

46. Church: A **building** whose primary purpose is the regular assembly for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all **accessory buildings** and uses customarily associated with such primary purpose.
47. Clinic, Medical or Dental: An establishment where patients are admitted for examination and treatment on an outpatient basis by one or more physicians, dentists or other medical personnel, psychologists, or social workers and where patients are not lodged overnight.
48. Co-Location: The location of two or more wireless communication providers of **Wireless communication facilities** on a common structure, tower, or **building**, to reduce the overall number of structures required to support wireless communication antennas within the City .
49. Co-Location, Feasibility of: That the wireless communication provider or property owner where **co-location** is proposed will accept market rent or other market compensation for **co-location** and the wireless communication provider seeking the facility will pay such rates; the site on which **co-location** is being considered is able to provide structural support; and the **co-location** is considered technically reasonable.
50. Commercial Vehicle: A vehicle licensed as a **commercial vehicle** registered to do **business** in the State of Michigan.
51. Compatible: **Uses** that are able to exist or act together harmoniously, or **uses** that are capable of being used with or are consistent with the intent of a zoning district. The listed conditional uses within a zoning **district** are generally **compatible** with the permitted **uses** of the district.
52. Compatible: The exterior appearance of a structure or building is not at variance with other buildings from an aesthetic and architectural standpoint as to cause:
1. A difference to a degree to cause incongruity.
 2. A depreciation of neighborhood values or adjacent property values.
 3. A nuisance being an unsightly building exterior.
53. Conveyance: An instrument or deed transferring a title or property.
54. Conditional Use Permit: A permit issued by the Planning Commission to a person or persons intending to undertake the operation of a use upon land or within a structure or **building** specifically identified in the affected Zoning **District** under Conditional Uses Authorized by Permit. These Conditional Uses possess unique characteristics and are found to be not injurious to the health, safety, convenience, and general welfare of the City's inhabitants.

55. Condominium: A **building** or group of **buildings** in which **dwelling units, offices, or floor area** are owned individually and the common areas, facilities and in some cases the structures are owned by the owners on a proportional, undivided basis.
56. Condominium Act: Public Act 59 of 1978, as amended.
57. Condominium Subdivision Plan: The site, survey and utility plans; **floor** plans and section, as appropriate, showing the existing and proposed structures and improvements including the location thereof on the land. The **condominium subdivision plan** shall show the size, location, area, boundaries' acreage and volume for each **condominium unit** composed of enclosed air space. A number shall be assigned to each **condominium unit**. The **condominium subdivision plan** shall include the nature, location, and approximate size of the common space elements.
58. Condominium Unit: That portion of the **condominium** project designed and intended for separate ownership and use, as described in the **master deed**.
59. Consolidating Master Deed: The final amended **master deed** for a **contractible site condominium, and Expandable site condominium** project for a **site condominium** project containing convertible land or convertible space, which final amended **master deed** fully describes the **condominium** project as completed.
60. Contiguous Property: Any portion of an individual's **lot** or property which can be identified as one parcel, including those properties in the same ownership which would otherwise be touching except for a public **right-of-way** or easement running through them. Property which is joined at a common point is not considered **contiguous property**.
61. Contractible Site Condominium: A **site condominium** project from which any portion of the submitted land or **building** may be withdrawn pursuant to express provisions in the **site condominium** documents and in accordance with this Ordinance and the **Condominium Act**.
62. Contractor Yard: An area intended for the temporary or long-term storage of materials and equipment used for construction, road building, and forestry operations.
63. Convenience Mart: A retail establishment offering for sale prepackaged food products, household items, newspapers and magazines, and sandwiches and other freshly prepared foods for both off-site or on-site consumption with limited

indoor/outdoor seating, along with the retail sale of fuels and other operating commodities for motor vehicles.

64. Convenience Store: A retail establishment offering for sale prepackaged food products, household items, newspapers and magazines, and sandwiches and other freshly prepared foods, such as salads, for off-site or on-site consumption with limited indoor seating.
65. Conversion Site Condominium: A **site condominium** project containing **site condominium units** some or all of which were **occupied** before the establishment of the **site condominium** project.
66. Convertible Area: A unit or portion of the common elements of the **site condominium** project referred to in the **site condominium** documents within which additional **site condominium units** or general or limited common elements may be created pursuant to express provisions in the **site condominium** documents and in accordance with this Ordinance and the **Condominium Act**.
67. District: A portion of the incorporated area of the City within which certain regulations and requirements of various combinations thereof apply uniformly under the provisions of this ordinance.
68. Drainfield: That part of the **on-site sewage disposal system** that distributes the overflow of effluent from a **septic tank** or other sewage treatment facility in an arrangement of absorption trenches, dry wells, or seepage beds below the ground surface, so as to allow the effluent to be absorbed by the surrounding soil.
69. Drive-Through/ Drive-In Use: A **use**, either as primary or accessory to a **business**, with driveways and approaches so developed and designed so as to serve its patrons while in the motor vehicle, or permit patron self-service from the exterior of the place of **business**.
70. Dwelling Unit: A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.
71. Dwelling, Single-Family: A **dwelling unit** designed exclusively for and **occupied** exclusively by one family.
72. Dwelling, Two-Family: A **building** containing two single-family **dwelling units** totally separated from each.
73. Dwelling, Multiple-Family: A **building** containing three or more single-family **dwelling units**, totally separated from each, including units that are located one over the other.

74. Dwelling, Upper Floor, Commercial: A **dwelling unit** located on the upper floors of a commercial establishment with an outside entrance allowing the occupants to come and go without entering the commercial establishment. There may be more than one **dwelling unit** associated with a single commercial establishment.
75. Engine Sales and Service: The sale and repair via inspection, diagnoses and repair on small engines, which includes automobile, and specialized equipment such as mowers, edgers, pumps, compressors, sprayers, snow blowers, generators, and other similar equipment.
76. Erected: Any physical operations on the premises required for the construction or moving on and includes construction, reconstruction, alteration, **building**, **excavation**, fill, drainage, installation of utilities and the like.
77. Essential Services: The erection, construction, alteration, or maintenance by public utilities or municipal departments of underground, surface or overhead gas, communication, telephone, electrical, steam, fuel or water transmission or distribution systems, collections, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories in connection therewith which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general public health, safety, convenience, or welfare, but not including **office buildings**, electrical substations, **wind turbines**, receiving or transmission towers, or structures which are enclosures or shelters for service equipment or maintenance depots.
78. Excavation: Any breaking of ground, except common household gardening, general farming, and ground care.
79. Expandable Site Condominium: A **site condominium** project to which additional land may be added pursuant to express provision in the **site condominium** documents and in accordance with this Ordinance and the **Condominium Act**.
80. Family: An individual or two or more persons related by blood, marriage, or adoption, or parents along with their direct lineal descendants and adopted or foster children, or a group not to exceed three persons not related by blood or marriage, occupying a premises and living as a single cooking, sleeping, bathroom and housekeeping unit. Every additional group of three or less persons living in such housekeeping unit shall be considered a separate **Family** for the purpose of this Ordinance. Said definition shall not apply in instances of group care centers, or state licensed residential facilities as established under P.A. 396 of 1976, as amended.

81. Fence, Artificial: An artificially constructed barrier of wood, metal, stone, or any manufactured materials **erected** for the separation of **yard** areas.
82. Fence, Natural: A closely planted barrier of evergreen or deciduous shrubs for the separation of **yard** areas or properties. A shrub is a self-supporting, deciduous or evergreen plant, normally branched near the base and less than 15 feet in height.
83. Fence, Obscuring: A structure of definite height and location to serve as an obscuring **screen** in carrying out the requirements of this Ordinance.
84. Fence, Protective Measures: A fence **erected** for the express purpose of the protection of the enclosed area and the property therein.
85. Fence, Screening: A structure of definite height and location, maintained to prevent passage of light and to **screen** and separate a use from adjacent property. Unless otherwise regulated in the ordinance or as required by the **Zoning Board of Appeals** or the Planning Commission in carrying out the spirit and intent of this ordinance, a **screening fence** shall be an obscuring fence or wall not less than six feet in height.
86. Filling: The depositing or dumping of any matter into or onto the ground except common household gardening and general maintenance
87. Financial Institution: A nonresidential structure in which money is kept for savings or commercial purposes or is invested, or supplied for loans or exchanged. Such **business** establishment can be a bank, credit union or other establishment pertaining to the management of money.
88. Fishery: A fishing establishment where fresh fish are received via a docking facility and processed, displayed and/or packaged for distribution and sale.
89. Floor: The level base of a room, hollow structure or enclosed area capable of supporting individuals or other materials, including **basements**.
90. Floor Area: The sum of all horizontal areas of the several **floors** of a **building** or **buildings**, measured from the outside dimensions of the structure. Unenclosed porches, courtyards, or patios (whether covered or uncovered), **basements**, and **breezeways** shall not be considered as a part of the gross **floor area** unless used for commercial purposes, such as **nursery** beds or sales of outdoor equipment.
91. Floor Area Ratio: An intensity measured as a ratio, derived by dividing the gross **floor area** of a **building(s)** by the **lot area**.
92. Funeral Home: A **building** used for the preparation of the deceased for burial and for display of the deceased and rituals connected before burial or cremation.

93. Garage Apartment: The upper portion of a residential garage that is used as single-family dwelling and may be rented on a year round basis.
94. Garage, Residential: An **accessory building** designed or used solely for the noncommercial storage of motor vehicles, boats, and similar items.
95. Garage Sale: The sale of used household items, clothing, crafts and assorted secondhand objects held at a residence. The sale may take place in residential garage, **yard**, or residence. Also, known as: rummage sale, estate sale, **yard** sale, etc.
96. Gasoline Service Station: A structure used for the retail sale or supply of fuels, natural gas, lubricants, air, water and other operating commodities for motor vehicles and other internal combustion operated machines, and including the customary space and facilities for the installation of such commodities on or in such vehicles and machines and including space for temporary storage, minor motor repair, or servicing, but not including bumping, painting, refinishing, or conveyor-type car wash operations.
97. Grade: The average level of the finished surface levels of the ground adjacent to all exterior walls of a **building** or support structure more than five feet from a right-of-way. For a **building** closer than five feet to a right-of-way the **grade** is the curb elevation at the center of the **building** or support structure. If there is no curb, the City engineer shall establish the **grade**.
98. Grandfathered Use: A land use activity or **building** which lawfully existed prior to the adoption of this Ordinance. (See also “Nonconforming Structure” and “Nonconforming Use”)
99. Gravel Pit: An open land area where sand, gravel and rock fragment are mined, excavated and processed for sale or off-tract use. An area may be maintained for the on-site storage of materials to be processed or that have been processed.
100. Greenbelt: A strip of land of definite width and location reserved for the planting of shrubs and/or trees to serve as an obscuring **screen** or **buffer** strip in carrying out the requirements of this Ordinance.
101. Greenhouse: A **building** whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of plants.
102. Guest House: An accessory structure on the same **lot** as a single-family dwelling used to house occasional visitors or guests of the occupants of the single-family dwelling.

