leasing
3254	Pharmaceutical and Medicine Manufacturing	53249	Other Commercial and Industrial Machinery and Equipment Rental and Leasing
32541	Pharmaceutical and Medicine Manufacturing	532490	Other Commercial and Industrial Machinery and Equipment Rental and Leasing
325411	Medicinal and Botanical Manufacturing	533	Lessors of Nonfinancial Intangible Assets (except Copyrighted Works)
325412	Pharmaceutical Preparation Manufacturing	5331	Lessors of Nonfinancial Intangible Assets (except Copyrighted Works)

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325413	In-Vitro Diagnostic Substance Manufacturing	53311	Lessors of Nonfinancial Intangible Assets (except Copyrighted Works)
325414	Biological Product (except Diagnostic) Manufacturing	533110	Lessors of Nonfinancial Intangible Assets (except Copyrighted Works)
3255	Paint, Coating, and Adhesive Manufacturing	54	Professional, Scientific, and Technical Services
32551	Paint and Coating Manufacturing	541	Professional, Scientific, and Technical Services
325510	Paint and Coating Manufacturing	5411	Legal Services
32552	Adhesive Manufacturing	54111	Offices of Lawyers
325520	Adhesive Manufacturing	541110	Offices of Lawyers
3256	Soap, Cleaning Compound, and Toilet Preparation Manufacturing	54112	Offices of Notaries
32561	Soap and Cleaning Compound Manufacturing	541120	Offices of Notaries
325611	Soap and Other Detergent Manufacturing	54119	Other Legal Services
325612	Polish and Other Sanitation Good Manufacturing	541191	Title Abstract and Settlement Offices
325613	Surface Active Agent Manufacturing	541199	All Other Legal Services
32562	Toilet Preparation Manufacturing	5412	Accounting, Tax Preparation, Bookkeeping, and Payroll Services
325620	Toilet Preparation Manufacturing	54121	Accounting, Tax Preparation, Bookkeeping, and Payroll Services
3259	Other Chemical Product and Preparation Manufacturing	541211	Offices of Certified Public Accountants
32591	Printing Ink Manufacturing	541213	Tax Preparation Services
325910	Printing Ink Manufacturing	541214	Payroll Services
32592	Explosives Manufacturing	541219	Other Accounting Services
325920	Explosives Manufacturing	5413	Architectural, Engineering, and Related Services
32599	All Other Chemical Product and Preparation Manufacturing	54131	Architectural Services
325991	Custom Compounding of Purchased Resins	541310	Architectural Services
325992	Photographic Film, Paper, Plate, and Chemical Manufacturing	54132	Landscape Architectural Services
325998	All Other Miscellaneous Chemical Product and Preparation Manufacturing	541320	Landscape Architectural Services
326	Plastics and Rubber Products Manufacturing	54133	Engineering Services
3261	Plastics Product Manufacturing	541330	Engineering Services
32611	Plastics Packaging Materials and Unlaminated Film and Sheet Manufacturing	54134	Drafting Services
326111	Plastics Bag and Pouch Manufacturing	541340	Drafting Services
326112	Plastics Packaging Film and Sheet (including Laminated) Manufacturing	54135	Building Inspection Services
326113	Unlaminated Plastics Film and Sheet (except Packaging) Manufacturing	541350	Building Inspection Services
32612	Plastics Pipe, Pipe Fitting, and Unlaminated Profile Shape Manufacturing	54136	Geophysical Surveying and Mapping Services
326121	Unlaminated Plastics Profile Shape Manufacturing	541360	Geophysical Surveying and Mapping Services
326122	Plastics Pipe and Pipe Fitting Manufacturing	54137	Surveying and Mapping (except Geophysical) Services
32613	Laminated Plastics Plate, Sheet (except Packaging), and Shape Manufacturing	541370	Surveying and Mapping (except Geophysical) Services
326130	Laminated Plastics Plate, Sheet (except Packaging), and Shape Manufacturing	54138	Testing Laboratories
32614	Polystyrene Foam Product Manufacturing	541380	Testing Laboratories
326140	Polystyrene Foam Product Manufacturing	5414	Specialized Design Services
32615	Urethane and Other Foam Product (except Polystyrene) Manufacturing	54141	Interior Design Services
326150	Urethane and Other Foam Product (except Polystyrene) Manufacturing	541410	Interior Design Services

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32616	Plastics Bottle Manufacturing	54142	Industrial Design Services
326160	Plastics Bottle Manufacturing	541420	Industrial Design Services
32619	Other Plastics Product Manufacturing	54143	Graphic Design Services
326191	Plastics Plumbing Fixture Manufacturing	541430	Graphic Design Services
326199	All Other Plastics Product Manufacturing	54149	Other Specialized Design Services
3262	Rubber Product Manufacturing	541490	Other Specialized Design Services
32621	Tire Manufacturing	5415	Computer Systems Design and Related Services
326211	Tire Manufacturing (except Retreading)	54151	Computer Systems Design and Related Services
326212	Tire Retreading	541511	Custom Computer Programming Services
32622	Rubber and Plastics Hoses and Belting Manufacturing	541512	Computer Systems Design Services
326220	Rubber and Plastics Hoses and Belting Manufacturing	541513	Computer Facilities Management Services
32629	Other Rubber Product Manufacturing	541519	Other Computer Related Services
326291	Rubber Product Manufacturing for Mechanical Use	5416	Management, Scientific, and Technical Consulting Services
326299	All Other Rubber Product Manufacturing	54161	Management Consulting Services
327	Nonmetallic Mineral Product Manufacturing	541611	Administrative Management and General Management Consulting Services
3271	Clay Product and Refractory Manufacturing	541612	Human Resources Consulting Services
32711	Pottery, Ceramics, and Plumbing Fixture Manufacturing	541613	Marketing Consulting Services
327110	Pottery, Ceramics, and Plumbing Fixture Manufacturing	541614	Process, Physical Distribution, and Logistics Consulting Services
32712	Clay Building Material and Refractories Manufacturing	541618	Other Management Consulting Services
327120	Clay Building Material and Refractories Manufacturing	54162	Environmental Consulting Services
3272	Glass and Glass Product Manufacturing	541620	Environmental Consulting Services
32721	Glass and Glass Product Manufacturing	54169	Other Scientific and Technical Consulting Services
327211	Flat Glass Manufacturing	541690	Other Scientific and Technical Consulting Services
327212	Other Pressed and Blown Glass and Glassware Manufacturing	5417	Scientific Research and Development Services
327213	Glass Container Manufacturing	54171	Research and Development in the Physical, Engineering, and Life Sciences
327215	Glass Product Manufacturing Made of Purchased Glass	541711	Research and Development in Biotechnology
3273	Cement and Concrete Product Manufacturing	541712	Research and Development in the Physical, Engineering, and Life Sciences (except Biotechnology)
32731	Cement Manufacturing	54172	Research and Development in the Social Sciences and Humanities
327310	Cement Manufacturing	541720	Research and Development in the Social Sciences and Humanities
32732	Ready-Mix Concrete Manufacturing	5418	Advertising, Public Relations, and Related Services
327320	Ready-Mix Concrete Manufacturing	54181	Advertising Agencies
32733	Concrete Pipe, Brick, and Block Manufacturing	541810	Advertising Agencies
327331	Concrete Block and Brick Manufacturing	54182	Public Relations Agencies
327332	Concrete Pipe Manufacturing	541820	Public Relations Agencies
32739	Other Concrete Product Manufacturing	54183	Media Buying Agencies
327390	Other Concrete Product Manufacturing	541830	Media Buying Agencies
3274	Lime and Gypsum Product Manufacturing	54184	Media Representatives
32741	Lime Manufacturing	541840	Media Representatives
327410	Lime Manufacturing	54185	Outdoor Advertising
32742	Gypsum Product Manufacturing	541850	Outdoor Advertising
327420	Gypsum Product Manufacturing	54186	Direct Mail Advertising

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3279	Other Nonmetallic Mineral Product Manufacturing	541860	Direct Mail Advertising
32791	Abrasive Product Manufacturing	54187	Advertising Material Distribution Services
327910	Abrasive Product Manufacturing	541870	Advertising Material Distribution Services
32799	All Other Nonmetallic Mineral Product Manufacturing	54189	Other Services Related to Advertising
327991	Cut Stone and Stone Product Manufacturing	541890	Other Services Related to Advertising
327992	Ground or Treated Mineral and Earth Manufacturing	5419	Other Professional, Scientific, and Technical Services
327993	Mineral Wool Manufacturing	54191	Marketing Research and Public Opinion Polling
327999	All Other Miscellaneous Nonmetallic Mineral Product Manufacturing	541910	Marketing Research and Public Opinion Polling
331	Primary Metal Manufacturing	54192	Photographic Services
3311	Iron and Steel Mills and Ferroalloy Manufacturing	541921	Photography Studios, Portrait
33111	Iron and Steel Mills and Ferroalloy Manufacturing	541922	Commercial Photography
331110	Iron and Steel Mills and Ferroalloy Manufacturing	54193	Translation and Interpretation Services
3312	Steel Product Manufacturing from Purchased Steel	541930	Translation and Interpretation Services
33121	Iron and Steel Pipe and Tube Manufacturing from Purchased Steel	54194	Veterinary Services
331210	Iron and Steel Pipe and Tube Manufacturing from Purchased Steel	541940	Veterinary Services
33122	Rolling and Drawing of Purchased Steel	54199	All Other Professional, Scientific, and Technical Services
331221	Rolled Steel Shape Manufacturing	541990	All Other Professional, Scientific, and Technical Services
331222	Steel Wire Drawing	55	Management of Companies and Enterprises
3313	Alumina and Aluminum Production and Processing	551	Management of Companies and Enterprises
33131	Alumina and Aluminum Production and Processing	5511	Management of Companies and Enterprises
331313	Alumina Refining and Primary Aluminum Production	55111	Management of Companies and Enterprises
331314	Secondary Smelting and Alloying of Aluminum	551111	Offices of Bank Holding Companies
331315	Aluminum Sheet, Plate, and Foil Manufacturing	551112	Offices of Other Holding Companies
331318	Other Aluminum Rolling, Drawing, and Extruding	551114	Corporate, Subsidiary, and Regional Managing Offices
3314	Nonferrous Metal (except Aluminum) Production and Processing	56	Administrative and Support and Waste Management and Remediation Services
33141	Nonferrous Metal (except Aluminum) Smelting and Refining	561	Administrative and Support Services
331410	Nonferrous Metal (except Aluminum) Smelting and Refining	5611	Office Administrative Services
33142	Copper Rolling, Drawing, Extruding, and Alloying	56111	Office Administrative Services
331420	Copper Rolling, Drawing, Extruding, and Alloying	561110	Office Administrative Services
33149	Nonferrous Metal (except Copper and Aluminum) Rolling, Drawing, Extruding, and Alloying	5612	Facilities Support Services
331491	Nonferrous Metal (except Copper and Aluminum) Rolling, Drawing, and Extruding	56121	Facilities Support Services
331492	Secondary Smelting, Refining, and Alloying of Nonferrous Metal (except Copper and Aluminum)	561210	Facilities Support Services
3315	Foundries	5613	Employment Services
33151	Ferrous Metal Foundries	56131	Employment Placement Agencies and Executive Search Services
331511	Iron Foundries	561311	Employment Placement Agencies
331512	Steel Investment Foundries	561312	Executive Search Services
331513	Steel Foundries (except Investment)	56132	Temporary Help Services
33152	Nonferrous Metal Foundries	561320	Temporary Help Services
331523	Nonferrous Metal Die-Casting Foundries	56133	Professional Employer Organizations
331524	Aluminum Foundries (except Die-Casting)	561330	Professional Employer Organizations
331529	Other Nonferrous Metal Foundries (except Die-Casting)	5614	Business Support Services

