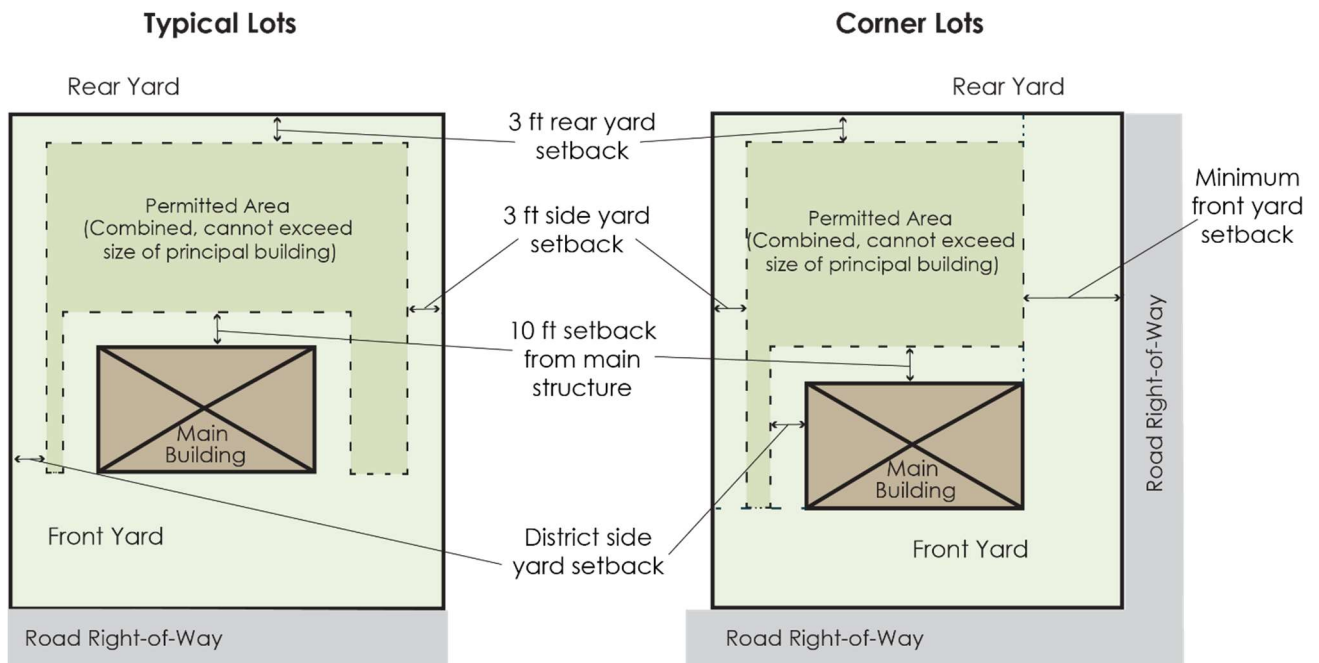


Article 3: General Provisions  
Division 1: Residential Districts

## Section 300 Accessory Buildings, Structures, and Uses

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

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



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

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

**Section 301      Accessory Dwelling Units (ADU)**

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

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

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

**Section 302 Adult and Child Care Facilities**

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

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

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

Footnotes:

<sup>1</sup>The 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.

<sup>2</sup>Since 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.

<sup>3</sup>Documentation of such compliance with State requirements shall be provided.

<sup>4</sup>The site shall comply with the sign provisions of Article 4, Division 4, Signs.

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

<sup>6</sup>The 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.

<sup>7</sup>Documentation 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.

<sup>8</sup>There 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.

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

<sup>10</sup>The 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.