103. Heavy Equipment Sales and Service: The inspection, diagnoses, and repair of engines and specialized equipment such as trucks, earth movers, snow plows, and other similar equipment.
104. Home for the Aged: A supervised personal care facility licensed under P.A. 368 of 1976, other than a hotel, adult foster care facility, **hospital**, **nursing home** or county medical care facility, that provides room, board, and supervised personal care to unrelated non-transient individuals 60 years of age or older.
105. Hillside: Any portion of a **lot**, parcel, or tract of land that has an average **slope**, as measured over any 100 foot length of its natural terrain, 15% or greater.
106. Home Occupation: A use or occupation conducted within the main residential dwelling or an accessory structure which is clearly incidental and secondary to residential occupancy.
107. Hospice Residence: A facility licensed under P.A. 368 of 1976 which provides 24-hour hospice care to two or more patients at a single location.
108. Hospital: A facility licensed under P.A. 368 of 1976 offering, inpatient, overnight care, and services for observation, diagnosis, and active treatment of an individual with a medical, surgical, obstetric, chronic or rehabilitation condition requiring the daily direction or supervision of a physician.
109. Hostel: An establishment having beds rented or kept for rent on a daily basis to travelers for a charge or fee paid to be paid for rental or use of facilities and which are operated, managed or maintained under the sponsorship of a non-profit organization which holds a valid exemption from federal income taxes under the Internal Revenue Code of 1954, as amended.
110. Inland Buffer Zone: The area established by Public Law 89-668.
111. Kennel: A commercial establishment in which dogs or other domesticated animals, other than horses, are housed, groomed, bred, boarded, trained, and sold, all for a fee or compensation. This specifically excludes animals kept and raised for a person's personal enjoyment or hobby or recreational purposes, but not for compensation, and **animal shelters**.
112. Laundromat: An establishment providing washing, drying, and/or dry-cleaning machines on the premise for rental use to the general public. **Laundromats** may incorporate dry-cleaning equipment.
113. Loading Space: An off-street space on the same **lot** with a **building**, or group of **buildings**, for temporary parking of a **commercial vehicle** while loading and unloading merchandise or materials.

114. Lot: A parcel of land **occupied** or to be **occupied** by a main structure or group of main structures and accessory structures, together with such **yards, open spaces, lot width** and **lot areas** as are required by this Ordinance, either shown on a plat or record or else considered as a unit of property and described by metes and bounds. For purposes of this ordinance "**site condominium**" shall mean the same as "**lot**."
115. Lot Area: The area of land within the boundary of a **lot** which is bounded by any **front lot lines**, the right-of-way line of the highway on which it fronts, and the **side lot lines** intersecting the **front lot line** at its ends extended to the rear property (**lot**) lines, excluding any part within the **ordinary high water mark**.
116. Lot, Corner: A **lot** where the interior of two adjacent sides at the interior angle of two adjacent sides at the intersection of two **streets** is less than 135 degrees. The front shall be deemed to be the shortest of the sides fronting on the **streets**. All **corner lots** shall be designated at time of subdivision or submission of a **building permit** or **zoning compliance permit** as fronting on a single **street**. All **yard** and building requirements shall be based upon that designation.
117. Lot Coverage: The part of the **lot occupied** by **buildings**, including **accessory buildings**.
118. Lot, Depth of: The average distance five evenly separated lines drawn from the **front lot line** to the rear line. Two of these five lines shall be the **side lot lines**.
119. Lot, Double Frontage: Any **interior lot** having frontages on two more or less parallel **streets** as distinguished from a **corner lot**. In the case of a row of **double frontage lots**, all sides of said **lots** adjacent to **streets** shall be considered frontage, and front **yards** shall be provided as required.
120. Lot, Interior: Any **lot** other than a **corner lot**.
121. Lot Lines: The lines bounding a **lot** as defined herein:
- (1) Front Lot Line: The line separating the **lot** from the right-of-way. In the case of a **through lot** the lines separating the **lot** from each right-of-way. In the case of a **corner lot**, one such front line may be designated as a **side lot line**. In the case of a **lot** bordering on a lake or river, the **ordinary high water mark** shall be used as the **front lot line**.
 - (2) Rear Lot Line: A **lot** line which is opposite the **front lot line**. In the case of a **corner lot**, the **rear lot line** shall be opposite either **front lot line**, but there shall only be one rear line. In the case of a **lot** pointed at the rear, the rear line shall be an imaginary line parallel to the front line, not less than 10 feet long, lying farthest from the front line and wholly within the **lot**.

- (3) Side Lot Line: Any **lot** line not a **front lot line** or **rear lot line**. A **side lot line** separating a **lot** from another **lot** or **lots** is an interior **side lot line**.
122. Lot of Record: A **lot** on a map or a deed recorded with the County Register of Deeds prior to the effective date of this Ordinance, and which actually exists as shown or described.
123. Lot, Through: A **double frontage lot**, not a **corner lot**, having a **street** for both front and **rear lot lines**.
124. Lot, Width: The required horizontal distance between the **side lot lines** measured at the two points where the required **front setback** line intersects the **side lot line**.
125. Manufactured Home: A structure transportable in one or more sections, which in the traveling mode is eight body feet or more in width or 40 body feet or more in length, or when **erected** on site, is 320 square feet or more and which is built on a permanent chassis and designed to be used as a **dwelling unit** with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein; except that such term shall include any structure than meets all the requirements of this paragraph except size requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary of HUD and complies with the standards established by HUD. A mobile home is considered to be a **manufactured home**. A **manufactured home** does not include a **recreational vehicle**.
126. Manufacturing: Establishments engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembling of components parts, the creation of products, and the blending of materials, such as lubricating oils, plastics, resins or liquor.
127. Manufacturing, Light: Establishments where the finished product generally consists of small machine parts, small electronic equipment or similar items. Motors used in **light manufacturing** operations shall not be in excess of ten horsepower. **Light manufacturing** operations shall be located within the **principal building**. Noise emanating from a **light manufacturing building** will be less than 90 decibels.
128. Marina: A facility for the sales, storing, servicing, fueling, berthing and securing of boats that may include eating and sleeping **dwelling units** for the owner and/or its employees.
129. Master Deed: The **condominium** document recording the **site condominium** project to which is attached as exhibits and incorporated by reference the

approved bylaws for the project and the approved **site condominium** plan for the project.

130. Mineral: An organic or inorganic substance in the earth having a consistent and distinctive set of physical properties and composition that can be expressed by a chemical formula and includes, but not limited to, iron ore, copper, sand, gravel, stone, gypsum, peat, silver, gold, diamonds and other precious and semiprecious stones, and uranium.
131. Mini Storage Facility: A structure or group of structures containing separate individual and private storage spaces for the storage of residential goods, **recreational vehicles** and related equipment on individual leases for varying periods of time.
132. Mobile Home/ Manufactured Home Park: A parcel or tract of land under the control of a person upon which three or more mobile homes are located on a continual, nonrecreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any **building**, structure, enclosure, **street**, equipment, or facility used or intended for use incident to the occupancy of a mobile home.
133. Mobile Home Site Condominium Project: A **site condominium** project in which mobile homes are intended to be located upon separate sites as **condominium units**.
134. Modular Housing Unit: A **dwelling unit** constructed solely within a factory, as a single unit, or in various sized modulares or components, which are then transported by truck or other means to a site where they are assembled on a permanent foundation to form a **single-family dwelling unit**, and meeting all codes and regulations applicable to conventional single-family home construction.
135. Motel/Hotel: A facility offering transient accommodations to the general public, generally for one week or less, and providing additional accessory services, such as **restaurants**, meeting rooms, exercise, entertainment, and recreational facilities, but does not include **hospitals, nursing homes, adult foster care facility, hospice, assisted living facility or home for the aged, hostels, boatels, lodges or resorts**.
136. Nonconforming Building (Nonconforming Structure): A **building** or structure (or portion thereof) lawfully existing at the time of adoption of this Ordinance or a subsequent amendment thereto that does not conform to the provisions of this Ordinance relative to height, bulk, area, placement or **yards** for the zoning **district** in which it is located.

137. Nonconforming Lot: A **lot**, the size, width or other characteristic of which fails to meet the requirements of the zoning **district** in which it is located and which was conforming (“of record”) prior to enactment of any previous City of Munising Zoning Ordinance.
138. Nonconforming Use: A use of a **building** or structure or of a parcel or tract of land, lawfully existing at the time of adoption of this Ordinance or subsequent amendment thereto, that does not conform to the regulations of the zoning **district** in which it is situated.
139. Nuisance: An unreasonable interference with the enjoyment and use of property.
140. Nursery: Land or **greenhouses** used to raise flowers, shrubs, and plants for sale.
141. Nursing Home: A nursing care facility licensed under P.A. 386 of 1976 that provides organized nursing care and medical treatment to seven or more unrelated individuals suffering from or recovering from illness, injury, or infirmity. A **nursing home** does not include a **hospital** or **hospice residence**.
142. Occupied: Includes the meaning of intended, designed or arranged for occupancy.
143. Office: The place in which a professional person conducts his/her **business**; a place in which consulting, record keeping, clerical work or other similar services are performed.
144. Office Building: Refer to Business office building.
145. Off-Street Parking Lot: A facility providing vehicular **parking spaces** along with adequate drives and aisles for maneuvering so as to provide access for entrance and exit for the parking of automobiles.
146. On-Site Sewage Disposal System: The sanitary sewage treatment and/or disposal device installed to service an individual home, **business**, or industrial establishment in areas not served by municipal sanitary sewers.
147. Open Space: The portion of the site not covered by structures, driveways, and parking areas.
148. Open Space Ratio: The ratio between **open space** on the **lot**, whether required or not, and the total **lot area**.
149. Open Space, Required: The **yard** space of a **lot** which is established by and between the **street**, or the **lot lines** and required **setback** line and which shall be

open, unoccupied and unobstructed by any structure or any part thereof, except as otherwise provided in this Ordinance.