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332	Fabricated Metal Product Manufacturing	56141	Document Preparation Services
3321	Forging and Stamping	561410	Document Preparation Services
33211	Forging and Stamping	56142	Telephone Call Centers
332111	Iron and Steel Forging	561421	Telephone Answering Services
332112	Nonferrous Forging	561422	Telemarketing Bureaus and Other Contact Centers
332114	Custom Roll Forming	56143	Business Service Centers
332117	Powder Metallurgy Part Manufacturing	561431	Private Mail Centers
332119	Metal Crown, Closure, and Other Metal Stamping (except Automotive)	561439	Other Business Service Centers (including Copy Shops)
3322	Cutlery and Handtool Manufacturing	56144	Collection Agencies
33221	Cutlery and Handtool Manufacturing	561440	Collection Agencies
332215	Metal Kitchen Cookware, Utensil, Cutlery, and Flatware (except Precious) Manufacturing	56145	Credit Bureaus
332216	Saw Blade and Handtool Manufacturing	561450	Credit Bureaus
3323	Architectural and Structural Metals Manufacturing	56149	Other Business Support Services
33231	Plate Work and Fabricated Structural Product Manufacturing	561491	Repossession Services
332311	Prefabricated Metal Building and Component Manufacturing	561492	Court Reporting and Stenotype Services
332312	Fabricated Structural Metal Manufacturing	561499	All Other Business Support Services
332313	Plate Work Manufacturing	5615	Travel Arrangement and Reservation Services
33232	Ornamental and Architectural Metal Products Manufacturing	56151	Travel Agencies
332321	Metal Window and Door Manufacturing	561510	Travel Agencies
332322	Sheet Metal Work Manufacturing	56152	Tour Operators
332323	Ornamental and Architectural Metal Work Manufacturing	561520	Tour Operators
3324	Boiler, Tank, and Shipping Container Manufacturing	56159	Other Travel Arrangement and Reservation Services
33241	Power Boiler and Heat Exchanger Manufacturing	561591	Convention and Visitors Bureaus
332410	Power Boiler and Heat Exchanger Manufacturing	561599	All Other Travel Arrangement and Reservation Services
33242	Metal Tank (Heavy Gauge) Manufacturing	5616	Investigation and Security Services
332420	Metal Tank (Heavy Gauge) Manufacturing	56161	Investigation, Guard, and Armored Car Services
33243	Metal Can, Box, and Other Metal Container (Light Gauge) Manufacturing	561611	Investigation Services
332431	Metal Can Manufacturing	561612	Security Guards and Patrol Services
332439	Other Metal Container Manufacturing	561613	Armored Car Services
3325	Hardware Manufacturing	56162	Security Systems Services
33251	Hardware Manufacturing	561621	Security Systems Services (except Locksmiths)
332510	Hardware Manufacturing	561622	Locksmiths
3326	Spring and Wire Product Manufacturing	5617	Services to Buildings and Dwellings
33261	Spring and Wire Product Manufacturing	56171	Exterminating and Pest Control Services
332613	Spring Manufacturing	561710	Exterminating and Pest Control Services
332618	Other Fabricated Wire Product Manufacturing	56172	Janitorial Services
3327	Machine Shops; Turned Product; and Screw, Nut, and Bolt Manufacturing	561720	Janitorial Services
33271	Machine Shops	56173	Landscaping Services
332710	Machine Shops	561730	Landscaping Services
33272	Turned Product and Screw, Nut, and Bolt Manufacturing	56174	Carpet and Upholstery Cleaning Services
332721	Precision Turned Product Manufacturing	561740	Carpet and Upholstery Cleaning Services
332722	Bolt, Nut, Screw, Rivet, and Washer Manufacturing	56179	Other Services to Buildings and Dwellings

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3328	Coating, Engraving, Heat Treating, and Allied Activities	561790	Other Services to Buildings and Dwellings
33281	Coating, Engraving, Heat Treating, and Allied Activities	5619	Other Support Services
332811	Metal Heat Treating	56191	Packaging and Labeling Services
332812	Metal Coating, Engraving (except Jewelry and Silverware), and Allied Services to Manufacturers	561910	Packaging and Labeling Services
332813	Electroplating, Plating, Polishing, Anodizing, and Coloring	56192	Convention and Trade Show Organizers
3329	Other Fabricated Metal Product Manufacturing	561920	Convention and Trade Show Organizers
33291	Metal Valve Manufacturing	56199	All Other Support Services
332911	Industrial Valve Manufacturing	561990	All Other Support Services
332912	Fluid Power Valve and Hose Fitting Manufacturing	562	Waste Management and Remediation Services
332913	Plumbing Fixture Fitting and Trim Manufacturing	5621	Waste Collection
332919	Other Metal Valve and Pipe Fitting Manufacturing	56211	Waste Collection
33299	All Other Fabricated Metal Product Manufacturing	562111	Solid Waste Collection
332991	Ball and Roller Bearing Manufacturing	562112	Hazardous Waste Collection
332992	Small Arms Ammunition Manufacturing	562119	Other Waste Collection
332993	Ammunition (except Small Arms) Manufacturing	5622	Waste Treatment and Disposal
332994	Small Arms, Ordnance, and Ordnance Accessories Manufacturing	56221	Waste Treatment and Disposal
332996	Fabricated Pipe and Pipe Fitting Manufacturing	562211	Hazardous Waste Treatment and Disposal
332999	All Other Miscellaneous Fabricated Metal Product Manufacturing	562212	Solid Waste Landfill
333	Machinery Manufacturing	562213	Solid Waste Combustors and Incinerators
3331	Agriculture, Construction, and Mining Machinery Manufacturing	562219	Other Nonhazardous Waste Treatment and Disposal
33311	Agricultural Implement Manufacturing	5629	Remediation and Other Waste Management Services
333111	Farm Machinery and Equipment Manufacturing	56291	Remediation Services
333112	Lawn and Garden Tractor and Home Lawn and Garden Equipment Manufacturing	562910	Remediation Services
33312	Construction Machinery Manufacturing	56292	Materials Recovery Facilities
333120	Construction Machinery Manufacturing	562920	Materials Recovery Facilities
33313	Mining and Oil and Gas Field Machinery Manufacturing	56299	All Other Waste Management Services
333131	Mining Machinery and Equipment Manufacturing	562991	Septic Tank and Related Services
333132	Oil and Gas Field Machinery and Equipment Manufacturing	562998	All Other Miscellaneous Waste Management Services
3332	Industrial Machinery Manufacturing	61	Educational Services
33324	Industrial Machinery Manufacturing	611	Educational Services
333241	Food Product Machinery Manufacturing	6111	Elementary and Secondary Schools
333242	Semiconductor Machinery Manufacturing	61111	Elementary and Secondary Schools
333243	Sawmill, Woodworking, and Paper Machinery Manufacturing	611110	Elementary and Secondary Schools
333244	Printing Machinery and Equipment Manufacturing	6112	Junior Colleges
333249	Other Industrial Machinery Manufacturing	61121	Junior Colleges
3333	Commercial and Service Industry Machinery Manufacturing	611210	Junior Colleges
33331	Commercial and Service Industry Machinery Manufacturing	6113	Colleges, Universities, and Professional Schools
333314	Optical Instrument and Lens Manufacturing	61131	Colleges, Universities, and Professional Schools
333316	Photographic and Photocopying Equipment Manufacturing	611310	Colleges, Universities, and Professional Schools

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333318	Other Commercial and Service Industry Machinery Manufacturing	6114	Business Schools and Computer and Management Training
3334	Ventilation, Heating, Air-Conditioning, and Commercial Refrigeration Equipment Manufacturing	61141	Business and Secretarial Schools
33341	Ventilation, Heating, Air-Conditioning, and Commercial Refrigeration Equipment Manufacturing	611410	Business and Secretarial Schools
333413	Industrial and Commercial Fan and Blower and Air Purification Equipment Manufacturing	61142	Computer Training
333414	Heating Equipment (except Warm Air Furnaces) Manufacturing	611420	Computer Training
333415	Air-Conditioning and Warm Air Heating Equipment and Commercial and Industrial Refrigeration Equipment Manufacturing	61143	Professional and Management Development Training
3335	Metalworking Machinery Manufacturing	611430	Professional and Management Development Training
33351	Metalworking Machinery Manufacturing	6115	Technical and Trade Schools
333511	Industrial Mold Manufacturing	61151	Technical and Trade Schools
333514	Special Die and Tool, Die Set, Jig, and Fixture Manufacturing	611511	Cosmetology and Barber Schools
333515	Cutting Tool and Machine Tool Accessory Manufacturing	611512	Flight Training
333517	Machine Tool Manufacturing	611513	Apprenticeship Training
333519	Rolling Mill and Other Metalworking Machinery Manufacturing	611519	Other Technical and Trade Schools
3336	Engine, Turbine, and Power Transmission Equipment Manufacturing	6116	Other Schools and Instruction
33361	Engine, Turbine, and Power Transmission Equipment Manufacturing	61161	Fine Arts Schools
333611	Turbine and Turbine Generator Set Units Manufacturing	611610	Fine Arts Schools
333612	Speed Changer, Industrial High-Speed Drive, and Gear Manufacturing	61162	Sports and Recreation Instruction
333613	Mechanical Power Transmission Equipment Manufacturing	611620	Sports and Recreation Instruction
333618	Other Engine Equipment Manufacturing	61163	Language Schools
3339	Other General Purpose Machinery Manufacturing	611630	Language Schools
33391	Pump and Compressor Manufacturing	61169	All Other Schools and Instruction
333911	Pump and Pumping Equipment Manufacturing	611691	Exam Preparation and Tutoring
333912	Air and Gas Compressor Manufacturing	611692	Automobile Driving Schools
333913	Measuring and Dispensing Pump Manufacturing	611699	All Other Miscellaneous Schools and Instruction
33392	Material Handling Equipment Manufacturing	6117	Educational Support Services
333921	Elevator and Moving Stairway Manufacturing	61171	Educational Support Services
333922	Conveyor and Conveying Equipment Manufacturing	611710	Educational Support Services
333923	Overhead Traveling Crane, Hoist, and Monorail System Manufacturing	62	Health Care and Social Assistance
333924	Industrial Truck, Tractor, Trailer, and Stacker Machinery Manufacturing	621	Ambulatory Health Care Services
33399	All Other General Purpose Machinery Manufacturing	6211	Offices of Physicians
333991	Power-Driven Handtool Manufacturing	62111	Offices of Physicians
333992	Welding and Soldering Equipment Manufacturing	621111	Offices of Physicians (except Mental Health Specialists)
333993	Packaging Machinery Manufacturing	621112	Offices of Physicians, Mental Health Specialists
333994	Industrial Process Furnace and Oven Manufacturing	6212	Offices of Dentists