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

<sup>12</sup>A State-licensed residential adult or child care facility existing prior to the effective date of this Ordinance (April 20<sup>th</sup>, 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 20<sup>th</sup>, 2023), shall be considered an approved special land use, provided such use conforms with the conditions of this Section. Any change in class of the use to a larger care facility shall require approval in accordance with the requirements of this Ordinance. Any modification to the use

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

### Section 303     Antennas and Towers

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

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

### Section 304 Building Grades

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

### Section 305 Determination of Similar Use

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

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



### Section 306 Electric Distribution and Service Lines

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

### Section 307 Essential Public Services

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

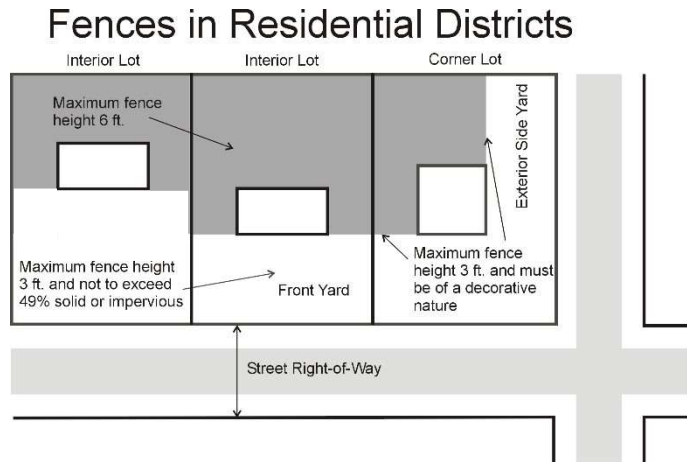
### Section 308 Fences and Walls (*Also see Article 4, Division 3, Landscape Standards and Tree Replacement*)

#### General Requirements

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

Residential Districts

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



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

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

Section 309 Flagpoles

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

Section 310 Front Yard Requirements

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

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

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

### Section 312 Height Exceptions and Limitations

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

### Section 313 Home Occupations

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

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

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

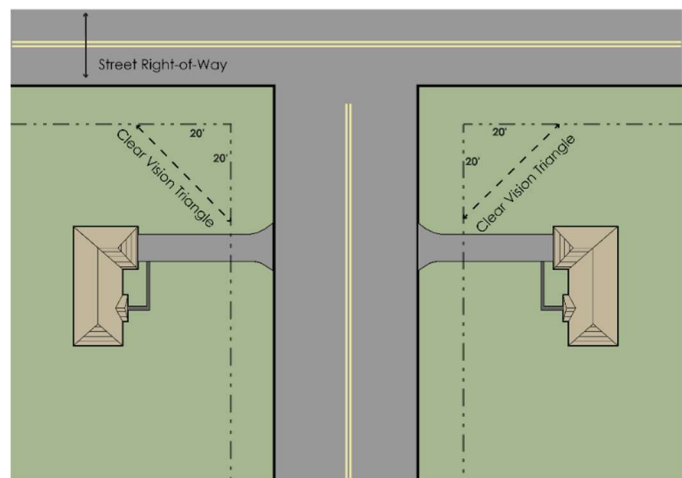
### Section 314 In-Home Office

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

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

### Section 315 Intersection Visibility

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



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

## Section 316 Keeping of Animals

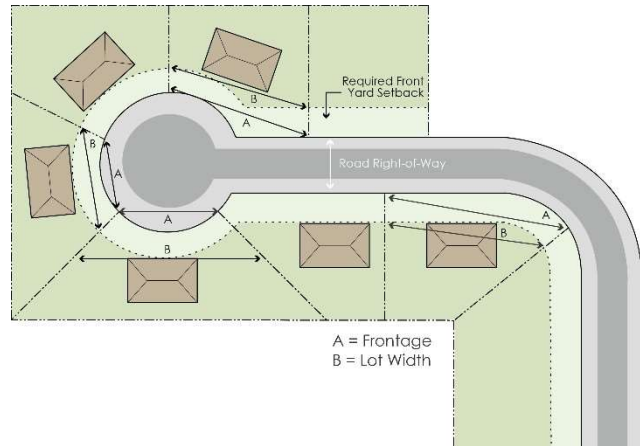
- a. The keeping of household pets, including dogs, cats, rabbits, fish, birds, hamsters, and other animals generally regarded as household pets is permitted as an accessory use in any residential district. Waterfowl, hens, roosters, wolves, and foxes shall not be regarded as household pets. However,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