150. Ordinary High Water Mark: The line between upland and bottomland which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is markedly distinct from the upland and is apparent in the soil itself, the configuration of the surface of the soil and the vegetation. The **ordinary high water mark** for Lake Superior is 601.5 feet above sea level, International Great Lakes Datum 1955, per P.A. 451 of 1994.
151. Outdoor Livability Space: Any area of a site which is not covered by a structure, is not included in required parking area, and is available for use by residents and visitors.
152. Paper Mill: A **manufacturing** facility which processes pulp or waste/recycled fiber into paper products for sale to consumers or other for further conversion by its customers.
153. Parking Lot: A use containing one or more **parking spaces** located at or above or below **grade** accessible for the storage or parking of permitted vehicles with well-defined entrances and exists and lanes for unencumbered access to individual **parking spaces**.
154. Parking Space: An area of definite length and width and shall be exclusive of drives, driveways, aisles or entrances giving access and shall be fully accessible for the storage or parking of motor vehicles.
155. Pet: An animal kept for amusement or companionship.
156. Pet store: Any outlet where the following animals are sold or offered for sale, at retail for use as pets: Dogs, cats, rabbits, guinea pigs, hamsters, gerbils, rats, mice, gophers, chinchilla, domestic ferrets, birds, fish and cold-blooded species. Incidental to the sale of pets is the display and sale of food, cages, aquariums, and other paraphernalia associated with the keeping of pets.
157. Petroleum/Propane Storage: Facilities for the distribution and sale of petroleum-based substances and liquid propane gas.
158. Personal Services: A type of **business** providing services for personal atonement and exercise, such as health clubs, spas, chiropractic services, etc.
159. Planned Unit Development (PUD): An area of minimum contiguous size, as specified by ordinance, to be planned, developed, operated and maintained as a single entity and containing one or more residential clusters or planned unit

residential developments and/or one or more public, quasi-public, commercial, or industrial areas.

160. Planning Commission: The Planning Commission of the City of Munising.
161. Principal Structure: The main structure or **building** to which the premises are devoted.
162. Principal Use: The main or predominant use to which the premises are devoted.
163. Private Club: A **building** and related facilities owned or operated by a corporation, association, or group of individuals established for the fraternal, social, educational, recreational, or cultural enrichment of its members and not primarily for profit and whose members and meet certain prescribed qualifications for membership, but not a **church**.
164. Public Building: Any **building**, structure, facility or complex used by the general public or providing public services, whether constructed by a state, county, or municipal government agency or instrumentality or any private individual, partnership, association, or corporation, including, but not limited to; assembly **buildings**, such as auditoriums or libraries, city, village or township halls; community centers, senior citizen centers or fire halls.
165. Public Utility: Any person, firm, corporation, municipal department, board or commission duly authorized to furnish and furnishing under federal, state, or municipal regulations to the public; gas, steam, electricity, sewage disposal, refuse removal, transportation, water or communications (including, radio, telephone, telegraph, television, cable, satellite, or fiber optics).
166. Reclamation Plan: A plan for reconditioning or rehabilitating of a mining area or portions thereof for useful purposes, and the protection of natural resources, including, but not limited to the control of erosion, visual blight and the prevention of land or rock slides and air and water pollution.
167. Recreation Facility: A place designed and equipped for the conduct of sports and leisure-time activities.
168. Recreational Structure: A **single-family dwelling unit** that is rented on a daily, weekly or monthly basis by transient guests for a fee. The structure is not the permanent place of domicile of the owner.
169. Recreational Vehicle: A vehicular-type portable structure without permanent foundation that can be towed, hauled, or driven and primarily designed as a temporary living accommodation for recreational, camping, and travel use and

including but not limited to, travel trailers, truck campers, camping trailers and self-propelled motor homes.

170. Recreational Vehicle Park: Any **lot** or parcel of land upon which two or more **recreational vehicle** sites are located, established, or maintained for occupancy by **recreational vehicles** of the general public as temporary living quarters for recreation or vacation purposes.
171. Recycling Center: A facility in which used material, such as paper, glass, plastic or motor oil, is separated and processed prior to shipment to other locations for processing or **manufacturing** into new products. A **recycling center** is distinct from a junkyard or **salvage yard**.
172. Recycling Drop-Off Center: A collection point containing containers for the collection and temporary storage of recyclable materials, typically an **accessory use**. Materials collected are transported from the drop-off site to another location for processing.
173. Rental House: A dwelling with kitchen facilities, located on the same **lot** of a principal single-family dwelling, that is rented as a principal residence.
174. Resort: A facility for transient guests where there are a number of recreational features or activities, including, but not limited, to such facilities as swimming pools, tennis courts, golf course, **restaurant**, camping, **motel/hotel** accommodations, skiing, trails, horseback riding, boating or other similar recreational activities.
175. Resource Professional: A person or agency having expertise in soil, forestry, or wildlife habitat and qualified to provide recommendations on plant materials suitable for use as a **greenbelt**.
176. Restaurant: An establishment where food or beverages are cooked or prepared and offered for sale and where consumption is permitted on the premises, whether or not entertainment is offered, and includes establishments commonly known as grills, cafes, or any fast food establishments permitting consumption on the premises.
177. Retail Store and Shop: An establishments selling goods to the public for consumption but not for resale, usually in small quantities, as well as services incidental to the sale of these goods. This shall not include vehicle, heavy equipment sales, **recreational vehicles**, watercraft or establishments where there is the permanent exterior display of merchandise.

178. Right-of-Way: A **street, alley**, or other thoroughfare or easement permanently established for passage of persons, vehicles, or the location of utilities. The **right-of-way** is delineated by legally established lines or boundaries.
179. Salvage Yard: An area where waste, used, or second hand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled, including, but not limited to scrap iron and other materials, paper, rags, rubber tires, and bottles. A “**salvage yard**” includes junk yards and similar facilities including automobile wrecking yards and any open area of more than 200 square feet for storage, keeping or abandonment of junk.
180. Sawmill: The machinery and appurtenant structures used for the manufacture of wood products, not limited to, but including, circular or band saws, planers, debarkers, chippers, and kilns.
181. School, Public or Private: An institution which offers regular instruction at the preschool, primary, or secondary level or serves disabled students. This definition does not include day care facilities, programs offering individual instruction, or courses offered in a non-institutional setting in a specialized subject.
182. School, Technical, Trade, Vocational or Business: An institution offering instruction beyond high school level with a course of study in vocational, technical or other special subjects, or a facility offering instruction at any level in martial arts, arts, drama, dance, speech, music, or similar personal skills. This definition does not apply to instruction in craft or fine arts in a single-family residence, which is a permitted use.
183. Screen: A structure providing separation, such as a fence, and a visual barrier between the area enclosed and the adjacent property. A **screen** may also be non-structured, consisting of shrubs or other living vegetation.
184. Septic Tank: A watertight covered receptacle designed and constructed to receive the discharge of sewage, separate solids from the liquid, digest organic matter and store digested solids through a period of detention, and allow the clarified liquids to discharge for final disposal.
185. Setback: The minimum unoccupied distance between the front, side and **rear lot line** and the principal and **accessory buildings**, as required.
186. Setback, Front: The minimum unoccupied distance, extending the full **lot width**, between any **building** or structure and the **front lot line**. The **front setback** is measured from the edge of the road right of way or in the case of a **lot** along a river or lake from the **ordinary high water mark**.

187. Setback, Rear: The minimum required unoccupied distance, extending the full **lot width**, between the principal and **accessory buildings** and the **lot** line opposite the **front lot line**.
188. Service Entrance: An entrance to a commercial establishment whose design and use is to accommodate the delivery and shipment of supplies. A service door is not intended to serve as a customer entrance.
189. Shoreline: That area of the shorelands where land and water meet.
190. Shopping Center: More than one commercial establishment planned, constructed and managed as a total entity, with customer and employee parking provided on site, provision for goods and delivery separated from customer access. **Buildings** constructed on outlots shall not be considered part of the **shopping center** unless access and parking easements are provided.
191. Site Condominium: Equivalent to the term “subdivision” as used in this Ordinance.
192. Site Condominium Unit: For the purpose of this Ordinance, means the same as “**lot**.”
193. Slope: A percentage figure, which is a measurement of the change in elevation divided by distance. For example, if a **lot** has a 15-foot change in elevation over a 100-foot distance, the **slope** would be 15 percent (15/100).
194. Site Plan: A plan showing all salient features of a proposed development, so that it may be evaluated in order to determine whether it meets the provisions of this Ordinance.
195. Stable, Riding or Boarding: A facility where horses are kept for hire, sale or boarding.
196. Story: That part of a **building** included between the surface of one **floor** and the surface of the next **floor**, or if there is no **floor** above, then the ceiling next above.
197. Street: A public dedicated **right-of-way** which affords traffic circulation and principal means of access to **abutting** property.
198. Street, Local: Any **street** designated as a pursuant to Public Act 51 of 1951, as amended.
199. Street, Major: Any **street** designated as a major street pursuant to Public Act 51 of 1951, as amended.

200. Structure: Any constructed, **erected**, or placed material or combination of materials in or upon the ground, including, but not limited to, **buildings**, porches, decks, mobile homes, sheds, free standing signs, storage bins, and satellite dishes, but not including sidewalks, driveways, patios, **parking lots**, utility poles and fences. **Building** areas separated by fire walls or bearing walls shall not be considered separate structures under this Ordinance.
201. Subdivision: The partitioning or dividing of a parcel or tract of land by the property owner for the purpose of sale, lease or **building** development.
202. Tavern: An establishment used primarily for the serving of liquor by the drink to the general public and where food or packaged liquors may be served or sold as accessory to the primary use.
203. Temporary Building: A structure or use permitted to exist during a period of construction of the main **building**, a structure specifically for special events or structure which normally, and by its nature, is only designed for a short period of time.
204. Temporary Sales Stand: A structure or a parked vehicle which is used seasonally for display and sale of items such as agricultural produce and farm products, flowers, Christmas trees and wreaths and grave blankets, and prepared food and beverage items.
205. Tent: A structure whose walls and roof are entirely or primarily made of fabric.
206. Theater: A **building** or structure which contains an assembly hall for the performing arts (dramatic dance, musical or other live performances) and/or for the showing of motion pictures.
207. Timeshare Dwelling: A residential **dwelling unit** in which the owner has an undivided interest for a fixed or variable time period.
208. Tourist Attraction: Any man-made or natural place of interest open to the general public and for which an admittance fee is usually charged, including, but not limited to, animal farms, amusement parks, replicas of real or fictional places, things or people, trams, and natural geological formations. **Accessory uses** at a **tourist attraction** may include a gift shop and food concession.
209. Tourist Cabins: An establishment that has separate, individual **dwelling units** with at least one room that has complete bathroom facilities and may or may not have kitchen facilities that are rented on a temporary basis by the day, week or month.