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333995	Fluid Power Cylinder and Actuator Manufacturing	62121	Offices of Dentists
333996	Fluid Power Pump and Motor Manufacturing	621210	Offices of Dentists
333997	Scale and Balance Manufacturing	6213	Offices of Other Health Practitioners
333999	All Other Miscellaneous General Purpose Machinery Manufacturing	62131	Offices of Chiropractors
334	Computer and Electronic Product Manufacturing	621310	Offices of Chiropractors
3341	Computer and Peripheral Equipment Manufacturing	62132	Offices of Optometrists
33411	Computer and Peripheral Equipment Manufacturing	621320	Offices of Optometrists
334111	Electronic Computer Manufacturing	62133	Offices of Mental Health Practitioners (except Physicians)
334112	Computer Storage Device Manufacturing	621330	Offices of Mental Health Practitioners (except Physicians)
334118	Computer Terminal and Other Computer Peripheral Equipment Manufacturing	62134	Offices of Physical, Occupational and Speech Therapists, and Audiologists
3342	Communications Equipment Manufacturing	621340	Offices of Physical, Occupational and Speech Therapists, and Audiologists
33421	Telephone Apparatus Manufacturing	62139	Offices of All Other Health Practitioners
334210	Telephone Apparatus Manufacturing	621391	Offices of Podiatrists
33422	Radio and Television Broadcasting and Wireless Communications Equipment Manufacturing	621399	Offices of All Other Miscellaneous Health Practitioners
334220	Radio and Television Broadcasting and Wireless Communications Equipment Manufacturing	6214	Outpatient Care Centers
33429	Other Communications Equipment Manufacturing	62141	Family Planning Centers
334290	Other Communications Equipment Manufacturing	621410	Family Planning Centers
3343	Audio and Video Equipment Manufacturing	62142	Outpatient Mental Health and Substance Abuse Centers
33431	Audio and Video Equipment Manufacturing	621420	Outpatient Mental Health and Substance Abuse Centers
334310	Audio and Video Equipment Manufacturing	62149	Other Outpatient Care Centers
3344	Semiconductor and Other Electronic Component Manufacturing	621491	HMO Medical Centers
33441	Semiconductor and Other Electronic Component Manufacturing	621492	Kidney Dialysis Centers
334412	Bare Printed Circuit Board Manufacturing	621493	Freestanding Ambulatory Surgical and Emergency Centers
334413	Semiconductor and Related Device Manufacturing	621498	All Other Outpatient Care Centers
334416	Capacitor, Resistor, Coil, Transformer, and Other Inductor Manufacturing	6215	Medical and Diagnostic Laboratories
334417	Electronic Connector Manufacturing	62151	Medical and Diagnostic Laboratories
334418	Printed Circuit Assembly (Electronic Assembly) Manufacturing	621511	Medical Laboratories
334419	Other Electronic Component Manufacturing	621512	Diagnostic Imaging Centers
3345	Navigational, Measuring, Electromedical, and Control Instruments Manufacturing	6216	Home Health Care Services
33451	Navigational, Measuring, Electromedical, and Control Instruments Manufacturing	62161	Home Health Care Services
334510	Electromedical and Electrotherapeutic Apparatus Manufacturing	621610	Home Health Care Services
334511	Search, Detection, Navigation, Guidance, Aeronautical, and Nautical System and Instrument Manufacturing	6219	Other Ambulatory Health Care Services
334512	Automatic Environmental Control Manufacturing for Residential, Commercial, and Appliance Use	62191	Ambulance Services
334513	Instruments and Related Products Manufacturing for Measuring, Displaying, and Controlling Industrial Process Variables	621910	Ambulance Services
334514	Totalizing Fluid Meter and Counting Device Manufacturing	62199	All Other Ambulatory Health Care Services
334515	Instrument Manufacturing for Measuring and Testing Electricity and Electrical Signals	621991	Blood and Organ Banks

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334516	Analytical Laboratory Instrument Manufacturing	621999	All Other Miscellaneous Ambulatory Health Care Services
334517	Irradiation Apparatus Manufacturing	622	Hospitals
334519	Other Measuring and Controlling Device Manufacturing	6221	General Medical and Surgical Hospitals
3346	Manufacturing and Reproducing Magnetic and Optical Media	62211	General Medical and Surgical Hospitals
33461	Manufacturing and Reproducing Magnetic and Optical Media	622110	General Medical and Surgical Hospitals
334613	Blank Magnetic and Optical Recording Media Manufacturing	6222	Psychiatric and Substance Abuse Hospitals
334614	Software and Other Prerecorded Compact Disc, Tape, and Record Reproducing	62221	Psychiatric and Substance Abuse Hospitals
335	Electrical Equipment, Appliance, and Component Manufacturing	622210	Psychiatric and Substance Abuse Hospitals
3351	Electric Lighting Equipment Manufacturing	6223	Specialty (except Psychiatric and Substance Abuse) Hospitals
33511	Electric Lamp Bulb and Part Manufacturing	62231	Specialty (except Psychiatric and Substance Abuse) Hospitals
335110	Electric Lamp Bulb and Part Manufacturing	622310	Specialty (except Psychiatric and Substance Abuse) Hospitals
33512	Lighting Fixture Manufacturing	623	Nursing and Residential Care Facilities
335121	Residential Electric Lighting Fixture Manufacturing	6231	Nursing Care Facilities (Skilled Nursing Facilities)
335122	Commercial, Industrial, and Institutional Electric Lighting Fixture Manufacturing	62311	Nursing Care Facilities (Skilled Nursing Facilities)
335129	Other Lighting Equipment Manufacturing	623110	Nursing Care Facilities (Skilled Nursing Facilities)
3352	Household Appliance Manufacturing	6232	Residential Intellectual and Developmental Disability, Mental Health, and Substance Abuse Facilities
33521	Small Electrical Appliance Manufacturing	62321	Residential Intellectual and Developmental Disability Facilities
335210	Small Electrical Appliance Manufacturing	623210	Residential Intellectual and Developmental Disability Facilities
33522	Major Appliance Manufacturing	62322	Residential Mental Health and Substance Abuse Facilities
335221	Household Cooking Appliance Manufacturing	623220	Residential Mental Health and Substance Abuse Facilities
335222	Household Refrigerator and Home Freezer Manufacturing	6233	Continuing Care Retirement Communities and Assisted Living Facilities for the Elderly
335224	Household Laundry Equipment Manufacturing	62331	Continuing Care Retirement Communities and Assisted Living Facilities for the Elderly
335228	Other Major Household Appliance Manufacturing	623311	Continuing Care Retirement Communities
3353	Electrical Equipment Manufacturing	623312	Assisted Living Facilities for the Elderly
33531	Electrical Equipment Manufacturing	6239	Other Residential Care Facilities
335311	Power, Distribution, and Specialty Transformer Manufacturing	62399	Other Residential Care Facilities
335312	Motor and Generator Manufacturing	623990	Other Residential Care Facilities
335313	Switchgear and Switchboard Apparatus Manufacturing	624	Social Assistance
335314	Relay and Industrial Control Manufacturing	6241	Individual and Family Services
3359	Other Electrical Equipment and Component Manufacturing	62411	Child and Youth Services
33591	Battery Manufacturing	624110	Child and Youth Services
335911	Storage Battery Manufacturing	62412	Services for the Elderly and Persons with Disabilities
335912	Primary Battery Manufacturing	624120	Services for the Elderly and Persons with Disabilities
33592	Communication and Energy Wire and Cable Manufacturing	62419	Other Individual and Family Services
335921	Fiber Optic Cable Manufacturing	624190	Other Individual and Family Services
335929	Other Communication and Energy Wire Manufacturing	6242	Community Food and Housing, and Emergency and Other Relief Services
33593	Wiring Device Manufacturing	62421	Community Food Services

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335931	Current-Carrying Wiring Device Manufacturing
335932	Noncurrent-Carrying Wiring Device Manufacturing
33599	All Other Electrical Equipment and Component Manufacturing
335991	Carbon and Graphite Product Manufacturing
335999	All Other Miscellaneous Electrical Equipment and Component Manufacturing
336	Transportation Equipment Manufacturing
3361	Motor Vehicle Manufacturing
33611	Automobile and Light Duty Motor Vehicle Manufacturing
336111	Automobile Manufacturing
336112	Light Truck and Utility Vehicle Manufacturing
33612	Heavy Duty Truck Manufacturing
336120	Heavy Duty Truck Manufacturing
3362	Motor Vehicle Body and Trailer Manufacturing
33621	Motor Vehicle Body and Trailer Manufacturing
336211	Motor Vehicle Body Manufacturing
336212	Truck Trailer Manufacturing
336213	Motor Home Manufacturing
336214	Travel Trailer and Camper Manufacturing
3363	Motor Vehicle Parts Manufacturing
33631	Motor Vehicle Gasoline Engine and Engine Parts Manufacturing
336310	Motor Vehicle Gasoline Engine and Engine Parts Manufacturing
33632	Motor Vehicle Electrical and Electronic Equipment Manufacturing
336320	Motor Vehicle Electrical and Electronic Equipment Manufacturing
33633	Motor Vehicle Steering and Suspension Components (except Spring) Manufacturing
336330	Motor Vehicle Steering and Suspension Components (except Spring) Manufacturing
33634	Motor Vehicle Brake System Manufacturing
336340	Motor Vehicle Brake System Manufacturing
33635	Motor Vehicle Transmission and Power Train Parts Manufacturing
336350	Motor Vehicle Transmission and Power Train Parts Manufacturing
33636	Motor Vehicle Seating and Interior Trim Manufacturing
336360	Motor Vehicle Seating and Interior Trim Manufacturing
33637	Motor Vehicle Metal Stamping
336370	Motor Vehicle Metal Stamping
33639	Other Motor Vehicle Parts Manufacturing
336390	Other Motor Vehicle Parts Manufacturing
3364	Aerospace Product and Parts Manufacturing
33641	Aerospace Product and Parts Manufacturing

624210	Community Food Services
62422	Community Housing Services
624221	Temporary Shelters
624229	Other Community Housing Services
62423	Emergency and Other Relief Services
624230	Emergency and Other Relief Services
6243	Vocational Rehabilitation Services
62431	Vocational Rehabilitation Services
624310	Vocational Rehabilitation Services
6244	Child Day Care Services
62441	Child Day Care Services
624410	Child Day Care Services
71	Arts, Entertainment, and Recreation
711	Performing Arts, Spectator Sports, and Related Industries
7111	Performing Arts Companies
71111	Theater Companies and Dinner Theaters
711110	Theater Companies and Dinner Theaters
71112	Dance Companies
711120	Dance Companies
71113	Musical Groups and Artists
711130	Musical Groups and Artists
71119	Other Performing Arts Companies
711190	Other Performing Arts Companies
7112	Spectator Sports
71121	Spectator Sports
711211	Sports Teams and Clubs
711212	Racetracks
711219	Other Spectator Sports
7113	Promoters of Performing Arts, Sports, and Similar Events
71131	Promoters of Performing Arts, Sports, and Similar Events with Facilities
711310	Promoters of Performing Arts, Sports, and Similar Events with Facilities
71132	Promoters of Performing Arts, Sports, and Similar Events without Facilities
711320	Promoters of Performing Arts, Sports, and Similar Events without Facilities
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71141	Agents and Managers for Artists, Athletes, Entertainers, and Other Public Figures
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7115	Independent Artists, Writers, and Performers

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33661	Ship and Boat Building	71219	Nature Parks and Other Similar Institutions
336611	Ship Building and Repairing	712190	Nature Parks and Other Similar Institutions
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3369	Other Transportation Equipment Manufacturing	7131	Amusement Parks and Arcades
33699	Other Transportation Equipment Manufacturing	71311	Amusement and Theme Parks
336991	Motorcycle, Bicycle, and Parts Manufacturing	713110	Amusement and Theme Parks
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337124	Metal Household Furniture Manufacturing	713910	Golf Courses and Country Clubs
337125	Household Furniture (except Wood and Metal) Manufacturing	71392	Skiing Facilities
337127	Institutional Furniture Manufacturing	713920	Skiing Facilities
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337212	Custom Architectural Woodwork and Millwork Manufacturing	713940	Fitness and Recreational Sports Centers
337214	Office Furniture (except Wood) Manufacturing	71395	Bowling Centers
337215	Showcase, Partition, Shelving, and Locker Manufacturing	713950	Bowling Centers
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33791	Mattress Manufacturing	713990	All Other Amusement and Recreation Industries
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ORDINANCE NO. 8-300

AN ORDINANCE REGULATING LOT SPLITS

THE CITY OF ISHPEMING ORDAINS:

Section 8-301.

- a) A lot or parcel in a subdivision with respect to which there is a plat of record in the office of the Marquette County Register of Deeds may be reduced in area by way of a split, partition, or division, into not more than four (4) parcels, but only if each of the following conditions are satisfied:
 - i) Some portion of the lot as split or divided is conveyed to the owner of a lot or parcel which abuts the lot being split, which conveyance shall be contemporaneously made with and as a part of the split; and
 - ii) The instrument of conveyance expressly recites that all City setback requirements shall apply after the split to all portions of the lot which is split; and
 - iii) The instrument of conveyance expressly recites that the portion of the lot which is conveyed to an abutting landowner may not thereafter be severed from the abutting lot; and
 - iv) If the lot or parcel proposed to be reduced in area or dimension, or split, has no existing house or dwelling thereon, or if any separate lot proposed to be created by the split has no house or dwelling thereon, then such lot or parcel shall not be reduced in area or dimension, or split or partitioned, unless each part thereof after the proposed split meets the minimum lot requirements under the City Zoning Ordinance.
- b) Notwithstanding the provisions of Section 8-301(a) above, any lot or parcel in a recorded plat not served by public water and public sewer shall not be further partitioned or divided if the resulting lots, outlots or other parcels are less than the minimum width and area required under the Land Division Act, being Act 288, P.A., 1967, as amended, M.S.A. Section 26.430 (101) et. seq.