## Section 317 Lot Area Allocation

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

### Section 318 Lot Width/Depth Ratio

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



### Section 319 Mechanical Equipment and Utilities

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

### Section 320 Principal Buildings, Structures, and Uses

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

### Section 321 Private Road Standards

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

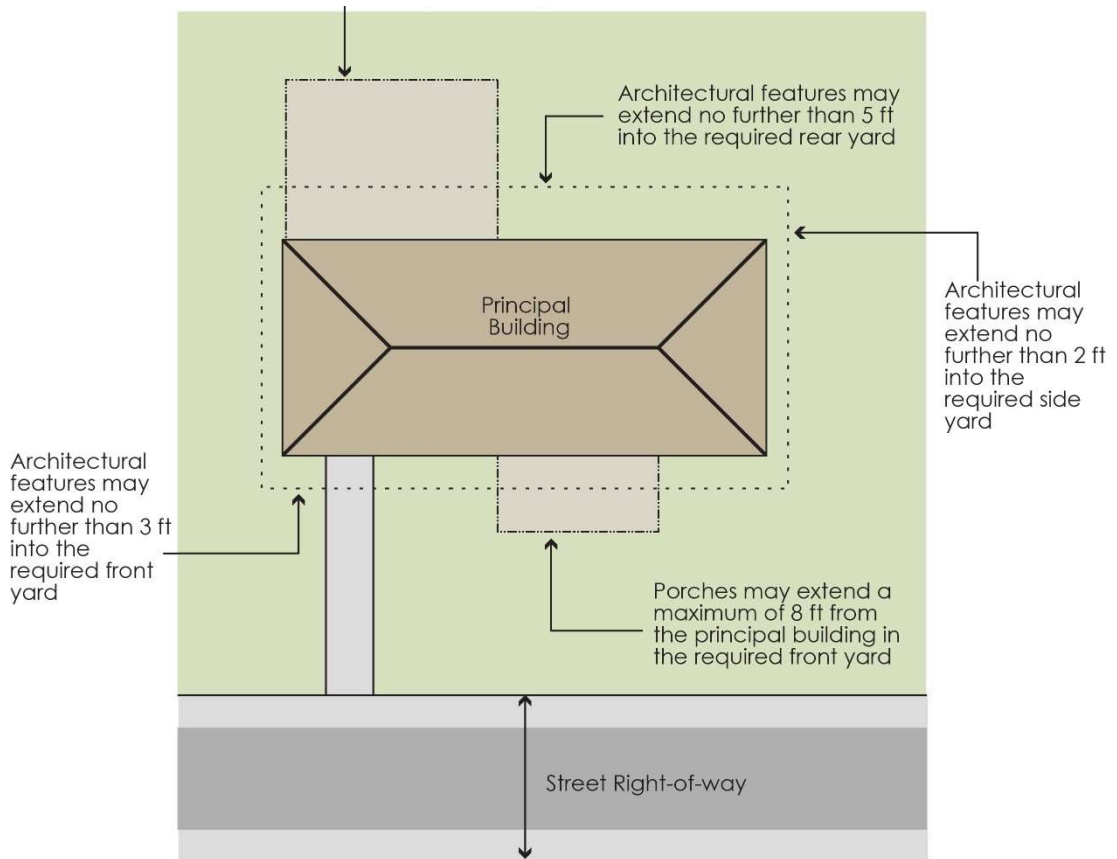
topography which would render construction of public streets under City standards for grades, radii, width, and/or materials impractical.