210. Townhouse: A residential structure consisting of no more than four **single-family** attached **dwelling units**, each individually owned, non communicating and separated by one or more vertical common fire resistant walls; each unit shall have separate front and rear entrance with separate sewer, water and other utilities.
211. Tractor and Trucking Facility: An establishment for the transshipment of cargo and where **commercial vehicles** such as semi-trailers and tractors are stored when not in use and may include administrative **offices**, repair facilities fueling facilities and dispatch operations.
212. Usable Floor Area: The ground and non ground **floor area** used for, or intended to be used for, the sale of merchandise or services or for use to serve patrons, clients or customers. Such **floor area** which is used or intended to be used principally for the storage or processing of merchandise, or for utilities, shall be excluded from this computation of "**usable floor area**." For the purposes of computing parking, the area used for the sale of merchandise, display of merchandise, and/or area used to serve patrons or clients shall be measured to determine necessary **parking spaces**.
213. Use: The purpose for which the land or a **building** is designed, arranged, or intended to be used, or for which land or a **building** is or may be **occupied**.
214. Use, Accessory: Any **use** subordinate to the main **use** of a **lot** and used for purposes clearly incidental to those of the main **use**.
215. Variance: A modification of the literal provisions of the zoning ordinance granted by the **Zoning Board of Appeals** when in its judgment the strict enforcement of the zoning ordinance would cause undue hardship owing to circumstances unique to the individual property on which the **variance** is granted. The crucial points of a **variance** are undue hardship and unique circumstances.
216. Vehicle: A self-propelled device used for transporting people and/or goods.
217. Vehicle Repair Facility: A premise where one or more of the following services are provided for compensation: general repairs, engine rebuilding, mechanical work, rebuilding or reconditioning of motor **vehicles**; collision service such as body, frame or fender straightening and repair; painting and undercoating of automobiles.
218. Vehicle Sales: An area of land, a **building** or structure used for the display of **vehicles** and/or watercraft for sale.

219. Veterinary Clinic: A facility providing diagnosis, treatment, surgery and similar veterinary care for domestic animals with overnight boarding incidental to treatment.
220. Wholesale Storage Facility: An establishment used for the storage of goods and materials prior to final distribution to retail establishments.
221. Wind Turbine: Any of the various machines used to produce electricity by converting the kinetic energy of wind to rotational, mechanical, and electrical energy. **Wind turbines** consist of the turbine apparatus (motor, nacelle, tower) and any other **buildings**, support structures, or other related improvements necessary for the generation of electrical power.
222. Wireless Communication Facilities: All structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio and television broadcasting or relay towers, wireless communication facility, wireless or cellular telephone communication receivers and transmitters, telephone devices, and exchanges, microwave relay facilities and towers, telephone transmission equipment **buildings** and public and private and commercial mobile radio service facilities. Not included in this definition are: citizen band radio facilities, short wave facilities, ham, amateur radio facilities, satellite dishes and government facilities which are subject to state or federal laws or regulations which preempt city regulatory authority.
223. Wireless Communication Support Structure: **Structure erected** or modified to support wireless communication antennas. Support **structures** within this definition include, but shall not be limited to monopole, lattice towers, light poles, wood poles, and guyed towers or other **structures** which appear to be something other than a mere support **structure**.
224. Wood Yard: A parcel of land where pulp wood and other logs are gathered from various locations and stored for commercial sale.
225. Yard: An **open space** that lies between the **principal building** and **buildings** and the nearest **lot** line. The minimum required **yard** as set forth in this Ordinance is unoccupied and unobstructed from the ground upward, except as may be specifically provided in the zoning ordinance.
- a. Yard, Front: An **open space** extending the full width of the **lot** and lying between the front line of the **lot** and the nearest line of any **building** or **structure**. In the case of a **corner lot**, the front shall be the shortest of the two sides fronting on the **streets**.

- b. Yard, Rear: An **open space** extending the full width of the **lot** and lying between the rear line of the **lot** and the nearest line of any **building** or **structure**. In the case of a **corner lot** there shall only be one **rear yard**.
 - c. Yard, Side: An **open space** between the side line of the **lot** and the nearest line of any **building** or **structure** and extending from the **front yard** to the **rear yard**.
 - d. Transitional: A required **yard** located on sites **abutting** zoning **district** boundaries for the purpose of creating a **buffer** zone to reduce conflict between incompatible **districts** and **uses**.
223. Zoning Administrator: The City's authorized representative charged with the responsibility of administering this Ordinance.
224. Zoning Board of Appeals: The **Zoning Board of Appeals** of the City of Munising.
225. Zoning Compliance Permit: A certificate issued by the **Zoning Administrator** as a condition precedent to the commencement of a **use**, or the erection, construction, reconstruction, restoration, alteration, conversion, or installation of a **structure** or **building**, that acknowledges that such **use**, **structure**, or **building** complies with the provisions of this Ordinance or authorized **variance**.

ARTICLE III: ZONING DISTRICTS AND MAP

Section 301 Establishment of Districts

- A. For the purpose of this Ordinance, the City of Munising is divided into the following zoning **districts**, which shall be known by the following respective symbols and names:

R-1	Residential One
R-2	Residential Two
L-1	Lakeshore One
L-2	Lakeshore Two
H-1	Highland One
H-2	Highland Two
RR-IBZ	Rural Residential- Inland Buffer Zone
D	Downtown
T	Transitional
LC	Lakefront Commercial
C	Commercial
-1	Light Industrial
I-2	Heavy Industrial
PL	Public Lands

Section 302 Zoning District Map

- A. The boundaries of the respective **districts** enumerated in Section 301 are established as depicted on the map entitled "City of Munising Official Zoning Map," which is an integral part of this Ordinance. This map, along with all notations and explanatory matter thereon, shall become as much a part of this Ordinance as if fully described herein.
- B. The City of Munising Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk. If, in accordance with the provisions of this Ordinance, changes are made in **district** boundaries, such changes shall be incorporated on the City of Munising Official Zoning Map and approved by the City Commission of the City of Munising together with an entry on the City of Munising Official Zoning Map showing the date and official action taken.
- C. One copy of the City of Munising Official Zoning Map is to be maintained and kept up-to-date by the **Zoning Administrator**, accessible to the public and shall be the final authority as to the current zoning status of properties in the City of Munising.

Section 303 Interpretation of the Zoning Map

- A. Where due to the scale, lack of detail or illegibility of the zoning map, there is any uncertainty, contradiction or conflict as to the intended location of any zoning **district**

boundary as shown thereon, the **Zoning Board of Appeals** shall make an interpretation of said map upon request of any person. The **Zoning Board of Appeals** shall apply the following standards in interpreting the zoning map.

- B. Zoning **district** boundary lines are intended to follow **lot lines**, or be parallel or perpendicular to, or along the center lines of **alleys, streets**, rights-of-way or water courses, unless such boundary lines are fixed by dimensions shown on the zoning map.
- C. Where zoning **district** boundary lines are indicated that they approximately follow **lot lines**, such **lot lines** shall be construed to be such boundary lines.
- D. Where a zoning **district** boundary line divides a **lot**, the location of any such zoning **district** boundary lines, unless indicated by dimensions shown on the zoning map, shall be determined by the **use** of the map scale shown thereon.
- E. If, after the application of the foregoing rules, uncertainty still exists as to the exact location of a zoning **district** boundary line, the boundary line shall be determined in a reasonable manner, considering the history of **uses** of property and the history of zoning ordinances and amendments in the City of Munising as well as all other relevant facts.

Section 304 Replacement of Official Zoning Map

- A. In the event the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes made thereto, the City Commission may adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The Official Zoning Map shall bear the current city officers' signatures and certification as required in Section 302. Unless the Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining, shall be preserved together with all available records pertaining to its adoption or amendment.

Section 305 Application of District Regulations

- A. The regulations established for each zoning **district** shall be the minimum regulations for promoting and protecting the public health, safety and general welfare, and shall be uniform for each class of land or **buildings** and **structures** throughout each **district**. Where there are practical difficulties in the way of carrying out the strict letter of this Ordinance, the **Zoning Board of Appeals** shall have power in passing upon appeals, in accordance with Article XIII, to vary or modify regulations and provisions of this Ordinance so that the intent and purposes of this Ordinance shall be observed, public safety secured and substantial justice done.

Section 306 Scope of Provisions

- A. Except as may otherwise be provided in this Ordinance, every **building** and **structure erected**, every **use** of any **lot**, **building** or **structure** established, every structural alteration or relocation of an existing **building** or **structure** occurring, and every enlargement of or addition to an existing use, **building** or **structure** occurring after the effective date of this Ordinance shall be subject to all regulations of this Ordinance which are applicable in the Zoning **District** in which such use, **building**, or **structure** shall be located.
- B. **Uses** are permitted by right only if specifically listed as **uses** permitted by right in the various Zoning **Districts**. Where not specifically permitted, either by right or conditionally, **uses** are prohibited unless construed to be similar to an expressly permitted **use**. The **Zoning Board of Appeals** shall determine if a **use** is similar to a **use** specifically permitted by right or by conditions. The **Zoning Board of Appeals** may grant a **variance** to allow a **use** not permissible under the terms of this Ordinance in any **district**.
- C. **Accessory uses** are permitted as indicated for the various Zoning **Districts** and if such **uses** are clearly incidental to the permitted **principal uses**.
- D. The **uses** permitted subject to special conditions are recognized as possessing characteristics of such unique and special nature (relative to location, design, size, etc.) as necessitating individual standards and conditions in order to safeguard the general health, safety and welfare of the community.
- E. Any **structure**, **use** of a **structure** or land **use** and any **lot**, the size, width, or other characteristic of which fails to meet the requirements of the land **use district** in which it is located and which was lawfully established in accordance with state and local statutes ("of record") prior to the effective date of this amendment shall be considered a legal **nonconforming use**.
- F. **Structures** or **uses** which were lawful prior to the adoption of this Ordinance existing on non-conforming **lots** may be used for any of the permitted **uses** in the **districts** in which they are located providing all other requirements of the Ordinance are met.

Section 307 Conflicting Regulations

- A. Wherever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations than those imposed or required by the provisions of any other law or ordinance, then the provisions of this Ordinance shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such law or ordinance shall govern. No vested right shall arise to the property owner for any parcel or **use** created in violation of any preceding City of Munising Zoning Ordinance.

Section 308 Exemptions

- A. The location of pipes, wires, poles, and generating and transmission equipment of public utilities or railroad tracks regulated by the State of Michigan or by the United States are exempt from regulation under this Ordinance.
- B. The provisions of this Ordinance shall not be so 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 309 R-1 Residential One District

- A. Intent: The R-1 Residential One District is designed to accommodate small **lot** sizes primarily for one-**family** residential **use** within the central, established portion of the City. The **uses** in this **District** are intended to keep the neighborhoods relatively quiet and free of unrelated traffic influences and commercial activities.
- B. Permitted Principal Uses:
 - 1. **Adult foster care family home**
 - 2. **Child care facility, family**
 - 3. **Dwelling, one-family**
 - 4. **Essential services**
- C. Conditional Uses Authorized by Permit: The following **uses** of land and **structures** may be permitted in this **District** by application for and issuance of a **Conditional Use Permit** as provided in Article VII:
 - 5. **Accessory apartment**
 - 6. **Adult care facility**
 - 7. **Bed and breakfast establishment**
 - 8. **Child care facility, group**
 - 9. **Dwelling, multiple-family**
 - 10. **Dwelling, two-family**
 - 11. **Recycling drop-center** (no processing)
 - 12. **Townhouse**

Section 310 R-2 Residential Two District

- A. Intent: The R-2 Residential Two District is designed to establish medium sized **lots** for single-**family** residential neighborhoods in established areas not in the central city area. The **uses** in this **District** are intended to keep the neighborhoods relatively quiet and free of unrelated traffic influences and commercial activities. The **district** will allow for a mix of residential and **compatible** commercial uses. The **lots** are slightly larger than found in the R-1 District.
- A. Permitted Principal Uses:

1. **Adult foster care family home**
2. **Child care facility, family**
3. **Dwelling, one-family**
4. **Dwelling, two-family**
5. **Essential services**

B. Conditional Uses Authorized by Permit: The following **uses** of land and **structures** may be permitted in this **District** by application for and issuance of a **Conditional Use Permit** as provided in Article VII:

1. **Accessory apartment**
2. **Adult care facility**
3. **Bed and breakfast establishment**
4. **Convenience mart**
5. **Convenience store**
6. **Child care facility, group**
7. **Church**
8. **Dwelling, multiple-family**
9. **Garage apartment**
10. **Guest house**
11. **Planned unit development**
12. **Recreational structure**
13. **Recycling drop off center (no processing)**
14. **Tourist attraction**
15. **Townhouse**

Section 311 L-1 Lakeshore One District

A. Intent: The L-1 Lakeshore One District is designed to establish and maintain residential **use lots** in areas with frontage on or in close proximity to Lake Superior, which because of their natural characteristics and accessibility, are suitable for residential development. The L-1 District will permit development along the **shoreline** but take into consideration the visual appearance and accessibility to the water resource.