Section 8-302.

- a) The Board of Zoning Appeals, for purposes of granting the approval referred to in Section 8-301, shall have original jurisdiction, and any person requesting such approval shall make written application therefor to the Board of Zoning Appeals. Such application shall be on a form prescribed by the Board of Zoning Appeals, but such application shall include, as a minimum, the names of all owners of the lot or parcel, the purpose for which the application is made, and such application shall have attached thereto a survey prepared by a registered land surveyor showing the proposed division or split and including the legal descriptions of the overall parcel and the legal descriptions of each and every separate lot proposed to be created by the division or split. The Board of Zoning Appeals shall process said application according to the provisions of Section 8-303 of this Ordinance, and may grant the request after notice and a public hearing.
- b) Upon receipt of an application requesting reduction in lot or parcel size or lot splitting, the Board of Zoning Appeals shall give notice thereof to the City Manager.

- c) The Board of Zoning Appeals, in making a decision upon every such application, shall follow and shall be bound by the standards set forth in Section 8-303 of this Ordinance.

Section 8-303.

- a) The Board of Zoning Appeals shall fix a reasonable time for the hearing of the application and shall give written notice thereof within the time limits and according to the procedure prescribed in Section 30.5 of the Zoning Ordinance to the parties, and to all owners of record and tenants of property within three hundred (300) feet of the premises in question, such notice to be delivered personally, or by mail addressed to the respective owners or tenants at the address given in the last assessment roll. At the hearing, any party may appear in person or by agent or by attorney. The Board of Zoning Appeals shall grant the application or shall deny the application, in writing, within ten (10) days after the conclusion of the hearing, and shall promptly mail a copy of the decision to the person making the application, or to the attorney for said applicant, by Certified Mail - Return Receipt Requested.
- b) The decision of the Board of Zoning Appeals shall be final, and there shall be no administrative review or appeal therefrom. An applicant aggrieved by the decision of the Board of Zoning Appeals may appeal to the Marquette County Circuit Court, within twenty (20) days after the date of entry of the decision of the Board of Zoning Appeals.

Section 8-304. Anything to the contrary herein notwithstanding, the provisions of this ordinance shall not apply to any lot split, partition, lot, or parcel division, or conveyance wherein the City of Ishpeming is the grantor or seller.

Section 8-305. This ordinance shall be effective upon legal publication.

Adopted: February 8, 1984
Amended: June 13, 1990
Amended: October 12, 1998
Amended: January 12, 2000

ORDINANCE NO. 8-400

SIGN ORDINANCE

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Section 1.0. Short Title. This ordinance shall be known and may be cited as the City of Ishpeming Sign Ordinance.

Section 2.0. Intent. It is the intent of this ordinance to regulate signs in the City of Ishpeming so as to protect the public health and safety and to promote the public welfare. This is accomplished by regulating the size, placement, relationships, construction, illumination, and other aspects of signs in the City. It is determined that such regulation is necessary for several reasons:

1. To enable the public to locate goods, services, and facilities without difficulty and confusion;
2. To prevent competition for attention between advertising signs and traffic control signs and signals;
3. To prevent signs which are potentially dangerous to the public due to structural deficiencies or disrepair;
4. To preserve the mental and physical well being of the public by preventing insistent and distracting demands for attention;
5. To assure the continued attractiveness of the community, showing special concern for the value of its cultural and natural features; and
6. To protect property values within the community.

It is further determined that signs which may lawfully be erected and maintained under the provisions hereof are inconsistent with customary usage and that signs which may not lawfully be erected or maintained under the provisions hereof are consistent with customary usage, are an abuse thereof, and are an unwarranted invasion of legitimate business interests and of the rights of the public.

Section 3.0. Definitions. For the purpose of this ordinance, certain terms or words used herein shall be interpreted as follows:

All words used in the present tense shall include the future; all words in the singular number include the plural number and all words in the plural number include the singular number; the word "building" includes "structure"; "dwelling" includes "residence"; the word "person" includes "corporation" and "co-partnership", as well as an "individual"; the word "shall" is mandatory and the word "may" is permissive; the word "lot" includes the word "plot", "parcel", and "site".

Terms not herein defined shall have the meaning customarily assigned to them, or as defined in the Building Code or City Zoning Ordinance.

Alley. Any public right-of-way, whether dedicated or not, affording a secondary means of access to property and not intended for general traffic circulation.

Billboard. See Standard Outdoor Advertising Structure.

Building Code. The building code as currently enforced in the City pursuant to the laws of the State of Michigan.

Building Frontage. The distance between two parallel lines, drawn perpendicular to the edge of the right-of-way, which intersect with any part of the building. Where the building is located upon a curve, the line shall be drawn perpendicular to a tangent drawn through the nearest point of the right-of-way for a convex curve and the furthest point of the right-of-way for a concave curve.

Canopy. A permanent rooflike structure, usually of metal, wood or glass, extending over an entrance, pedestrian walkway or window as a shelter.

District. Refers to the Zoning District as established under the City Zoning Ordinance.

Electrical Code. The electrical code as currently enforced in the City pursuant to the laws of the State of Michigan.

Erected. Includes built, constructed, altered, reconstructed, moved upon or any physical operations on the premise required for construction. Excavation, fill, drainage, installation of utilities and the like shall be considered a part of erection.

Face. The portion of a sign upon, against, or through which the message is displayed or illustrated.

Flag. A flexible piece of fabric or other material containing the official emblem of any unit of government.

Frontage. A property line shall be said to be a property frontage whenever it is coterminous with the boundary of a public right-of-way. Where two or more frontages exist for the same parcel, one shall be selected by the property owner for the purpose of calculating permitted signage.

Grade. The average level of the finished surface of the ground adjacent to all exterior walls of a building or support structure more than five (5) feet from a right-of-way. For building closer than five feet to a right-of-way, the grade is the curb elevation at the center of the building or support structure. If there is no curb, the City Engineer shall establish the grade.

Height. The maximum vertical distance between a horizontal line drawn through the highest point of a sign or its supporting structures, whichever is higher, and a finished grade at the base of a sign.

Mansard Roof. A roof, or structure on a building imitating a roof, which is at an angle of 60 degrees or greater from the horizontal.

Marquis. See canopy.

Pennant. A flexible piece of fabric or other material designed to attract attention or convey information by means of lettering, logos, color, or movement.

Plaque, Commemorative. An inscribed tablet of brass or other non-corrosive metal or stone, identifying a place of historical or cultural significance.

Residential Nameplate. A sign identifying a multiple family residential structure or identifying the occupants of one and two family structures.

Shopping Center. A shopping center shall mean a unified commercial development occupied by a group of five or more separate retail businesses occupying substantially separate divisions of a building or buildings fronting on a privately owned common mall or parking lot, rather than on a public street.

Sign. A name, identification, image, description, display, or illustration which is affixed to or located on, painted or represented directly or indirectly upon a building, structure, or piece of land, and which directs attention to any goods, services, any institution, organization, or business, and which is visible from any street, right-of-way, sidewalk, alley, park, or other public property. Customary displays or merchandise or objects and material placed behind a store window are not signs or parts of signs.

Sign, Advertising. Any sign which identifies a product or service or brand name offered to the public.

Sign, Area of.

1. The entire area within a circle, triangle, or parallelogram enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, together with any frame or other material or color forming an integral part of the display or use to differentiate the sign from the background against which it is placed, but excluding the necessary supports or uprights on which the sign is placed. Also sometimes referred to as "display area".
2. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except that where two such faces are placed back to back and are at no point no more than two feet from one another, the area of the sign shall be taken as if the two faces are of equal size, or as the area of the larger face if the two faces are of unequal size. The spacing between the parallel faces of a ground or pole sign may be increased to three feet where there are only two supports. In no case shall a support have a greater cross sectional width than 36 inches.
3. Where a sign consists solely of lettering or other sign elements printed or mounted on a wall of a building without any distinguishing border, panel or background, any blank rectangular area which is more than ten percent of the area of the sign, as otherwise computed, shall be disregarded. All of the lettering and other sign elements printed or mounted upon a wall of a building without any distinguishing border, panel, or background and pertaining to the same enterprise shall be treated as a single sign for purposes of area computation.

Sign Compliance Statement. Application permit submitted to Sign Official.

Sign, Ground. A sign supported by one or more uprights or a base, the entire

display area of which is more than eight (8) feet from the ground.

Sign, Identification. Any sign which bears the name of a structure, business or proprietor, on the site on which it is located.

Sign, Illuminated. A sign that provides artificial light through transparent or translucent material or is illuminated by a light from an exterior source.

Sign Official. The City Zoning Administrator.

Sign, Off-Premise. A sign which advertises goods, services or attractions not available on the same site as the sign.

Sign, On-Premise. A sign which advertises only goods, services, facilities, events, or attractions available on the premises where located, or identifies the owner or occupants or directs traffic on the premises. All other signs are off-premise signs.

Sign, Pole. A sign supported by one or more uprights or braces in or upon the ground.

Sign, Projecting. A sign which is attached directly to the building wall and which extends more than fifteen (15) inches from the face of the wall.

Sign, Temporary. A sign intended to be displayed for a limited period of time and which is without permanent foundations and is not attached to a permanent building.

Sign, Wall. A sign which is painted or attached directly to a building wall with the face of the sign parallel to and extending not more than fifteen (15) inches from the face of the wall.

Site. One or more lots or parcels under the same ownership or control which are proposed to the Zoning Administrator as a whole for the purpose of compliance with the requirements and regulations of the Zoning Ordinance.

Standard Outdoor Advertising Structure. A 300 square foot sign structure erected for the purpose of display of characters, letters or illustrations produced on paper sheets or painted on the surface of the structure and advertising goods and services not found on the premises.

Streamer. See Pennant.

Section 4.0. Relationship to Other Laws. Whenever regulations or restrictions imposed by this ordinance are either more or less restrictive than regulations or restrictions imposed by any governmental authority through legislation, rule, or regulation, the regulations, rules or restrictions which are more restrictive or which impose higher standards or requirements shall govern. Regardless of any other provision of this ordinance, no sign shall be erected or maintained in violation of any state or federal law or regulation.

Section 5.0. Severability. This ordinance and the various parts, sections, subsections, and clauses thereof, are hereby declared to be severable. If any part, sentence, paragraph, subsection, section, or clause is adjudged

unconstitutional or invalid, it is hereby provided that the remainder of the ordinance shall not be affected thereby. If any part, sentence, paragraph, subsection, section, or clause is adjudged unconstitutional or invalid as applied to a particular property or other structure, it is hereby provided that the application of such portion of the ordinance to other property, buildings, or structures shall not be affected thereby. Whenever any condition or limitation is included in a variance, it shall be conclusively presumed that the authorized Board of Appeals considered such condition or limitation necessary to carry out the spirit and purpose of this ordinance or the requirement of some provision thereof, and to protect the public health, safety, and welfare, and that the board would not have granted the authorization to which the condition or limitation pertains except in the belief that the condition or limitation was lawful.

Section 6.0. Application of this Ordinance. No sign or part thereof may be constructed, erected, placed, altered or maintained within the City of Ishpeming except as specifically or by necessary implication authorized by this ordinance.

Section 7.0. Vested Rights. Nothing in this ordinance shall be interpreted or constructed to give rise to any permanent vested rights in the continuation of any particular sign, and this ordinance is hereby declared to be subject to subsequent amendment, change or modification as may be necessary to preserve or protect the public health, safety, or welfare.

Section 8.0. Permits Required.