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

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

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

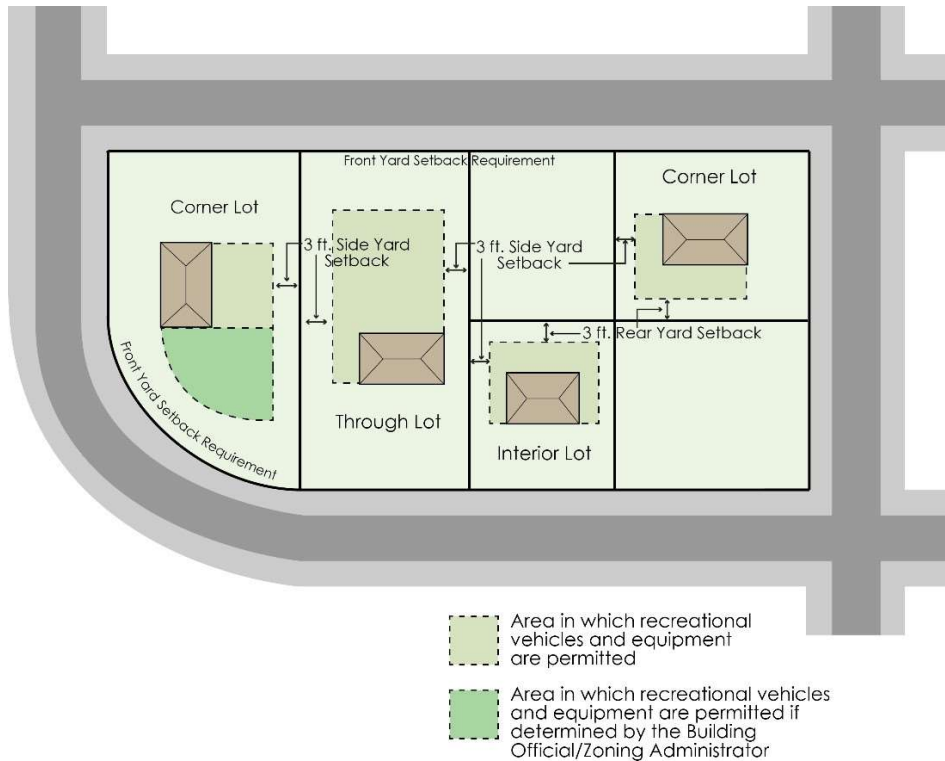
- b. Projection of building appurtenances such as unenclosed porches, patios, decks, balconies, stoops, window awnings, or similar features which are elevated six (6) inches or more above grade, into a required side yard shall be prohibited. An unenclosed porch, patio, deck, stoop, balcony, or window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



### Section 323 Recreational Equipment and Vehicle Parking and Storing

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





a. Location Standards

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

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

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

### Section 324 Recreational Vehicle as a Dwelling Unit

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

### Section 325 Short-Term Rentals (STR)

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

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

c. Definitions Specific to Short-Term Rentals:

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

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

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

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

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

### Section 326 Sidewalks, Bikepaths, and Walkways

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

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

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

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

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

### Section 328 Solar Panel Energy Systems

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

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

## Section 329 Storage and Repair of Vehicles

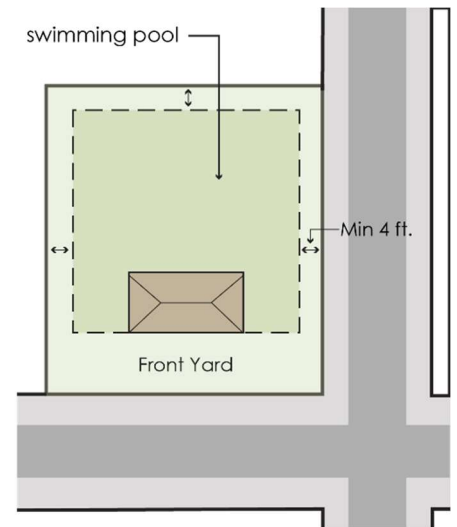
- a. The parking of commercial vehicles, as defined in Article 1, Division 2: Definitions, shall be prohibited in all zoning districts except Commercial and Industrial Districts, unless otherwise permitted.
- b. Commercial vehicles shall not be permitted in a Residential District except as permitted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

### Section 330 Street Access and Design

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

### Section 332 Swimming Pools

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





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

### Section 324 Voting Place

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