B. Permitted Principal Uses:

1. **Adult foster care family home**
2. **Child care facility, family**
3. **Dwelling, one-family**
4. **Essential services**

C. Conditional Uses Authorized by Permit: The following **uses** of land and **structures** may be permitted in this **District** by application for and issuance of a **Conditional Use Permit** as provided in Article VII:

1. **Accessory apartment**
2. **Adult care facility**
3. **Bed and breakfast establishment**
4. **Recycling drop-center (no processing)**

5. **Townhouse**

Section 312 L-2 Lakeshore Two District

A. Intent: The L-2 Lakeshore Two District is intended to establish and maintain for residential **use** in areas with frontage on or in close proximity to Lake Superior, which because of their natural characteristics and accessibility, are suitable for development. The **district** will permit a mix of residential and **compatible** commercial **uses** but take into consideration the visual appearance, accessibility to and preservation of the water resource.

B. Permitted Principal Uses:

1. **Adult foster care family home**
2. **Child care facility, family**
3. **Dwelling, one-family**
4. **Dwelling, upper floor, commercial**
5. **Essential services**

C. Conditional Uses Authorized by Permit: The following **uses** of land and **structures** may be permitted in this **District** by application for and issuance of a **Conditional Use Permit** as provided in Article VII:

1. **Accessory apartment**
2. **Adult care facility**
3. **Bed and breakfast establishment**
4. **Boatel**
5. **Boarding house**
6. **Business office, business office building, business service**
7. **Child care facility, group**
8. **Convenience store**
9. **Dwelling, multiple-family**
10. **Dwelling, two-family**
11. **Garage apartment**
12. **Guest house**
13. **Hospice residence**
14. **Hospital**
15. **Hostel**
16. **Marina**
17. **Motel/hotel**
18. **Personal services**
19. **Pet store**
20. **Planned unit development**
21. **Recycling drop off center (no processing)**
22. **Recreational structure**
23. **Resort**
24. **Restaurant**

- 25. **Retail store and shop**
- 26. **Tavern**
- 27. **Tourist attraction**
- 28. **Tourist cabin**
- 29. **Townhouse**
- 30. Watercraft sales, rental and tours

Section 313 RR-IBZ Rural Residential- Inland Buffer Zone District

- A. Intent: The RR-IBZ Rural Residential- **Inland Buffer Zone** District is designed to establish and to maintain a low intensity, residential **use** environment for those areas of the Pictured Rocks National Lakeshore **Inland Buffer Zone**, as established by Public Law 89-668, which because of their location, accessibility, soils and drainage and other characteristics are suitable for the development of year-round single-**family** dwellings.
- B. Permitted Principal Uses:
 - 1. **Adult foster care family home**
 - 2. **Child care facility, family**
 - 3. **Dwelling, one-family**
- C. Conditional Uses Authorized by Permit: The following **uses** of land and **structures** may be permitted in this **District** by application for and issuance of a **Conditional Use Permit** as provided in Article VII:
 - 1. **Recreational structure**

Section 314 H-1 Highland One District

- A. Intent: The H-1 Highland One District is designed to establish and maintain residential **use** in areas of rural character where development has not taken place and to preserve the scenic character of the ridge lines and **hillsides** that surround the City of Munising. Because tourism, recreation and environmental integrity are major aspects of the city's development situation, it is deemed vital to the general welfare of the City that natural resources and scenic assets be preserved. It is the intent of the **district** to allow development **uses** with appropriate regulations that will retain the area in much of its natural condition as possible. The **district** will allow for a mix of residential and **compatible** commercial uses.
- B. Permitted Principal Uses:
 - 1. **Adult foster care family home**
 - 2. **Attached wireless communication facility**
 - 3. **Child care facility, family**
 - 4. **Dwelling, one-family**
 - 5. **Essential services**
 - 6. **Recreational structure**

C. Conditional Uses Authorized by Permit: The following **uses** of land and **structures** may be permitted in this **District** by application for and issuance of a **Conditional Use Permit** as provided in Article VII:

1. **Accessory apartment**
2. **Adult foster care family home**
3. **Bed and breakfast establishment**
4. **Dwelling, multiple-family**
5. **Dwelling, two family**
6. **Garage apartment**
7. **Guest house**
8. **Hospice residence**
9. **Motel/hotel**
10. **Planned unit development**
11. **Recycling drop off center** (no processing)
12. **Rental house**
13. **Resort**
14. **Restaurant**
15. **Tourist attraction**
16. **Tourist cabin**
17. **Townhouse**
18. **Wireless communication facility**

D. Construction and Site Landscaping Regulations:

1. All **building** construction shall not be located closer than 20 feet of the **bluff edge**, except for **motel/hotel** and **restaurant** where the distance is 50 feet.
2. All construction activity, i.e. grading, excavating, **filling**, terracing, stockpiling of excavated materials is prohibited within 20 feet of the **bluff edge**, except for **motel/hotel** and **restaurant** where the distance is 50 feet.
3. Minimal grading and clearing of existing vegetation may be allowed up to the **bluff edge** to install new vegetation and lawn landscaping.
4. A maximum of 25% of the trees and shrubs located at the **bluff edge** may be pruned, cut or removed to provide a view along the **bluff edge**. The remaining 75% of the trees and shrubs must be maintained in a natural state with no trimming or pruning or cutting, except in the case of maintaining the trees and shrubs in a healthy condition. Each cleared, or pruned segment shall be limited to no more than 50 feet wide, with 25 feet of natural areas separation between cleared or pruned segments.
5. Several factors such as rainfall levels, snow depth, vegetation cover, soil depth and base material affect the stability of **slopes**. However, it is generally true that as **slopes** increase in steepness, there is a corresponding increase in the impacts on the **slopes** and in the difficulty of construction. **Slopes** and the corresponding impact and use requirement for construction and/or grading are:

Percent Slope**	Level of Environmental Impact	Ordinance Requirement
0- 15%	Slight	Permitted Use (Conditional Use for motel/hotel and restaurant)
15- 25%	Moderate	Conditional Use
25- 35%	Severe	Conditional Use*
35% and above	Extreme	Not Permitted

The average **slope is determined along a 100 foot segment.

* Only for public **streets** or private driveways which are necessary for access to the more developable portions of the site.

6. All **buildings** located within 75 feet of the **bluff edge** shall blend with the natural surroundings, except for **motel/hotel and restaurant** where the distance is 150 feet. This would include, but not be limited to, brick, stone, or siding/paint in muted colors such as taupe, tan, sage, gray, etc.
7. When viewed from the **bluff edge** looking onto the subject property, no more than two stories of a **building** shall be visible.
8. On **slopes** over 25 percent, natural vegetation shall be retained in place to insure long term soil stabilization and a natural appearance of the **hillside**.
9. A minimum natural **buffer** of 50 feet between adjacent parcels and or **lots** shall be maintained for **motel/hotel and restaurant**.
10. A minimum natural **buffer** for **motel/hotel and restaurant** of 25 feet for parking areas adjacent to public roads.
11. Outdoor lights shall be no higher than 80% of the average tree height and shall be determined by the **Zoning Administrator**.
12. There shall be no billboards or signs on the **hillside** or **bluff edge** that are visible from below the **bluff edge**.

Section 315 H-2 Highland Two District

- A. Intent: The H-2 Highland Two District is designed primarily for residential **use** in areas of rural character where development previously has not taken place. The larger sized **lots** are to insure safe, potable water supply and treatment of wastewater on the same **lot**, since such municipal services may not be extended entirely within this **District**. Commercial **uses** permitted are **compatible** with the residential setting, as the large **lots** may tend to **screen** such **uses** from adjoining residential **use**.
- B. Permitted Principal Uses:

1. **Adult foster care family home**
2. **Bed and breakfast establishments**
3. **Child care facility, family**
4. **Church**
5. **Dwelling, one-family**
6. **Dwelling, two-family**
7. **Essential services**
8. **Manufactured homes on individual lots**
9. **Recreational structure**

C. Conditional Uses Authorized by Permit: The following **uses** of land and **structures** may be permitted in this **District** by application for and issuance of a **Conditional Use Permit** as provided in Article VII:

1. **Accessory apartment**
2. **Adult care facility**
3. **Adult foster care small group home**
4. **Adult foster care large group home**
5. **Agriculture**
6. **Asphalt or concrete plant**
7. **Attached wireless facility**
8. **Building material sales and service**
9. **Business office, business office building, business service**
10. **Cemetery**
11. **Cemetery, pet**
12. **Child care facility, commercial**
13. **Child care facility, group**
14. **Clinic, medical, dental or veterinary office**
15. **Contractor yard**
16. **Convenience mart, convenience store**
17. **Drive Through/Drive In** connected to any permitted or conditional use
18. **Dwelling, multiple-family**
19. **Dwelling, upper floor, commercial**
20. **Engine sales and service**
21. **Garage apartment**
22. **Guest house**
23. **Gravel pit and excavating of soil, sand, clay or similar material**
24. **Heavy equipment sales and service**
25. **Hostel**
26. **Hospice residence**
27. **Hospital**
28. **Kennel, commercial**
29. **Tourist cabin**
30. **Laundromat**
31. **Mini storage facility**
32. **Mobile home/manufactured home park**

33. **Motel/hotel**
34. **Nursery**
35. **Nursing home, assisted living facility, Home for the aged**
36. **Personal services**
37. **Pet store**
38. **Planned unit development**
39. **Recycling drop off center (no processing)**
40. **Rental house**
41. **Retail store and shop**
42. **Restaurants**
43. **Resort**
44. **Salvage yard**
45. **School, public or private**
46. **Stable, riding or boarding**
47. **Tourist attraction**
48. **Townhouse**
49. **Wind turbine**
50. **Wireless communication facility**
51. **Wood yard**