1. It shall be unlawful for any person to erect, relocate, or structurally alter or repair any sign or other advertising structure within the City of Ishpeming without first obtaining a certificate of compliance. All signs shall be subject to the Building Code and the City of Ishpeming Zoning Ordinance, and all illuminated signs shall be subject to the provisions of the State Electrical Code. (See Section 15 for maintenance exceptions which do not require a Certificate of Compliance.)
2. A Certificate of Compliance shall be obtained from the Sign Official prior to the issuance of a building permit to erect or place any sign.
3. Appeals to the Board of Appeals must be accompanied by such fees as established by resolution of the City Council. No activity on an application or appeal shall commence until said fee has been paid.
4. Application for a Certificate of Compliance shall be submitted on a form provided by the Sign Official and shall contain or have attached the following information:
 - A. Name, address, telephone number, and signature of the applicant (person or firm erecting the sign).
 - B. Name, address, telephone number, and signature of the owner of the land on which the sign is to be erected.
 - C. A scale drawing showing the position of the sign in relation to nearby buildings, signs, structures, and lot lines. All dimensions

are to be included.

- D. A copy of the plans, specifications and method of construction and attachment of the sign to the building or in the ground.
 - E. Upon demand of the Sign Official, a copy of stress sheets and calculations showing that the structure is designed for dead load and wind pressure in any direction in the amount required by this and all other applicable laws and ordinances.
 - F. Such additional information as required by the Sign Official to show full compliance with this and all other laws and ordinances of the City.
5. The Sign Official shall review all applications for a Certificate of Compliance as expeditiously as possible. Reasons for any denial shall be set forth in writing and shall include any changes which would make the plan acceptable. The applicant may appeal any denial to the Zoning Board of Appeals. No more than ten days shall be required to review an application.

Section 9.0. Exemptions. The following signs shall be exempt from the Certificate of Compliance requirements of this ordinance:

- 1. No more than one real estate sign per site, not to exceed six (6) square feet in residential districts and thirty-two (32) square feet in all other districts, which advertise the sale, rental, or lease of the premise upon which the sign is located. The sign shall be removed within five (5) days of the sale or rental.
- 2. One political campaign sign not to exceed four (4) square feet may be erected up to forty-five (45) days before an election on each site and shall be removed within five (5) days after the election.
- 3. Residential nameplate not to exceed two (2) square feet in area.
- 4. Temporary signs identifying construction sites for which a building permit has been issued. One sign per premises shall be permitted not to exceed ten (10) square feet for single family and two family structures or sixty-four (64) square feet for all other structures. The sign shall be removed within five (5) days after the occupancy of the structure.
- 5. Special decorative displays used for holidays, public demonstrations or promotion of civic, welfare or charitable purposes, on which there is no commercial advertising, providing the jurisdiction is held harmless for any damage resulting therefrom.
- 6. Any sign or notice required by state, federal or local laws.
- 7. On premise signs of a non-advertising, non-identification nature designed exclusively to control access or use, to warn or to direct traffic or pedestrians when based on the following table:

<u>Sq. Ft. of Signage per 1,000 Sq. Ft. of Site Area</u>	<u>Maximum Size of Any One Sign</u>	<u>Site Area</u>
Under 50,000 sq. ft.	.75 sq. ft./1,000 sq. ft.	4 sq. ft.
50,000 to 100,000 sq. ft.	.50 sq. ft./1,000 sq. ft.	8 sq. ft.
100,000 to 200,000 sq. ft.	.35 sq. ft./1,000 sq. ft.	16 sq. ft.
Over 200,000 sq. ft.	.15 sq. ft./1,000 sq. ft.	20 sq. ft.

8. One official government unit flag may be located on any site. Only one corporate flag or pennant may be displayed per site. Support structures shall meet the requirements of either pole or projecting signs.
9. Commemorative plaques which are firmly attached to a structure.

Section 10.0. Regulations Applicable to All Signs.

1. It shall be unlawful to place a sign or handbill on any property without the approval of the property owner. No signs or handbills shall be posted on any tree or utility pole or on another sign or any supporting or structural member of a sign.
2. No signs shall be located on any street or street corner which would obscure the vision of drivers using said streets or conflict with traffic control signs or signals in any location. No sign shall obstruct the vision of drivers at any driveway, parking lot, or other route providing access to any land.
3. No sign shall be artificially illuminated by other than electrical means. All flood or spot lighting for illumination of signs shall be directed away from and shall be shielded from any residential districts. Illumination shall be so arranged as to not adversely affect driver visibility on adjacent thoroughfares.
4. No signs except time and temperature signs shall have blinking or fluttering lights, exposed bulbs or other illuminating devices which have a changing light intensity or brightness of color, with the exception of electronic message centers which shall be allowed in the Central Business District, General Business District, and Industrial District.
5. Prior to the erection of the sign overhanging a public right-of-way, the person erecting such sign shall receive the approval of the proper governmental agency (City, County, or State) having jurisdiction over such right-of-way.
6. No sign shall be mounted on a roof; a mansard roof shall be considered a wall for the purpose of applying this regulation. (See Section 12 also)
7. No signs in residential zoning districts may be closer to side or rear lot lines than specified in the minimum yard setback requirements of the Schedule of Regulations for the district in which they are located.
8. Swinging movement of signs shall be permitted only under canopy signs designed to a pedestrian scale. The rotation of signs and any form of animation or moving device are prohibited.

9. All signs shall be permanently and securely attached to a structure or to a below-ground footing. Portable or moveable signs are prohibited except for a two week period at the opening of a new business or as a construction sign.
10. Any portion of a sign may be of the changeable copy type provided that all changeable characters are securely attached to the face of the sign.
11. Strings of pennants are prohibited.

Section 11.0. Regulations Based Upon Sign Type.

1. Pole Signs.

- A. It shall be unlawful to erect any portion of a sign to a height greater than 30 feet above the level of the nearest street in the general business district or 60' above the nearest street in industrial districts. The maximum height for a sign in all other zoning districts shall be 20 feet above the level of the nearest street.
- B. There shall be a minimum unobstructed distance of ten (10) feet between the bottom of any sign area and the ground for any sign located at the right-of-way. For every 2.5 feet the sign is set back from the right-of-way, the base of the display area may be lowered by one foot.
- C. Pole signs placed in any business, office or industrial district may not be located within 100 feet of a residential district, measured along the nearest right-of-way.

2. Ground Signs.

- A. No ground sign shall be located closer than twenty-five (25) feet to any intersection of a right-of-way with another right-of-way or with the pavement of any driveway or alley.
- B. No ground sign shall be located closer to a side lot line than the distance specified for side yard setbacks in that district by the Zoning Ordinance.
- C. For every two square feet of ground sign display area, one square foot of planting or lawn must be provided and maintained, at the base of the sign.
- D. No portion of a ground sign may exceed eight (8) feet in height.
- E. For every additional ten feet that a ground sign is set back from the required front yard setback, the area of the ground sign may increase by 10%. The required landscaping at the base of the sign must be provided for the increased sign area. This increase in sign size shall not apply to off-premise signs.

- F. Ground signs placed in any business, office or industrial district may not be located within 100 feet of a residential district, measured along the nearest right-of-way lines.
3. Wall Signs.
- A. No wall sign shall cover, wholly or partially, any wall opening nor shall the sign project beyond the ends or top of the wall to which it is attached.
 - B. A wall sign shall not project more than 15 inches from the wall to which it is attached.
4. Projecting Signs.
- A. No portion of a projecting sign shall be less than ten feet above grade.
 - B. The distance between a projecting sign and the wall to which it is attached may not be greater than two feet.
 - C. All projecting signs shall be designed, installed, and erected in such a manner that there shall be no visible angle iron or wire support structures above the roofline or parapet.
 - D. A projecting sign may project three inches for each linear foot of distance to the nearest side lot line, provided that in no instance may a sign project more than eight (8) feet from any structure nor be located closer than two (2) feet measured horizontally from an established curb.
 - E. No projecting sign may project within or over an alley or private driveway.
 - F. No projecting sign shall be located closer than ten (10) feet to any intersecting right-of-way.
 - G. A projecting sign may not extend above the top of the wall on which it is attached by more than six feet, but in no case shall more than 20% of the sign area be above the top of the wall.
5. Canopy and Marquis Signs.
- A. Canopy and marquis signs shall not be placed less than ten feet above the sidewalk and shall not be located closer than two feet, measured horizontally from an established curb.
 - B. Signs attached to the face of a marquis or canopy parallel to the flow of the traffic shall meet the requirements of wall signs, except that:
 - 1. The sign may not project more than six (6) inches from the face of the canopy, and

- 2. The sign may not exceed three feet in height.
- C. Signs attached to the sides of a marquis or canopy which are not parallel to the flow of traffic shall meet the requirements of projecting signs.
- D. Where signs are suspended under canopies or marquis, the following limitations shall apply:
 - 1. The sign area shall not be greater than six square feet.
 - 2. There shall not be more than one such sign per business or office.
 - 3. Signs may swing provided that the distance between the top of the sign and the under-side of the canopy or marquis is not greater than four inches.
 - 4. Signs shall be perpendicular to the flow of pedestrian traffic.

Section 12.0. Signs Permitted by Zoning District. District designations shall be determined from the Official Zoning Map.

- 1. Residential Districts (SR, GR, MR)
 - A. For each residential unit in a single family or general residential district, one nameplate not exceeding two square feet shall be permitted.
 - B. For all conditional uses in the SR and GR districts, except home occupations, group day care facilities, and duplexes and for all Class A, non-conforming uses which are not residential, there shall be permitted one ground sign and/or one wall sign not to exceed a combined area of 50 square feet. Day care centers in any district shall be permitted to erect a four square foot nameplate.
 - C. Multiple Residential District. There shall be permitted one sign not to exceed two (2) square feet for the purpose of identifying an office located on the site, plus:
 - 1. One sign not exceeding two (2) square feet for each development containing four or fewer units.
 - 2. For each development containing more than four (4) but fewer than 50 units, one sign not to exceed ten (10) square feet shall be permitted.
 - 3. For each development containing fifty or more units, one sign not to exceed 20 square feet shall be permitted for each driveway providing access to the site. Said signs must be within 50 feet of the driveway and may not be within 100 feet of another such sign on the same site.
 - D. For any platted subdivision, signs advertising lots for sale may be

erected and maintained until 80% of the lots are sold. No sign shall be erected within 100 feet of an occupied residence. The following limitations shall apply:

1. One sign not exceeding 32 square feet in area shall be permitted for subdivisions with 20 or less total lots.
 2. One or two signs not to exceed 64 square feet total area shall be permitted for subdivisions with more than 20 lots.
- E. There shall be no off-premise signs in the SR, GR, or MR Zoning Districts; provided, however, that off-premise signs shall be allowed on municipally owned property in the GR Zoning District, but only with the express approval of the Ishpeming City Council on a case-by-case basis. The Ishpeming City Council shall adopt rules and regulations for approved off-premise signs which may be placed or erected on municipally owned property in the GR Zoning District, which rules and regulations shall supercede all other rules and regulations in this Ordinance for such signs.
2. All Industrial, Commercial, and Business Districts.
- A. Total sign area shall be calculated as follows for establishments located in the NC (Neighborhood Commercial), GC (General Commercial), CBD (Central Business), and I (Industrial) districts.
1. Where one establishment occupies a site, one square foot of sign area shall be allowed per foot of site frontage.
 2. Where two or more establishments occupy the same site, each establishment shall be allocated one square foot of sign area per foot of adjusted site frontage. Adjusted site frontage is the ratio of the floor area occupied by the establishment to the total floor area on the site times the site frontage. In no case, including new establishments being added to previously developed sites, shall the total sign area exceed one square foot per foot of site frontage.
 3. For all establishments there shall be permitted 1/100 of a square foot of additional sign area for each of the first 3,000 square feet of floor area and 1/1,000 of a square foot of additional sign area for each remaining square foot of floor area.
- B. Only on-premise signs shall be permitted in the NC (Neighborhood Commercial) and CBD (Central Business) districts. Signs in the GC (General Commercial) and I (Industrial) districts may be on-premise or off-premise, but must meet all requirements of this ordinance.
- C. In no instance shall an establishment occupying all or part of the floor area be restricted to less than 40 square feet of signage, except that no site occupied by more than one tenant shall be allowed more than 80 square feet or the total area of signage allowed for the site, whichever is greater.

