

Article 3: General Provisions

Division 2: Non-Residential

Section 340 Accessory Buildings, Structures, and Uses

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

a. Relation to Principal Building

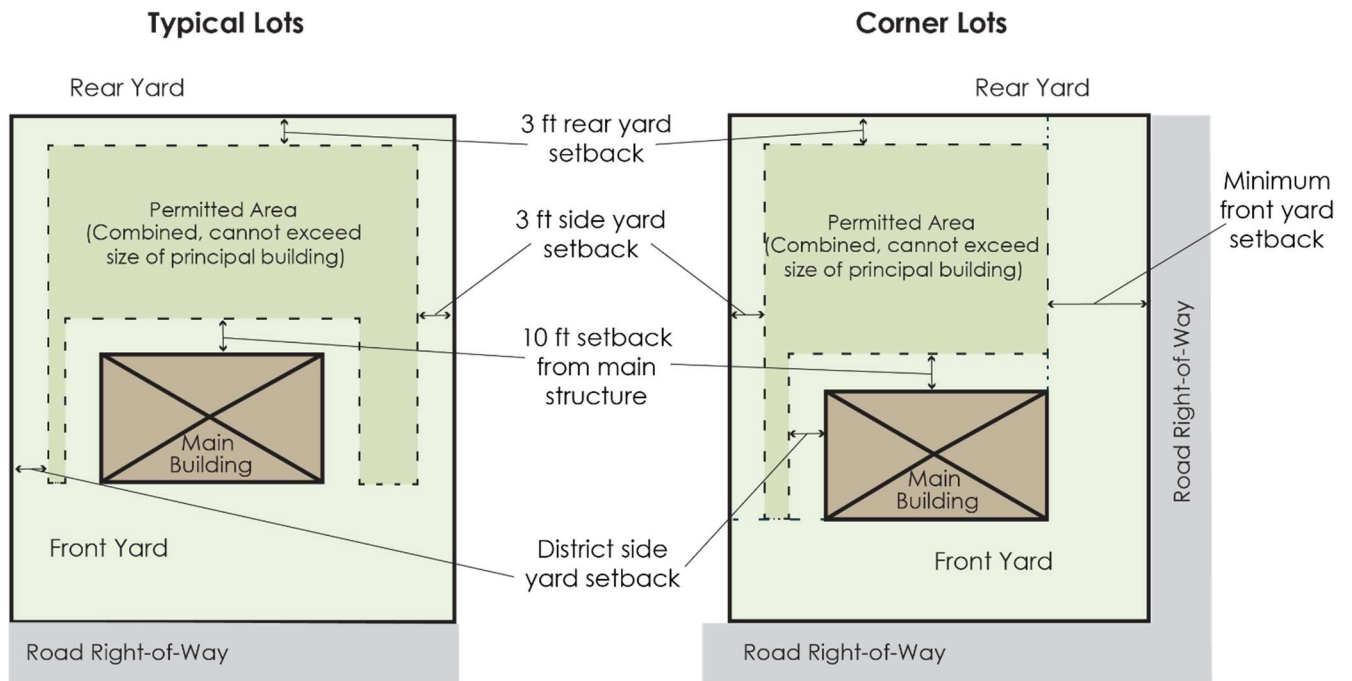
1. Accessory buildings, structures, and uses are permitted only in connection with, incidental to and on the same lot with, a principal building that is occupied by a use permitted in the particular zoning district.
2. No accessory building, structure, or use shall be occupied or utilized unless the principal structure to which it is accessory is occupied or utilized.
3. Detached accessory buildings shall be set back a minimum of ten (10) feet from the principal building.
4. A principal building must exist on the lot prior to the construction of accessory buildings.

b. Locations for Detached Accessory Buildings

1. Detached accessory buildings and structures shall only be located in the yards listed in below.
2. Accessory buildings shall not be located within a dedicated easement or right-of-way.
3. Temporary Car Ports/Tents and shipping/storage containers are not permitted as a detached accessory building.