Section 316 D Downtown District

- A. Intent: The D Downtown District is designed to establish and maintain an area for intensive commercial development to occur in the **business** oriented center core of the City . Common parking areas are encouraged to serve the needs of the **district**. Residential **use** is not permitted in this District, with the exception of dwellings located in the upper **floors** of commercial establishments.
- B. Permitted Principal Uses:
1. **Business office, business office building, business service**
 2. **Clinic, medical and dental office**
 3. **Convenience store**
 4. **Dwelling, upper floor, commercial**
 5. **Essential services**
 6. **Financial institution**
 7. **Laundromat**
 8. **Personal services**
 9. **Pet store**
 10. **Public building**
 11. **Restaurant**
 12. **Retail store and shop**
 13. **Tavern**
 14. **Theater**

- C. Conditional Uses Authorized by Permit: The following **uses** of land and **structures** may be permitted in this **District** by application for and issuance of a **Conditional Use Permit** as provided in Article VII:
1. **Automobile wash facility**
 2. **Bed and breakfast establishment**
 3. **Boarding house**
 4. **Convenience mart**
 5. **Drive Through/Drive In** connected to any permitted or conditional **use**
 6. **Funeral home**
 7. **Gasoline service station**
 8. **Hostel**
 9. **Planned unit development**
 10. **Private club**
 11. **Recycling drop-center** (no processing)
 12. **School, technical, trade, vocational or business**
 13. **Veterinary clinic**

Section 317 T Transitional District

- A. Intent: The T Transitional District will serve as a transition area between commercial/business **districts** and residential **districts**. Non-residential **uses** permitted are limited to those **uses** which are **compatible** with residential **uses** in that they do not involve high traffic volumes, excessive lighting, noise, smoke, fumes or outdoor storage or sales.

B. Permitted Principal Uses:

1. **Adult foster care family home**
2. **Adult foster care small group home**
3. **Adult foster care facility large group home**
4. **Adult care facility**
5. **Bed and breakfast establishment**
6. **Child care facility, family**
7. **Church**
8. **Dwelling, multiple-family**
9. **Dwelling, one-family**
10. **Dwelling, upper floor, commercial**
11. **Dwelling, two-family**
12. **Essential services**
13. **Townhouse**

- C. Conditional Uses Authorized by Permit: The following **uses** of land and **structures** may be permitted in this **District** by application for and issuance of a **Conditional Use Permit** as provided in Article VII:

1. **Accessory apartment**
2. **Boarding house**
3. **Business office, business office building, business service**

4. **Child care facility, commercial**
5. **Child care facility, group**
6. **Clinic, medical and dental office**
7. **Convenience mart**
8. **Convenience store**
9. **Drive Through/Drive In** connected to any permitted or conditional **use**
10. **Financial institution**
11. **Funeral home**
12. **Garage apartment**
13. **Hostel**
14. **Hospice residence**
15. **Laundromat**
16. **Motel/hotel**
17. **Nursing home, assisted living facility, home for aged**
18. **Personal services**
19. **Pet store**
20. **Planned unit development**
21. **Private club**
22. **Public building**
23. **Recreational structure**
24. **Recycling drop off center** (no processing)
25. **Restaurant**
26. **Retail store and shop**
27. **School, technical, trade, vocational or business**
28. **Tavern**
29. **Tourist attraction**
30. **Tourist cabin**

Section 318 LC Lakefront Commercial District

- A. Intent: The LC Lakefront Commercial District is intended to provide an area within the City for commercial **use** along or in close proximity to the lakeshore. The **district** would include services and retail sales catering to the community and to tourist traffic with the intent of preserving, developing or enhancing a "commercial fishing village atmosphere". Residential **use** may be permitted in the **district**.
- B. Permitted Principal Uses:
1. **Bed and breakfast establishment**
 2. **Business office, business office building**, business service
 3. **Clinic, medical and dental office**
 4. **Convenience store, convenience mart**
 5. **Dwelling, one-family**
 6. **Dwelling, upper floor, commercial**
 7. **Essential services**
 8. **Fishery**

9. **Hostel**
10. **Marina**
11. **Motel/hotel,**
12. **Personal services**
13. **Pet store**
14. **Private club**
15. **Recreational structure**
16. **Resort**
17. **Restaurant**
18. **Retail store and shop**
19. **Tavern**
20. **Tourist cabin**
21. Watercraft sales, rental, and tours

C. Conditional Uses Authorized by Permit: The following **uses** of land and **structures** may be permitted in this **District** by application for and issuance of a **Conditional Use Permit** as provided in Article VII:

1. **Boatel**
2. **Drive Through/Drive In** connected to any permitted or conditional **use**
3. **Dwelling, multiple-family**
4. **Dwelling, two family**
5. **Hospice residence**
6. **Planned unit development**
7. **Recycling drop off center** (no processing)
8. **Theater**
9. **Tourist attraction**
10. **Townhouse**

Section 319 C Commercial District

A. Intent: The C Commercial District is designed to provide an area for general commercial business for the convenience of residents and the traveling public.

B. Permitted Principal Uses:

1. **Automobile wash facility**
2. **Building material sales and storage**
3. **Business office, business office building, business service**
4. **Clinic, medical and dental office**
5. **Convenience mart, convenience store**
6. **Dwelling, upper floor, commercial**
7. **Engine sales and service**
8. **Essential services**
9. **Financial institution**
10. **Funeral home**
11. **Gasoline service station**

12. **Hostel**
13. **Laundromat**
14. **Motel/hotel**
15. **Personal services**
16. **Pet store**
17. **Private clubs**
18. **Public utility**
19. **Restaurant**
20. **Retail store and shop**
21. **School, technical, trade vocational or business**
22. **Tavern**
23. **Theater**
24. **Tourist cabins**
25. **Vehicle repair facility**
26. **Vehicle and recreational vehicle sales and service**
27. **Veterinary clinic**
28. Watercraft sales rental, and tours

C. Conditional Uses Authorized by Permit: The following **uses** of land and **structures** may be permitted in this **District** by application for and issuance of a **Conditional Use Permit** as provided in Article VII:

1. **Bed and breakfast establishment**
2. **Church**
3. **Drive Through/Drive In** connected to any permitted or conditional **use**
4. **Dwelling, one-family**
5. **Dwelling, multiple-family**
6. **Planned unit development**
7. **Public building**
8. **Recycling drop-center** (no processing)
9. **Tourist attraction**
10. **Townhouse**

Section 320 I-1 Light Industrial District

A. Intent: The I-1 Light Industrial District is designed to accommodate establishments where the finished product generally consists of small machine parts, small electronic equipment or similar items. All **manufacturing** operations within this **District** will have less than 90 decibels emanating from the **building**.

B. Permitted Principal Uses:

1. **Building material sales** and storage
2. **Business office, business office building,** business service
3. **Essential service**
4. **Greenhouse,** commercial
5. **Light manufacturing,** including, bottling works, food packaging operation

6. **Mini storage facility**
7. **Public building**
8. **Public utility**
9. **Recycling center, recycling drop off center**
10. Research laboratory
11. **Sawmill and planing mill**
12. **School, technical, trade, vocational or business**
13. **Tractor and trucking facility**
14. **Vehicle and recreational Vehicle sales and service**
15. **Vehicle repair facility**
16. **Veterinary clinic**
17. **Wholesale storage facility**
18. **Wood yard**

C. Conditional Uses Authorized by Permit: The following **uses** of land and **structures** may be permitted in this **District** by application for and issuance of a **Conditional Use Permit** as provided in Article VII:

1. **Animal shelter**
2. **Heavy equipment sales and service**
3. **Kennel, commercial**
4. **Petroleum, natural gas and propane storage tank**
5. **Planned unit development**
6. **Wireless communication facility**

Section 321 I-2 Heavy Industrial District

A. Intent: The I-2 Heavy Industrial District is designed to accommodate wholesale activities, warehouses, major repair operations, **manufacturing** operations and other industrial **uses** whose external and physical effects are such that require them to be separated from residential **uses**. The location of the industrial **uses** may be located on individual **lots** or as part of an industrial park.

B. Permitted Principal Uses:

1. **Essential services**
2. **Paper mill**

C. Conditional Uses Authorized by Permit: The following **uses** of land and **structures** may be permitted in this **District** by application for and issuance of a **Conditional Use Permit** as provided in Article VII:

1. **Vehicle repair facility**
2. **Building material sales and service**
3. **Business office, business office building, business service**
4. **Heavy equipment sales and service**
5. **Manufacturing, light manufacturing, and assembly**
6. **Mini storage facility**
7. **Petroleum, natural gas and propane storage tank**

8. **Planned unit development**
9. **Public utility**
10. Research laboratory
11. **Recycling center; Recycling drop-center**
12. **Salvage yard**
13. **Sawmill** and planing mill
14. **School, technical, trade, vocational or business**
15. **Tractor and trucking facility**
16. **Wholesale storage facility**
17. **Wood yard**

Section 322 PL Public Lands District

- A. Intent: The PL Public Lands District is to establish and preserve areas for certain public purposes.
- B. Permitted Principal Uses:
 1. Any governmental or propriety function conducted by any governmental agency or publicly owned corporation which is authorized to conduct such function.

Section 323 LSO Lake Superior Shoreline Protection Overlay District

- A. Intent: The Lake Superior Shoreline Protection Overlay District is intended to protect the natural environment and preserve the natural beauty of the lake shore areas adjacent to Lake Superior in the City of Munising. The Lake Superior Shoreline Protection Overlay District includes all land lying within the 1986 U.S. Army Corps of Engineers High Water Mark within areas zoned as either L-1 or L-2 as depicted on the Official Zoning Map for the City of Munising. This boundary extends across all underlying zoning **districts**.
- B. Overlay District Regulations
 1. The **uses** allowed by the underlying zoning **districts** are not altered by the overlay. All allowable **uses** that occur within the **shoreline** protection overlay zone shall comply with the provisions of this section. These requirements shall be considered in addition to restrictions or other applicable regulations for each zoning **district**.
 2. In the event that regulations imposed by this Ordinance conflict with regulations of an underlying zoning **district**, the regulations of this section shall prevail to the extent of the conflict and no further.
 3. All **structures** proposed to be built within the **shoreline** protection overlay **district** shall be set back according to the requirements below, except for the

following **uses**: recreational docks, storm water and erosion control devices, picnic tables, benches, recreational watercraft, stairways, walkways, and boat-hoists.