- D. Signs allocated to tenants of a shopping center shall be restricted to businesses which have a separate entrance providing public access to their premises. The formula for such businesses shall be the same as found in Section 12.2.A. However, these businesses shall be restricted to wall signs and canopy signs. In addition to the signs permitted above, one free standing shopping center identification sign shall be permitted. The area of the sign shall be 1/1,000th of a square foot of signage for each square foot of gross leasable floor area in the shopping center. This freestanding identification sign shall not exceed 30 feet in height nor shall the sign be restricted to less than 40 square feet.
 - E. For each office structure containing more than one tenant, a directory sign containing the names of all offices may be located at each common public entrance to the structure. Said directory signs shall not be larger than two square feet for each establishment, with maximum size of 20 square feet for each directory.
3. Special Requirements for Industrial and Business Districts.
- A. NC - In the Neighborhood Commercial districts, the size and number of signs allowed per site shall be as follows:
 - 1. Height and Area:
 - Pole Signs - not to exceed 20 feet in height nor 40% of the permitted sign area for the site.
 - Projecting Signs - not to exceed 24 square feet in area.
 - Ground Signs - not to exceed 75 square feet.
 - Wall Signs - no size restriction except as established in Section 12.2.A.
 - 2. In no case shall the total area of all signs on a site exceed that permitted in Section 12.2.A.
 - 3. Number. Not more than one pole, ground or projecting sign per site with no restrictions on the number of wall signs per site.
 - B. CBD - In the Central Business District the size and number of allowed signs per site shall be as follows:
 - 1. Height and Area:
 - Pole Signs - not to exceed 20 feet in height nor 50% of the permitted sign area for that site.
 - Projecting Signs - not to exceed 20 square feet in area.
 - Ground Signs - not to exceed 75 square feet.

Wall Signs - no size restrictions except as established in Section 12.2.A.

2. In no case shall the total area of all signs on a site exceed that permitted in Section 12.2.A.
3. Number. Not more than one pole, ground, or projecting sign per site with no restrictions on the number of wall signs per site.

C. GC - In the General Commercial District the size and number of allowed signs shall be as follows:

1. Height and Area:

Pole Signs - not to exceed 30 feet in height or 300 square feet in area, except a business with frontage on U. S. 41 highway sign shall not exceed 60 feet in height.

Projecting Signs - not to exceed 24 square feet in area.

Ground Signs - not to exceed 150 square feet in area except a business with frontage on U. S. 41 highway sign shall not exceed 300 square feet.

Wall Signs - no size restrictions except as established in Section 12.2.A.

2. In no case shall the area of all the signs on a site exceed that permitted in Section 12.2.A.
3. Number. Not more than one ground or pole sign per 300 feet of site frontage with no more than three projecting signs, and with no restrictions on the number of wall signs per site.

D. I - In the Industrial District the size and number of allowed signs shall be as follows:

1. Height and Area:

Pole Signs - not to exceed 60 feet in height or 300 square feet in area.

Projecting Signs - not to exceed 24 square feet in area.

Ground Signs - not to exceed 150 square feet in area.

Wall Signs - no size restrictions except as established in Section 12.2.A.

2. In no case shall the total area of all on-premise signs on a site exceed that permitted in Section 12.2.A.
3. Number. Not more than one pole or ground sign per 300 feet of frontage with not more than three projecting signs and with no

restrictions on the number of wall signs per site.

4. Standard outdoor advertising structures, in addition to the above, which conform to the following regulations.
 - a. No standard outdoor advertising structure may be erected within 100 feet of any public park, recreation ground, lake, stream, school, church, or residential lot located on the same side of the street.
 - b. No standard outdoor advertising structure shall be located within 100 feet of any intersection.
 - c. Standard outdoor advertising structures may have one or two faces. Said faces may be placed back to back if not more than 36 inches apart, or may be placed in a "V" with a maximum angle of 30 degrees and a maximum separation of 30 inches at the vertex.
 - d. No standard outdoor advertising structure shall exceed 300 square feet in area.

4. Mining and Deferred Development Districts (MI & DD)

- A. Business uses in the MI and DD districts shall meet the following sign requirements:
 1. Height and Area:

Pole Signs - not to exceed 30 feet in height or 150 square feet in area.

Projecting Signs - not to exceed 20 square feet in area.

Ground Signs - not to exceed 150 square feet.

Wall Signs - no size restrictions except as established in Section 12.2.A.
 2. In no case shall the area of all advertising signs on a site exceed that permitted in Section 12.2.A.
 3. Number. Not more than one pole, ground or projecting sign per site with no restrictions on the number of wall signs per site.
- B. Signs for residential uses shall meet the requirements for signs in the residential district (see Section 12.1).
- C. For all non-business and non-residential uses in these districts, one of the following shall be permitted per site:
 1. Ground signs - not to exceed 20 square feet.
 2. Pole signs - not to exceed 20 square feet.

3. Projecting signs - not to exceed 20 square feet.
 4. Wall signs - not to exceed 40 square feet.
- D. There shall be no off-premise signs.
5. Planned Unit Development District (PUD). Unless the approved site plan for the Planned Unit Development District specifies otherwise, the following regulations shall apply to each site.
 - A. One sign not to exceed 20 square feet shall be permitted for each street providing access to the site. These signs shall be for identification of the development and its components.
 - B. One residential nameplate not to exceed two (2) square feet shall be permitted for each residential structure.
 - C. For each non-residential use, the sign design and size shall be as specified in the approved PUD plan (see Section 20.0 of the Ishpeming City Zoning Ordinance).

Section 13.0. Non-conforming Signs and Abandoned Signs. Non-conforming signs are those which do not comply with size, placement, construction, or other provisions or regulations of this ordinance, but which were lawfully established prior to the adoption of this ordinance. It is the intent of this ordinance to discourage the continuation of non-conforming signs and to encourage their removal by whatever lawful means available.

1. The display face of a non-conforming sign may be modified as necessary to renew or update the message.
2. Non-conforming signs shall not be structurally altered or repaired so as to prolong life of the sign or so as to change the location, shape, or size of the sign.
3. Non-conforming signs requiring structural repair to make them safe shall be removed.
4. Abandoned signs shall be removed by the property owner or the City within 30 days after abandonment, determined as follows:
 - A. Any sign which pertains to an event, time or purpose which took place more than 30 days earlier shall be deemed to be abandoned.
 - B. Any sign which is located on property which becomes vacant and unoccupied or is applicable to a business which has been temporarily suspended because of a change in ownership or management shall not be deemed abandoned unless the property remains vacant or the business remains inactive for a period of six months.
5. Changes or additions shall not be made to any signs on a site so as to increase their total non-conformity.

Section 14.0. Maintenance. Every sign shall be maintained in a safe structural condition at all times, including the replacement of defective parts and peeling, faded or broken display faces and structural members.

1. The repainting of any portion of a sign structure or the periodic changing of a bulletin board or billboard panel or the renewing of copy which has been made unacceptable or unusable by ordinary wear shall be permitted on all signs. No permit shall be required.
2. The replacing or repairing of non-structural portions of a sign shall not require a permit.
3. Structural alterations, repair or replacement shall require a permit.

Section 15.0. Sign Removal.

1. The Sign Official shall order the removal of any sign for which no permit has been issued or any sign erected, maintained or existing in violation of this ordinance.
2. The Sign Official shall notify the property owner by certified mail describing the sign and specifying the violation involved.
3. The property owner shall remove said sign or initiate an appeal within fifteen (15) days of receipt of the letter. An appeal stays all proceedings unless the official from whom the appeal is taken certifies to the Board of Appeals that a stay would cause imminent peril to life or property.
4. If, at the expiration of time limit in said notice, the owner has not complied with the requirements thereof or appealed the decision of the Sign Official, the Sign Official shall carry out the requirements of the notice. The cost of such abatement shall be charged against the premises and the owner thereof and shall constitute a lien against the property, such lien to be of the same character and effect as the lien created by State Law for collection of delinquent City real property taxes and enforced in the same manner.

Section 16.0. Dangerous Signs. If a sign presents imminent danger to life or property, the sign owner or, if the owner cannot be reached, a responsible City official shall take immediate action as is necessary to remove the danger.

Section 17.0. Administration.

1. The City Manager shall appoint a Sign Official. The Sign Official shall be responsible for the administration of this ordinance. He shall have all administrative powers not specifically assigned to some other officer or body.
2. The Sign Official shall review all permit applications and site plans for compliance with the provisions of this ordinance or any written order from the Board of Appeals or Planning Commission. The Sign Official shall have no power to vary or waive ordinance requirements.

3. The Sign Official shall keep records of all official actions, all of which shall be a public record.
4. The Sign Official shall have the power to make inspections of buildings and premises necessary to carry out all duties in the enforcement of this ordinance.
5. The Sign Official shall collect such permit and inspection fees as determined by the City Council.
6. If the Sign Official shall find that any of the provisions of this ordinance are being violated, the Sign Official shall notify in writing the person responsible for such violation, indicating the nature and location of the violation and ordering the action necessary to correct it.
7. The Sign Official shall forward an analysis of site factors and other information pertaining to any appeal or request to the appropriate body. The analysis may include a recommendation for action.

Section 18.0. Appeals.

1. The Board of Appeals, as provided in the Zoning Ordinance, shall constitute the Board of Appeals to pass on matters pertaining to the terms of this ordinance. The term of office, quorum, meetings, records, and procedures shall be as specified in the Zoning Ordinance.
2. Any person aggrieved or any officer of the City may take an appeal to the Board of Appeals from any decision of the Sign Official.

Section 19.0. Enforcement.

1. False Statements. Any sign compliance statement based on any false statement in the application or supporting documents is absolutely void ab initio and shall be revoked. No sign compliance statement shall remain valid if the use or structure it authorizes becomes non-conforming. The Sign Official shall not refuse to issue a sign compliance statement when conditions imposed by this and other City Ordinances are complied with by the applicant despite violations of contracts, such as covenants or private agreements which may occur upon the granting of said permits.
2. Violations and Penalties. Any person who violates any provision of this ordinance, or any amendment thereto, or who fails to perform any act required hereunder, or who commits any act prohibited hereunder, or who fails to comply with any order issued by the Sign Official, is responsible for a municipal civil infraction. A person, firm, or corporation determined to be responsible or responsible "with explanation" for a municipal civil infraction shall be subject to a civil fine of not more than One Hundred (\$100.00) Dollars plus costs, and if applicable, damages and expenses as provided by law. A municipal civil infraction action brought for any violation of this ordinance shall follow the procedures set forth in Act No. 12, P.A. 1994, as amended, and a Defendant charged with a municipal civil infraction violation shall have all of the rights, duties, responsibilities, and obligations set forth therein. Each and every day on which any violation is committed or permitted to continue

shall constitute a separate offense and shall be punishable as such hereunder. Every violation of this ordinance is hereby declared to be a public nuisance per se.

3. Procedures for Reporting Violations. Apparent violations may be reported to the Sign Official by any citizen.

Section 20.0. Effective Date and Repeal of Prior Sign Regulations. This ordinance shall take effect ten days after adoption by the City Council and publication. Section 19.E of the Ishpeming Zoning Ordinance, adopted on December 19, 1987, is hereby repealed as of the effective date of this ordinance. The repeal of the above section does not affect or impair any act done, offense committed, or right occurring, accrued or acquired or liability, penalty, forfeiture or punishment incurred prior to the time of such appeal.

Adopted: June 3, 1992
Published: June 8, 1992
Amended: June 8, 1994
Amended: March 11, 2009

ORDINANCE NO. 8-500

AN ORDINANCE TO PROVIDE FOR AND REGULATE THE PROTECTION OF GROUNDWATER RESOURCES IN THE CITY OF ISHPEMING

THE CITY OF ISHPEMING ORDAINS:

Section 8-501. PURPOSE

The City of Ishpeming has determined that:

1. Certain groundwater underlying the City is a source of the City's drinking water.
2. Groundwater aquifers are integrally connected with the surface water, lakes, and streams which constitute significant public health, recreational and economic resources of the City and surrounding area.
3. Spills and discharges of petroleum products, sewage and hazardous substances threaten the quality of the groundwater supplies and other water related resources, posing potential public health and safety hazards and threatening economic losses.

