

Article 5: Approval Procedures
Division 3: Conditional Land Use

Section 540 Intent

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

Section 541 Standards for Approval

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

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

Section 542 Requirements and Standards of Approval

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

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

Section 543 Validity of Conditional Land Use Approval

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

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

Section 544 Conditional Land Use Specific Requirements

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

1. Automobile Washes, Automatic or Self-service

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

2. Automobile or Boat Dealerships, new or used

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

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

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

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

4. Campground/RV park

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

5. Duplex

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

6. Expansion of Apartment within an Existing Building

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

7. Health/Fitness/Exercise Center

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

8. Funeral Homes and Mortuary Establishments

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

9. Garden Centers

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

10. Golf Driving Ranges and Miniature Golf Courses

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

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

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

11. Pet Boarding Facilities

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

12. Storage Facilities/units

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

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Administrator or Planning Commission. All roofs must be pitched.

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

13. Townhouse

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

14. Upper floor residential dwellings

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

15. Veterinary Hospitals

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

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

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