- a. No **principal structure** or accessory **structure** shall be allowed within 75 feet of the **ordinary high water mark**, however, if an existing pattern of development exists, the **Zoning Administrator** may allow new homes to be built closer than 75 feet at the same **setback** as the average **setback** of neighboring homes, but no closer than 50 feet.
 - b. No accessory **structure** (either permanent or temporary) shall be constructed to obstruct the view of an adjoining property owner's view of the lake.
 - c. On **lots** with coastal wetlands, a **setback** of at least 75 feet shall be maintained from the wetland or as required by the U.S. Corps of Engineers and the Michigan Department of Environmental Quality.
4. To protect water quality and **shoreline** habitat, preserve scenic and aesthetic character, and control erosion and flooding, a **shoreline** nature **buffer** zone shall be maintained 25 feet landward of the **Ordinary high water mark**. The nature **buffer** zone with native **shoreline** species shall serve as a natural transition between the **shoreline** and adjacent upland development.
5. The following standards apply to all **uses** within the **shoreline** nature **buffer** zone:
- a. One viewing and access corridor is permitted per 100 feet of water frontage per **lot**. It shall be no more than 30 feet wide in the dimension paralleling the shore and shall be set back at least 10 feet from the **side lot line**. In the case of a **lot** less than 100 feet in width, the viewing and access corridor shall be reduced proportionally.
 - b. Within the viewing and access corridor selective removal of vegetation is permitted. It is encouraged that sufficient vegetation is retained to **screen** development from view and provide a filtered view of the water.
 - c. Walkways, stairs, and paths must be located in the viewing and access corridor unless such location is not feasible due to steep **slopes**, wet soils, or similar conditions. Piers, recreational docks, and boat-hoists must be placed in water in line with the viewing corridor.
 - d. Within the **shoreline** nature **buffer** zone (excluding the viewing and access corridor), clear-cutting of trees, ground cover and shrubbery is not allowed; however, thinning is permitted for a **screened** view. Hazardous, dead, diseased or

dying trees may be removed within the **buffer** zone. Removal of trees, shrubs, ground cover and other native vegetation shall require review and approval of the **Zoning Administrator** to ensure impacts to the **shoreline** resources are minimized.

- e. Vegetation shall be restored in areas affected by construction activities. Vegetation must be indigenous to the Great Lakes **shoreline**. Temporary vegetation, sufficient to stabilize the soil, may be required on all disturbed areas as needed to prevent soil erosion. Stumps of trees cleared or harvested within the vegetative **buffer** zone must remain undisturbed in the ground.
- f. In cases where native vegetation does not exist within the **buffer** zone, the landowner is encouraged to replant the **buffer** zone with native plant species.

Section 324 Recreational Uses

The following recreational **uses** are Permitted **Principal Use** (P) or may be permitted upon issuance of a **Conditional Use Permit** (C) in the **districts** indicated below.

Land Use/District	R-1 & R-2	L-1	L-2	H-1	H-2	RR-IBZ	D	T	LC	C	I-1	I-2
community playground	P	C	C	P	P		C	P	C	C		
picnic area	P	C	C	P	P		C	P	C	C		
multi use recreation field, including soccer, ice hockey, field hockey, ballfield, ice rink, skateboard	C		C		C							
passive park (nature areas, nonmotorized trail, walkways)	P	P	P	P	P	P	P	P	P	P	P	P
cross-country ski trail				P	P	P						
horseback riding (equestrian) trail				C	C	C						

Land Use/District	R-1 & R-2	L-1	L-2	H-1	H-2	RR-IBZ	D	T	LC	C	I-1	I-2
recreation facility: handball, badminton, basketball, tennis, archery, fitness facility, shooting range, golf, bowling alley			C		C		C	C	C	C	C	
golf driving range				C	C				C	C		
golf course (9 or 18 hole)				C	C							
mini-golf course			C		C				C	C		
archery range (outdoor)					C						C	C
campgrounds, recreational vehicle (RV) park			C		C				C	C		
zoo/aquarium			C		C		C		C		C	
snowmobile trail	C	C	C	C	C	C	C	C	C	C	C	C
downhill ski					C							
fishing pier and boat launch		C	C						C			

Section 325 Permitted Accessory Uses

- A. Subject to Section 409, the following permitted **accessory uses** and **structures** are normally associated with residential dwellings: decks, gazebos, private garage, shed for **yard** tools, playhouse, dog pens, boat houses, swimming pools, woodshed and sauna. The accessory **structures** must comply with applicable regulations of this Ordinance.

- B. **Accessory uses and structures** that are normally associated with commercial and industrial **uses** must comply with Section 409.

ARTICLE IV: GENERAL REGULATIONS

Section 401 Height, Bulk and Placement Regulations

- A. Except as otherwise provided in this Ordinance, no **lot** or parcel shall be created and no **structure** shall be **erected** or maintained except in compliance with the Schedule of Regulations specified below. Any sale of land in violation of this section shall be voidable at the option of the purchaser and shall subject the seller to the forfeiture of any and all consideration received or pledged for the land. The purchaser may take additional action to recover any damages sustained. These remedies shall not preclude enforcement by the **Zoning Administrator**.

Schedule of Regulations							
District	Minimum Lot Size (Square Feet or Acreage)	Minimum Lot Width ^A	Minimum Setback ^B			Maximum Height	Maximum Lot Coverage Ratio
			Front ^C	Side	Rear		
R-1	3,300 square feet	33 feet	12 feet	4 feet	12 feet	30 feet	58%
R-2	5,000 square feet	50 feet	12 feet	6 feet	12 feet	30 feet	58%
L-1	20,000 square feet ^F	100 feet	50 feet ^D	10 feet	25 feet	30 feet	25%
L-2	10,000 square feet ^F	100 feet	50 feet ^D	10 feet	25 feet	30 feet	20%
H-1	2 acres	200 feet	100 feet	50 feet	50 feet	35 feet	7.5%
	4 acres ^G	300 feet ^G	150 feet ^G	75 feet ^G	75 feet ^G	40 feet ^G	6.0% ^G
H-2	3 acres	200 feet	100 feet	50 feet	50 feet	40 feet	7.5%
RR-IBZ	2 acres	200 feet	50 feet	30 feet	30 feet	30 feet	7.5%
D	None	None	None	4 feet	6 feet	40 feet	100%
T	5,000 square feet	50 feet	25 feet	10 feet	10 feet	30 feet	40%
LC	5,000 square feet	50 feet	50 feet ^E	10 feet	12 feet	30 feet	23%-water lot
							46%- land lot
C	20,000 square feet	150 feet	25 feet	10 feet	12 feet	40 feet	62%
I-1	None	None	12 feet	10 feet	12 feet	30 feet	90%
I-2	25,000 square feet	125 feet	50 feet	25 feet	50 feet	40 feet	30%
PL	None	None	None	None	None	None	Not applicable

Footnotes to the Table:

- A. **Lot width** shall be measured at **front setback** line and shall not include any encumbrances, such as easements or other such restrictions.

- B. Cornices, eaves, and gutters, may project two feet into the required **yard**. Attached or unattached decks, and porches shall comply with required front, side and **rear setbacks**.
- C. The **front setback** shall be measured from the road right-of-way, except where a parcel abuts a water body. In that case the **front setback** shall be measured from the **ordinary high water mark**.
- D. Where a parcel abuts a water body, the **front lot line setback** shall be 50 feet from the **ordinary high water mark**. Where a parcel does not abut a water body, the **front lot line** shall be measured 25 feet from the road right-of-way.
- E. Where a parcel abuts a water body, the **front lot line setback** shall be 50 feet from the **ordinary high water mark**. Where a parcel does not abut a water body, the **front lot line** shall be measured 12 feet from the road right-of-way.
- F. Prior to installation of septic system on **lots** within L-1 and L-2, the local health department must be consulted to determine minimum **lot** size needed.
- C. Applies to **motel/hotel** and **restaurant** establishments.

Section 402 Regulations Pertaining to Side and Rear Yards in Downtown District

- A. In the Downtown District, the **side yards** may be eliminated under the following conditions:
 1. The side walls are of fireproof construction and are wholly without opening.
 2. The zoning of the adjacent property is Downtown.

Section 403 Variance of the Size and Width of Lots of Record

- A. The minimum **lot** size and **lot width** regulations do not apply to any conforming parcel of land that is shown as a **lot** on a map or described in a deed, land contract, or lease agreement recorded with the County Register of Deeds, or described in a deed, land contract, or lease agreement which has been perpetual, executed together with an affidavit or acknowledgment of a notary public, prior to the effective date of this Ordinance.
- B. No vested right shall arise to a property owner for any parcel that was created in violation of any preceding City of Munising Zoning Ordinance.
- C. For the purpose of this Ordinance to reduce or eliminate **nonconforming lot** sizes or **lot width**, where two **lots** are held in common ownership and one or both of these **lots** are non-conforming, they shall each be considered combined as a single **lot** and subject to the provisions of this Ordinance.
- D. Where three or more **abutting lots** of record are held in common ownership, and where one or more of these **lots** are non-conforming, the provisions of this Ordinance relating to **lot area** and **lot width** shall not be avoided by the sale or **conveyance** of a portion of such **lots** of record.

Section 404 Allocation and Reduction of Lot Area

- A. No portion of a **lot** shall be **used** more than once in complying with the provisions for **lot area** and **yard** dimensions for construction or alteration of **buildings**.
- B. No **setback** area or **lot** existing at the time of adoption of this Ordinance shall be reduced in dimensions or area below the stated minimum requirements. **Yards** or **lots** created after the effective date of this Ordinance shall meet at least the established minimum requirements.

Section 405 Height Requirement Exceptions and Restrictions

- A. The following are exempted from height limit requirements, provided that no portion of the excepted **structure** is used for human occupancy:
 - 1. Those purely ornamental in purpose such as **church** spires, belfries, domes, ornamental towers, flagpoles and monuments;
 - 2. Those necessary appurtenances to mechanical or structural functions, such as chimneys and smokestacks, water tanks, cooling towers, and amateur radio antennas.
- B. Radio antennas and towers, television antennas, satellite dishes, microwave towers, flag poles, public monuments, **church** spires, **wind turbines**, and the like shall be properly secured and not placed in locations where the collapse of such a **structure** will occur on adjoining property.