Therefore, the City of Ishpeming has enacted this overlay ordinance to initiate the following actions:

1. Preserve and maintain existing and potential groundwater supplies, aquifers, and groundwater recharge areas of the City, and to protect them from adverse land use development or land use practices.
2. Preserve and protect sources of drinking water supply for public health and safety.
3. Conserve the natural resources of the City and the surrounding area.
4. Provide a level of protection of the financial investment that the City has in its drinking water supply.
5. Assure that state regulations which help protect groundwater are implemented consistently when new or expanded development proposals are reviewed.

Section 8-502. DEFINITIONS

1. **AQUIFER:** Means a geologic formation, group of formations or part of a formation capable of storing and yielding a significant amount of groundwater to wells or springs.
2. **BEST MANAGEMENT PRACTICES:** Means measures, either managerial or structural, to prevent or reduce pollution inputs to soil, surface water or groundwater.
3. **DEVELOPMENT:** Means the construction, reconstruction, or alteration of surface or structure or change of land use or intensity of use.
4. **ENVIRONMENTAL CONTAMINATION:** Means the presence or release of a hazardous substance or other substance in a quantity which is or may become injurious to the environment, or to the public health, safety, or welfare.
5. **FACILITY:** Means any building, structure, installation or property from which there may be a discharge of a hazardous substance.
6. **HAZARDOUS SUBSTANCE:** Means a chemical or other material which is or may become

injurious to the public health, safety, or welfare, or to the environment. The term "hazardous substance" includes, but is not limited to, each of the following:

- a. Hazardous Substances as defined in the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, Public Law 96.510, 94 State. 2767.
 - b. Hazardous Waste as defined in Part 111 of the State of Michigan Natural Resources and Environmental Protection Act, 1994 Public Act 451, as amended.
 - c. Regulated Substance as defined in Part 213 of the State of Michigan Natural Resources and Environmental Protection Act, 1994 Public Act 451, as amended.
 - d. Hazardous Substance as defined in Part 201 of the State of Michigan Natural Resources and Environmental Protection Act, 1994 Public Act 451, as amended.
 - e. Used oil.
 - f. The waste or discharge produced by animal or mineral food processing plants and feedlots.
7. PRIMARY CONTAINMENT FACILITY: Means a tank, pit, container, pipe, or vessel of first containment of a hazardous substance.
 8. SECONDARY CONTAINMENT FACILITY: Means a second tank, catchment pit, or vessel that limits and contains liquid or hazardous substance leaking or leaching from a primary containment area. Containment systems shall be constructed of materials of sufficient thickness, density and composition to prevent environmental contamination of land, groundwater or surface water.
 9. UNDERGROUND STORAGE TANK SYSTEM: Means a tank or combination of tanks, including underground pipes connected to the tank or tanks, which is, was, or may have been used to contain an accumulation of hazardous substances, as defined in Part 213 of the State of Michigan Natural Resources and Environmental Protection Act, 1994 Public Act 451, as amended.
 10. USED OIL: Means any oil which has been (a) refined from crude oil, (b) used, and (c) as a result of such use is contaminated by physical or chemical impurities.
 11. WELL: Means a permanent or temporary opening in the surface of the earth for the purpose of removing fresh water, testing water quality, measuring water characteristics, liquid recharge, waste disposal, or dewatering purposes during construction, as defined in the Michigan Water Well Construction and Pump Installation Code, Part 127, Act 368 of the Public Acts of 1978, as amended, and rules.
 12. WELLHEAD PROTECTION AREA (WHPA): Means the area around and up gradient from the public water supply wells delineated by the ten-year travel time contour capture boundary.
 13. WELLHEAD PROTECTION OVERLAY ZONE: Means the Wellhead Protection Area as outlined on the overlay zoning map.

Section 8-503. PRINCIPAL LAND USES PERMITTED, PROHIBITED

Proposed land use is specified by applicant and confirmed by the City Planning

Commission. Permitted land uses in the Wellhead Protection Overlay Zone include all permitted uses as allowed in the City Zoning Ordinance, except for the following, which are prohibited:

- a. Petroleum product manufacturing (including coal).
- b. Commercial salvage yards and/or scrap processing.
- c. Oil and gas drilling.
- d. Vehicle maintenance services, including public and private garages.
- e. Chemical and paint manufacturing operations.
- f. Laundry and dry cleaner operations.
- g. Electronic equipment manufacturing operations.
- h. Electro-plating and chemical coating operations.

Section 8-504. GENERAL PROVISIONS

These provisions shall apply to all properties within the Wellhead Protection Overlay Zone, including private, commercial, industrial, residential and public properties, which use includes the storage or generation of hazardous substances in quantities greater than 100 kilograms (approximately 220 pounds or 25 gallons) per month, and which require site plan review under provisions of this ordinance or the Zoning Ordinance of the City of Ishpeming. The General Provisions apply to entire property parcels, providing a parcel is at least partially included in the Wellhead Protection Overlay Zone.

1. Groundwater Protection Standards.

- a. Every building and structure and all related improvements shall be designed to protect the natural environment, including lakes, ponds, streams, wetlands, flood plains and groundwater, and to ensure the absence of an impairment, pollution, and/or destruction of water, natural resources, and the public trust therein.
- b. Storm water management and drainage facilities shall be designed to retain the natural retention and storage capacity of any wetland, water body, or watercourse, and shall not increase flooding, or the potential for environmental contamination, on-site or off-site, and shall not result in loss of the use of property by any third party.
- c. Industrial facilities with a point source discharge of storm water shall maintain a Storm Water Pollution Prevention Plan in accordance with applicable state and federal regulations.
- d. General purpose floor drains shall be connected to a public sewer system, an on-site holding tank, or a system authorized through a state surface or groundwater discharge permit. If connected to the public sewer system then the volumes and concentrations of waste discharged to the floor drain may require compliance with the City's Industrial Pretreatment Ordinance.
- e. Sites that at any time use, store or generate substances in quantities greater than 100 kilograms that include hazardous substances shall be designed to prevent spills and unpermitted discharges to air, surface of the ground, groundwater, lakes, streams, rivers or wetlands.
- f. State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances and polluting materials shall be met. No discharges to groundwater, including direct and indirect discharges, shall be allowed without applicable permits and approvals.
- g. Bulk storage of pesticides shall be in accordance with applicable county,

state and federal regulations.

2. Above-ground Storage and Use Areas for Hazardous Substances

- a. Primary containment of hazardous substances shall be product tight.
- b. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance. Products held in containers with a volume of less than 40 gallons and packaged for retail use shall be exempt from this item.
- c. Outdoor storage of hazardous substances shall be prohibited except in product-tight containers which are protected from weather, leakage, accidental damage and vandalism, including an allowance of the expected accumulation of precipitation.
- d. Out buildings, storage rooms, sheds and pole barns which are utilized as secondary containment shall not have floor drains which outlet to soil, public sewer system, groundwater, or nearby drains or natural water bodies unless a surface or groundwater discharge permit has been obtained pursuant to applicable county, state and federal regulations.
- e. Areas and facilities for loading and unloading of hazardous substances, as well as areas where such materials are handled and stored, shall be designed and constructed to prevent unpermitted discharges to floor drains, rivers, lakes, wetlands, groundwater, or soils.

3. Underground Storage Tank Systems.

- a. Existing and new underground storage tanks shall be registered with the authorized state agency in accordance with applicable requirements of the U.S. Environmental Protection Agency and the Michigan Department of Environmental Quality.
- b. Installation, operation, maintenance, closure, and removal of underground storage tanks shall be in accordance with applicable requirements of the Michigan Department of Environmental Quality. Leak detection, secondary containment, corrosion protection, spill prevention and overflow protection requirements shall be met.

4. Well Abandonment. Out of service wells shall be sealed and abandoned in accordance with applicable state requirements.

5. Well Construction.

- a. Well drilling, construction and installation shall only be performed by State of Michigan Registered Well Drillers.
- b. Well construction shall be completed in accordance with Part 127 of Act 368 of the Public Acts of 1978, as amended, and the rules and regulations issued thereunder.
- c. Well construction shall include fully grouting the entire length of the well casing in accordance with Part 127 of Act 368 of the Public Acts of 1978, as amended, and the rules and regulations issued thereunder.

6. Sites With Contaminated Soils and/or Groundwater.

- a. Site plans shall take into consideration the location and extent of any contaminated soils and/or groundwater on the site, and the need to

protect public health and the environment.

- b. Information must be provided regarding the type, concentration and extent of identified contamination, land use deed restrictions and any remedial action plans.
- c. Excavation, drilling, direct-push and other earth penetration shall be sealed with grout, or with soil material exhibiting lower hydraulic permeability than the native soil.

7. Construction Standards.

- a. The general contractor, or if none, the property owner, shall be responsible for assuring that each contractor or subcontractor evaluates each site before construction is initiated to determine if any site conditions may pose particular problems for generating, handling, disposal or removal of any hazardous substance. For instance, handling hazardous substances in proximity to water bodies or wetlands may be improper.
- b. Hazardous substances stored on the construction site during the construction process shall be stored in a location and manner designed to prevent spills and unpermitted discharges to air, surface of the ground, groundwater, lakes, streams, rivers, or wetlands. Any storage container volume of over 40 gallons that contains a hazardous substance shall have secondary containment.
- c. If the contractor will be storing or handling hazardous substances that require a Material Safety Data Sheet (MSDS), the contractor shall familiarize him/herself with the sheet, and shall be familiar with procedures required to contain and clean up any releases of the hazardous substance.
- d. Upon completion of construction, all hazardous substances and containment systems no longer used or not needed in the operation of the facility shall be removed from the construction site by the responsible contractor and by the owner of the property if the contractor fails or refuses to do so, and shall be disposed of, recycled, or reused in a proper manner as prescribed by applicable State and Federal Regulations.
- e. Excavation, drilling, direct-push and other earth penetration shall be sealed with grout, or with soil material exhibiting lower hydraulic permeability than the native soil.

8. Maintenance.

In areas where hazardous substances are handled, structural integrity of the building must be maintained to avoid inadvertent discharge of chemicals to soil and groundwater. Cracks and holes in floors, foundations and walls must be repaired in areas where hazardous substances are handled or stored.

9. Exclusions.

- a. A limited exclusion from the General Provisions is hereby authorized for hazardous substances, as follows:
 - 1. The hazardous substance is packaged for personal or household use or is present in the same form and concentration as a product packaged for use by the general public.
 - 2. The total excluded substances containing hazardous substances may

not exceed fifty (50) gallons or four hundred (400) pounds at any time.

- b. A limited exclusion from the General Provisions is hereby authorized for non-routine maintenance or repair of property in the Wellhead Protection Overlay Zone, provided the uses are limited as follows:
 1. The aggregate of hazardous substances may not exceed fifty (50) gallons or four hundred (400) pounds at any time
 2. The total use of substances containing hazardous substances may not exceed one hundred (100) gallons or eight hundred (800) pounds at any time.

Section 8-505. SITE PLAN REVIEW REQUIREMENTS

1. Every site plan for a parcel of land located in or abutting the Wellhead Protection Overlay Zone shall specify location and size of interior and exterior area(s) and structure(s) to be used for onsite storage, use, load/unloading, recycling, or disposal of hazardous substances.
2. Specify location of all underground and above ground storage tanks for such uses as fuel storage, waste oil holding tanks, hazardous substance storage, collection of contaminated storm water or wash water, and all similar uses.
3. Specify location of existing and proposed wells.
4. Specify location of exterior drains, dry wells, catch basins, retention/detention areas, sumps, and other facilities designed to collect, store or transport storm water or wastewater. The point of discharge for all drains and pipes shall be specified on the site plan.
5. Specify areas on the site that the applicant has reason to believe are contaminated, together with a report on the status of any site remedial action plan and land use deed restrictions, if applicable.
6. Submit "City of Ishpeming State and County Environmental Permits Checklist".
7. Refer to Site Plan Review of the Zoning Ordinance of the City of Ishpeming for additional requirements.