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

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

Section 341 Adult and Child Care Facilities

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

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

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

Footnotes:

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

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

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

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

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

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

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

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

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

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

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

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

Section 342 Antennas and Towers

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

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

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

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

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

Section 343 Building Grades

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

Section 344 Determination of Similar Use

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

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

Section 345 Donation Boxes

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

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

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

Section 346 Essential Public Services

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

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

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

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

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

Section 348 Flagpoles

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

Section 349 Front Yard Requirements

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

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

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

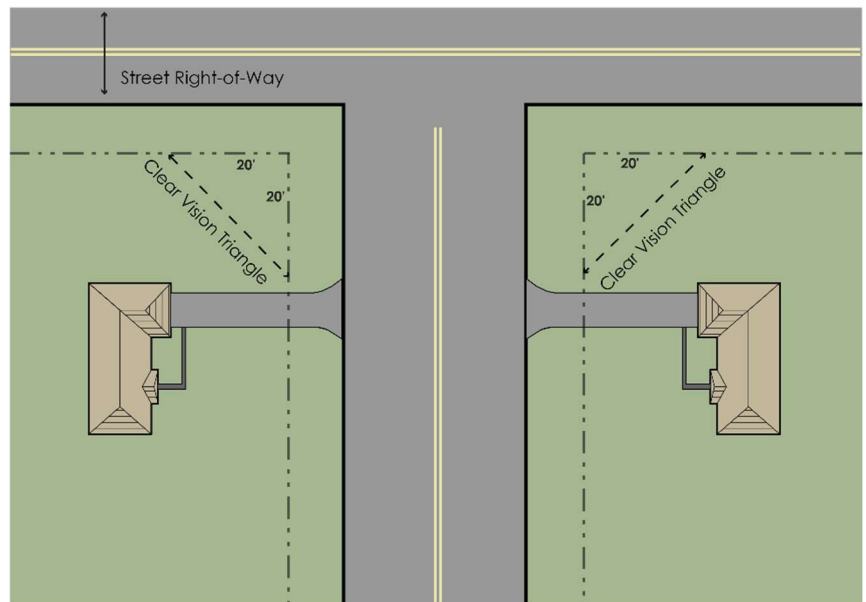
Section 351 Height Exceptions and Limitations

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

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

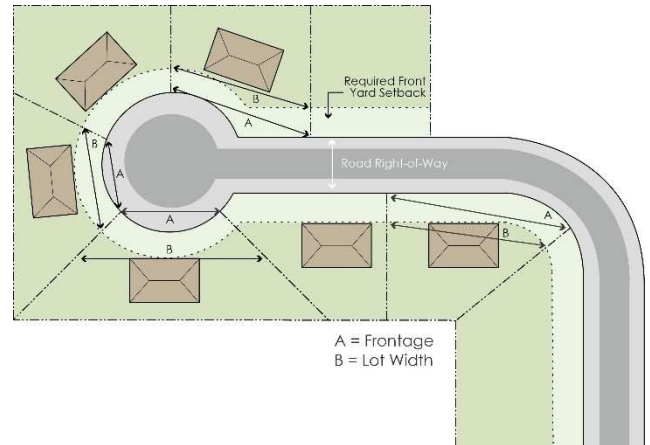
Section 352 Intersection Visibility

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



Section 353 Lot Area Allocation

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



Section 354 Lot Width/Depth Ratio

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

Section 355 Mechanical Equipment and Utilities

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

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

Section 356 Outdoor Dining

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

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

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

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

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

Section 357 Performance Standards

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

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

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

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

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

Source: American National Standards Institute

The following sources of noise are exempt:

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

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

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

Section 358 Principal Buildings, Structures, and Uses

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

Section 359 Private Road Standards

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

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

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

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

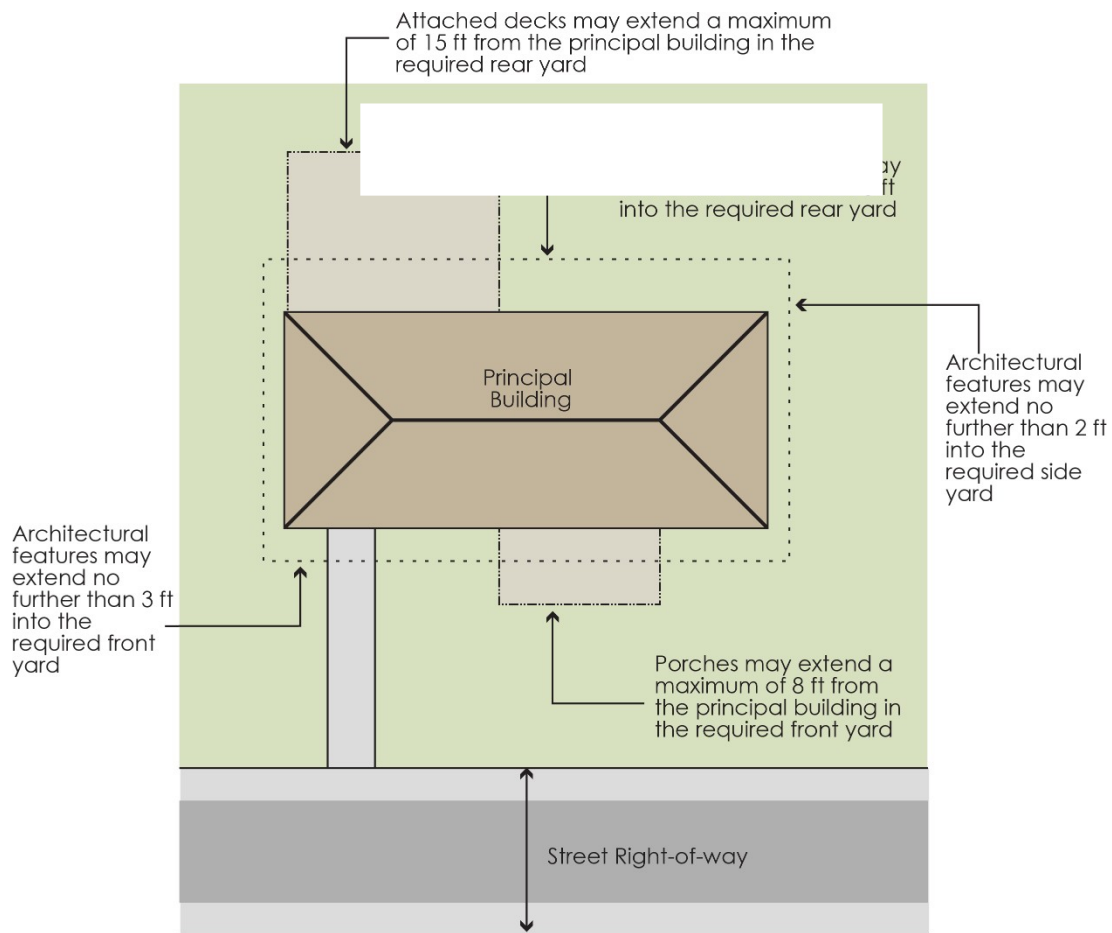
- j. The applicant shall submit a joint maintenance agreement or master deed in recordable form that runs with the land, binds benefiting parcels, and allows the City to make any repairs or conduct any maintenance it deems necessary, and charge the property owners or homeowners association served by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

Section 360 Projections into Yards

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

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



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

Section 361 Sidewalks, Bikepaths, and Walkways

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

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

Section 362 Walkways from Parking Areas to Building Entrances

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

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

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

Section 363 Solar Panel Energy Systems

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

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

Section 364 Storage and Repair of Vehicles

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

Section 365 Street Access and Design

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

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

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

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

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

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

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

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

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

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

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

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

Section 367 Temporary Sales Stand

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

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

Section 368 Voting Place

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

Section 3699 Waste Receptacles and Enclosures

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

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