Section 8-506. DETERMINATION OF APPLICABILITY

It shall be the responsibility of every person owning real property and/or owning and operating a business within the City corporate limits to make a determination of the applicability of this ordinance as it pertains to the property and/or business under his or her ownership or operation, and his or her failure to do so shall not excuse any violations of this ordinance.

Section 8-507. CONDITIONS FOR APPROVAL OR DENIAL OF SITE PLAN

The Zoning Administrator, upon reviewing a site plan for a parcel of land located within or abutting the Wellhead Protection Overlay Zone, shall take one of the following actions:

1. Approval - If the site plan meets all the Zoning Ordinance and related development requirements and standards and the requirements of this ordinance, the Zoning Administrator shall record such approval and shall sign three copies of the site plan, filing one in the official site plan file, forwarding one to the Building Inspector, and returning one to the applicant.

2. Disapproval - If the site plan does not meet Zoning Ordinance and related development requirements and standards or the requirements of this Ordinance, the Zoning Administrator shall record the reasons for denial. The applicant may subsequently refile a corrected site plan under the same procedures followed for the initial submission.
3. Conditional Approval - Conditions on approval of the site plan may be imposed, meeting the requirements specified in the City Zoning Ordinance or this ordinance, or both. All conditions must be:
 - a. designed to protect natural resources and the health, safety, and welfare of residents, neighbors, and the community as a whole;
 - b. related to the valid exercise of the police power;
 - c. necessary to meet the purposes of the Zoning Ordinance and this ordinance and related to the standards established in the Zoning Ordinance and this ordinance for the land use or activity under consideration.
4. Table - If the site plan is found to be in violation of requirements, incomplete with respect to necessary information or presenting a unique situation, the Zoning Administrator may table the site plan until a public hearing can be scheduled to determine specific improvement requirements the Zoning Administrator feels are necessary but the applicant is not in agreement with.

Section 8-508. EXEMPTIONS AND WAIVERS

The transportation of any hazardous substance shall be exempt from the provisions of this ordinance provided the transporting motor vehicle or rail is in continuous transit, or that it is transporting substances to or from a State licensed hazardous waste treatment, storage, or disposal facility.

Section 8-509. APPEALS

1. A property owner aggrieved by any action, order, or decision of the Zoning Administrator may appeal such decision or order to the City of Ishpeming Board of Zoning appeals, under the procedure set forth in Section 30 of the City of Ishpeming Zoning Ordinance. In hearing such appeal, the Board of Zoning Appeals shall follow the administrative standards set forth at Section 26 of the City of Ishpeming Zoning Ordinance, but shall be guided by the intent and requirements of both the Zoning Ordinance and this ordinance. The provisions of this section shall also apply to a public hearing held under Section 8-507(4).
2. No action may be taken or decision may be made by the Board of Zoning Appeals unless it finds, at a minimum, that the construction, use or activity contemplated by a site plan:
 - a. will not, during construction or thereafter, have an actual or potential adverse impact on any aquifer or recharge area in the district; and
 - b. will not actually or potentially adversely affect an existing or potential domestic or municipal water supply; and
 - c. is consistent with existing and probable future development of surrounding areas.

Section 8-510. PENALTIES AND COSTS

1. Falsifying Information.

Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this ordinance, or who falsifies, tampers with, or knowingly renders inaccurate any method required under this ordinance, shall be guilty of a misdemeanor, punishable by a fine not to exceed five hundred (\$500.00) dollars or by imprisonment in the Marquette County Jail for a period not to exceed ninety (90) days, or by both such fine and imprisonment, per each occurrence.

2. Violations.

Any person who is found to have violated any provision of this ordinance or any order, rule or regulation or any permit issued hereunder shall be guilty of a misdemeanor, punishable by a fine not to exceed five hundred (\$500.00) dollars or by imprisonment in the Marquette County Jail for a period not to exceed ninety (90) days, or by both such fine and imprisonment, per each occurrence.

Each day on which a violation shall occur, or continue to occur, shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the City may recover reasonable attorney's fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated this ordinance or any order, rule, regulation, or permit issued hereunder.

Any person or persons violating any of the provisions of this ordinance shall be liable to the City for all expense, loss, or damage caused by such violation. The City shall bill the person or persons for the costs incurred by the City caused by the violation.

Section 8-511. SEVERABILITY

If any provision, paragraph, word, section or article of this ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, and chapters shall not be affected and shall continue in full force and effect.

This ordinance shall become effective upon publication.

Adopted: March 6, 2002
Amended: May 1, 2002

ORDINANCE NO. 8-600
AN ORDINANCE REGULATING FENCES IN THE CITY OF ISHPEMING

THE CITY OF ISHPEMING ORDAINS:

Section 8-601. Definitions.

For the purpose of this Ordinance, the following terms are herewith defined.

Fence. Any permanent partition, structure, or gate erected as a dividing marker, barrier, or enclosure, including living hedges, bushes or shrubs, encircling wholly or any portion of any area.

Protective Measures Fence. A fence erected for the express purpose of protecting an enclosed area and the property therein, or a fence intended to deny access to a dangerous property or location.

Section 8-602. Requirements.

From and after the date of adoption of this Ordinance, it shall be unlawful for any property owner or occupant to construct or cause to have constructed or to repair or replace any fence upon any property within the corporate limits of the City of Ishpeming, except in accordance with the requirements and restrictions in this Ordinance.

Section 8-603. Permit.

Any person desiring to build or cause a fence to be built, planted, constructed, repaired, or replaced upon property within the corporate limits of the City of Ishpeming shall first apply to the Zoning Administrator for a permit to do so. Application for such permit shall contain the following:

- a) name and address of landowner;
- b) lot number, parcel tax I. D. number, or street address where fence is or will be located;
- c) photographs of existing fence, if any;
- d) drawing (plan view) of location of proposed new or replacement fence in relation to existing structures, lot lines, and adjacent public rights-of-way;
- e) drawing, photographs, or text description of proposed fence;
- f) summary of repairs proposed to be made to existing fence; and
- g) all other information that may be required after the Zoning Administrator reviews the above.

Every permit issued under the provisions of this Ordinance shall require completion of the installation, repair or replacement of the fence within six (6) months from the date of permit issuance. Failure to complete the work within the six (6) month period shall void the original permit and require either issuance of a permit extension not to exceed six (6) months, or

removal of the partially installed fence. If a permit extension is issued and the fence is not completed, repaired or replaced within the extended period, the Landowner shall remove all work done under the original permit and the extension within 30 days after expiration of the extension permit. A flower, fruit or vegetable garden less than 40 square feet in area shall not require a permit under this ordinance.

Section 8-604. Permit Fee.

Permit fees shall be set by the City Council for issuance of an original permit and for an extension permit.

Section 8-605. Zoning District Requirements.

- (a) In Residential Zoning Districts SR, GR, MR and in Neighborhood Commercial (NC), the following conditions shall apply:

Height. Fences shall not exceed six (6) feet in height.

Exceptions. On the street sides of corner lots, a fence may not exceed four (4) feet in height. A fence in a front yard shall not exceed four feet in height and may not have more than 50% of the fence area opaque.

Living Fence. A fence of living hedges, bushes or shrubs shall not exceed the eave height of the dwelling roof between the front line of the dwelling and the rear property line as defined in the Zoning Ordinance. Dead or diseased hedges, bushes, or shrubs shall be removed.

- (b) In Zoning Districts General Commercial (GC), Central Business District (CBD), Industrial (I), Deferred Development (DD), and Mining (M), the following conditions shall apply:

Height. Fences shall not exceed eight (8) feet in height.

Construction. Fences shall not have more than 50% of the fence area opaque.

Exception. A screening fence, as authorized or required by any City Ordinance or by any City administrative board or official, or by State law, may be opaque. A protective measures fence may be allowed pursuant to Section 8-607(b) below.

Section 8-606. General Fence Requirements.

- (a) Every fence must be located on the private property of the property owner or occupant constructing or installing the fence. A fence shall not be constructed in, on, or across any public street, alley, sidewalk, or public easement.
- (b) Every fence constructed or installed contiguous or adjacent to an alley shall not be closer than three (3) feet to the alley right-of-way line.

- (c) Fences shall be constructed with boards, chain link construction, or other suitable material firmly connected to posts sunk in the soil at least two (2) feet or more as necessary to properly support the fence.
- (d) The boards, chain link, or other material used in the building of a fence shall be fixed to that side of the posts nearest to the property line.
- (e) Electrically charged fences may only be constructed, installed, or maintained on parcels larger than five (5) acres. An electrically charged fence must be posted with at least three (3) conspicuous warning signs, giving notice that the fence is electrically charged.
- (f) Barbed wire, except in the Mining Zoning District (M) and in the Deferred Development Zoning District (DD) and except as permitted by the Board of Zoning Appeals on approved protective measure fences, is prohibited on all fencing.
- (g) A fence made up of individual strands of wire, rope or wooden boards must be parallel with the adjacent grade of the fence line. The individual strands of wire, rope, or wooden boards must be evenly spread between the top and bottom of the posts, and must be no more than six (6") inches apart.
- (h) Barb wire, concertina wire, and similar types of fence with sharp edges designed to injure, are prohibited, except as allowed under Sections 8-606(f) and 8-608(c) herein.

Section 8-607. Special Purpose Fences.

- (a) Swimming Pools. All permanent swimming pools with a water depth of three (3') feet or greater at any point shall be enclosed with a six (6') foot high fence, not closer than four (4') feet from the pool's edge on any side. Gates in the fence shall have a self-latching catch or lock located not closer to the base of the fence than four (4') feet and inaccessible from the outside to small children.
- (b) Protective Measures. A protective measures fence may only be erected upon a review and finding by the Board of Zoning Appeals of the need for such fence. A protective measures fence shall not exceed twelve (12') feet in height and may only be placed in Industrial, Deferred Development, and Mining zoning districts.

Section 8-608. Fence Maintenance.

- (a) All fences existing prior to adoption of this Ordinance, and any fences permitted under this Ordinance, shall be maintained so as not to endanger life or property. Any fence which, through lack of repair, type of construction, or otherwise, imperils life or property, shall be deemed a nuisance. The Zoning Administrator shall notify the owner of the property on which such fence is located of the existence of such nuisance. The owner must then abate said nuisance within fifteen (15) days of sending such notice. In the case of immediate danger to life or property, the Zoning Administrator may require immediate abatement.

- (b) An abatement under Section 8-608(a) above requiring repairs to 50% or more of a fence existing prior to the adoption of this Ordinance shall require total replacement of the entire existing fence. Replacement fences shall meet all of the requirements of this Ordinance.
- (c) Fences existing at the time of adoption of this Ordinance containing barb wire, concertina, or similar wire shall be removed upon notification from the Zoning Administrator. Such fences are deemed unsafe and are prohibited in the City of Ishpeming, except in the M and DD Zoning Districts, which are allowed under Section 8-606(f) above.

Section 8-609. Appeals.

Upon appeal in writing by the owner or owner's agent of any property and payment of a \$100 appeal fee to the City Clerk, the Board of Zoning Appeals of the City of Ishpeming may, after notice and a hearing, in the Board's discretion, change or alter the requirements of this Ordinance in individual cases. The Board shall only have the power to change or alter the requirements in this Ordinance where such action will not be contrary to the public interest or public safety and where, owing to special circumstances or conditions, a literal enforcement of the provisions of this Ordinance would result in practical difficulties or undue hardship. The Board may not allow any kind of fence which is prohibited under this Ordinance.

Section 8-610. Violation and Penalty.

Every person violating the provisions of this Ordinance shall be guilty of a misdemeanor, punishable by a fine not to exceed One Hundred (\$100.00) Dollars or imprisonment in the Marquette County Jail for a period not to exceed ninety (90) days, or by both such fine and imprisonment.

Adopted: June 8, 2011