Section 406 Minimum Building Floor Area

- A. The minimum principal **floor area**, exclusive of **basements**, garages, porches and **breezeways** for **structures** used for residential **use** shall be:

Residential use	Minimum Square Feet for Each Dwelling
Single-family dwelling	750 square feet
Dwelling, upper floor, commercial	350 square feet
Two family dwelling	750 square feet
Multiple family dwelling	500 square feet
Manufactured home	750 square feet

Section 407 Minimum Standards for Dwelling Units

- A. Every **dwelling unit** shall comply with the following standards:
1. A **structure** used for residential **use** shall have a minimum width across any front, side or rear elevation of 20 feet and shall comply in all respects with the Alger County Building Code, including minimum heights for habitable rooms. Where a dwelling is lawfully required to comply with any federal or state standards or regulations for construction and where such standards or regulations are different from those imposed by the Alger County Building Code, then such federal or state standards or regulations shall apply.
 2. The **dwelling unit** shall be firmly attached to a permanent foundation constructed on the site in accordance with the Alger County Building Code, shall have a wall of the same perimeter dimensions of the dwelling, and shall be constructed of such material and type as required in the applicable building code.
 3. The dwelling shall be connected to a public sewer and water supply or to an on-site septic system or water supply approved by the Alger County Health Department.
 4. The **structure** shall have a **floor area** of not less than 750 square feet and shall contain a storage capability area in a **basement** located under the **structure**, in an attic area, in closet areas or in a separate **structure** of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to 10% of the square footage of the dwelling or 100 square feet, whichever is less.
 5. The dwelling shall be aesthetically **compatible** in design and appearance with other residences in the vicinity, with either a roof overhang of not less than six inches on all sides or alternatively with window sills and roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling; have not less than two functioning exterior doors with one being in either the rear or side of the dwelling; and contains permanently attached steps connected to the exterior door areas or to porches connected to door areas where a difference in elevation requires same. The compatibility of design and appearance shall be determined by the **Zoning Administrator** upon review of the plans submitted for a particular dwelling. The determination of compatibility shall take into account the standards of this Ordinance as well as the character, design and appearance of one or more residential dwellings within 2,000 feet of the subject dwelling, located outside of a mobile home park. The foregoing shall not be construed to prohibit innovative design concepts involving solar energy, view, unique land contour, or relief from the common or standard designed home.

6. The dwelling shall not contain any addition, room or other area which are not constructed with similar or higher quality workmanship as the original **structure**, including permanent attachment to the **principal structure** and construction of a foundation as required.
 7. The dwelling shall comply with all pertinent building and fire codes. In the case of a **manufactured home**, all construction and plumbing, electrical apparatus and insulation within and connected to the **manufactured home** shall be of a type and quality conforming to the “Mobile Home Construction and Safety Standards” as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, as amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.
 8. **Manufactured homes** which do not conform to the standards of Section 407 shall not be used for dwelling purposes within the City unless located within a mobile home park or a mobile home plat.
- B. **Manufactured homes** shall be installed at a minimum in compliance with rules established by the Mobile Home Commission.

Section 408 Use of Yard or Open Space

- A. It is prohibited to **use the open space** for the parking, disposition, storage, wrecking, dismantling, accumulation or abandonment, either temporary or otherwise, of **disused**, discarded, worn-out, wrecked or dismantled **vehicles**, machinery, implements, apparatus, furniture, appliances, junk or any other personal property. A maximum of two unlicensed and temporarily disabled **vehicles** may be stored on the premises provided they are **screened** from adjacent residence and the road.

Section 409 Accessory Buildings and Uses

- A. Where a **lot** is devoted to a permitted **principal use**, customary **accessory uses** and **buildings** are authorized, except as specifically prohibited or by necessary implication in this or any other ordinance.
- B. Any **accessory building** greater than 100 square feet in the R-1, R-2, L-2, C, LC, D, T Districts shall require a **zoning compliance permit**. Any **accessory building** greater than 150 square feet in the L-1, H-1, H-2, I-1, and I-2 Districts shall require a **zoning compliance permit**.
- C. An **accessory building**, including **carports**, attached to the **principal building** shall be made structurally a part of and shall comply in all respects with the requirements of this

Ordinance applicable to **principal buildings**. **Breezeways**, as an attachment between the garage or **carport** and the main **building** shall be considered a part of the main **building**, but shall not be considered livable **floor** space.

- D. Play equipment, swimming pools, hot tubs, permanently constructed barbeque grills, and other similar detached accessory **structures** must be located in the rear, or front for water-front properties, or **side yards** and shall meet all **setback** requirements of the **district** in which it is located. Detached transmitting and receiving antennas, including, but not limited to, amateur radio antennas, satellite dish antennas or similar devices shall be located to the rear of the dwelling or **principal building** on the **lot**, provided that such siting permits necessary unrestricted signal line. In the event placement in the rear area does not allow necessary unrestricted signal line, such antennas may be placed elsewhere on the **lot**.
- E. On **lots** of more than five **acres** an **accessory building** totaling more than 100 percent of the square footage of the **principal structure** may be permitted upon application of and issuance of a **Conditional Use Permit**. In other instances, the square footage of all **accessory buildings** located on a **lot** shall not exceed the ground **floor area** of the **principal structure**.
- F. In **districts** allowing residential **use**, one detached residential garage and all other **accessory buildings** shall be **erected** in the rear or **side yards**.
- G. The maximum height of a detached **accessory building**, other than a residential garage, is 16 feet. The maximum height of a detached residential garage shall not exceed 20 feet. **Accessory buildings** receiving **Conditional Use Permit** will have height limits established by the **Planning Commission**.
- H. **Accessory buildings** shall not be **occupied** for dwelling purposes, nor **used** for any **business**, profession, trade or occupation, except as otherwise permitted by this Ordinance.
- I. On **lots** where no **principal building** is presently constructed, the maximum size of a garage or similar **structure** shall be 720 square feet with a maximum height of 20 feet.
- J. **Accessory buildings** located in the D and R-1 Districts shall not be located closer than six feet to the **principal building**. **Accessory buildings** located in other **districts** shall not be located closer than eight feet to the **principal building**.
- K. A residential garage may be utilized as a temporary dwelling while the principal dwelling is being constructed. (See Section 411 One **Principal Structure** or **Use Per Lot**)
- L. All accessory **structures** and **uses** on **lots** of two **acres** or greater must comply with the minimum **setback** requirements and are not restricted to placement on the **lot**.

Section 410 Home Occupation

- A. There shall be two classes of **home occupation**. **Home occupation** Class I shall be permitted in all districts allowing **single-family dwellings**. Class I **home occupation** is authorized by application for an issuance of a **zoning compliance permit** by the **Zoning Administrator**. Class II **home occupation** may be permitted in all **districts** by application for and issuance of a **Conditional Use Permit** by the **Planning Commission**.
- B. Class I **home occupation** shall comply with the following standards:
1. **Home occupation** shall only be operated within the principal dwelling, with no more than 25% of the dwelling devoted to the **home occupation**.
 2. **Home occupation** shall employ only those members of the **family** residing on the premise and not more than one non-occupant employee.
 3. No traffic shall be generated by such **home occupation** in greater volumes than would be normally expected in that residential neighborhood, and any need for parking shall meet the requirements of Section 416 Off Street Parking Requirements. The **home occupation** may utilize only stock **vehicles** such as passenger cars and light utility **vehicles** such as pick-up, vans and SUV's. These **vehicles** may be parked outside.
 4. There shall be no exterior evidence of the **home occupation** in a residential **district**. The **home occupation** shall not involve signs or the display of goods produced or services performed on the premise.
 5. The **use** of the **building** for **home occupation** shall be clearly incidental and subordinate to its **use** for residential purposes by its occupants.
 6. There shall be no sale of merchandise that is not directly related to the **home occupation**. The **home occupation** shall not constitute a retail store.
 7. No equipment or processes shall be used in the **home occupation** which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the **lot**. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
- C. Class II **home occupation** shall meet the criteria for a Class I **home occupation**, except for the following:
1. May be permitted to employ not more than two non-occupant employees,

2. May be permitted to utilize larger **vehicles** and heavy equipment; the storage or parking of the **vehicles** will be subject to conditions imposed by the **Planning Commission**,
 3. Accessory **structures** used in connection with the **home occupation** shall not exceed one-half of the **floor area** of the **principal structure**, unless otherwise allowed for by the **Planning Commission**, and
 4. The **Planning Commission** may place additional conditions upon Class II **home occupation** to assure compliance with Section 704 General Standards and the intent of the zoning **district**.
- D. **Home occupation** in a **single-family dwelling** for instruction in craft or fine arts is allowed in all **districts** subject to the provisions of Section 410 B and 410 C.

Section 411 One Principal Structure or Use Per Lot

- A. No more than one **principal structure** or **use** may be permitted on a **lot**, unless specifically provided for elsewhere in this Ordinance.
- B. A **recreational vehicle**, mobile home, garage or the **basement** of the home under construction may be used as a temporary dwelling until the owner or occupant completes the construction or erection of a house for which a **building** permit has been issued. Upon application for a Temporary Dwelling Permit, the applicant may obtain a permit for an initial period for up to one year from the date of the building permit. Upon reasonable progress, the applicant may renew the permit for not more than two additional one-year periods. The Dwelling Permit may be allowed provided the unit is connected to municipal sewer or an on-site sewage system, health department approved water source, and electric service. The mobile home may not be placed on a permanent foundation and must meet the required **setback** requirements of the **district**.
- C. 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 412 Recreational Vehicle as a Dwelling Unit

- A. A **recreational vehicle**, having a valid state licence/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**. **Vehicles** remaining unattended must have the owner's name, address and telephone number visibly placed on the **vehicle**.

Section 413 Recreational Vehicle Storage

- A. The parking and/or storage of **recreational vehicles**, snowmobile, motorcycles, scooters, 3 and 4 wheelers, boats, and other similar **vehicles** (whether on trailers or not) are permitted in the side and **rear yards** and driveways provided **setbacks** are met as they pertain to **accessory buildings**.
- B. The storage of the above items is only permitted on **lots** with a **principal building**.

Section 414 Outdoor Storage of Wood

- A. The storage of wood shall be adequately secured against rolling or falling and may not be stacked or placed higher than six feet.
- B. Stored wood must be located in the rear (front for waterfront properties), or side of the property. The stored wood shall not be located within the area of the **front setback** nor located in front of the **principal structure**. No wood shall be stored or placed upon any property within 10 feet of the shoulder of an alley where there is no public sidewalk.
- C. On **corner lots**, no wood shall be stored or placed so as to interfere with the clear vision from a **street** or alley to an intersecting **street** or alley. Clear vision shall be maintained at no less than three and one-half feet in height from the **grade** of the **street** or alley for a continuous length of 15 feet from the curb or shoulder of the intersecting **street**.

Section 415 Off-Street Parking Requirements

- A. There shall be provided adequate **vehicle** off-street parking in all **districts** at the time of erection or enlargement of any main **building** or **structure**, or a change in **use** of the **structure** that would require additional parking.
 - 1. Off-street parking shall be either on the same **lot** or within 500 feet of the **building** it is intended to serve, measured from the nearest point of the **building** to the nearest point of the **off street parking lot**. Ownership shall be shown of all **lots** or parcels intended for **use** as parking by the applicant.

2. Any area once designated as required off-street parking shall not be changed to any other **use** unless and until equal facilities are provided elsewhere.
3. Two or more **buildings** or **uses** may collectively provide the required off-street parking in which case the required number of **parking spaces** shall not be less than the sum of the requirements for the several individual **uses** computed separately.
4. In the instance of dual function of off-street **parking spaces** where operating hours of **building** do not overlap, the **Zoning Board of Appeals** may grant an exception by reducing the total number of spaces required.
5. The storage of merchandise, motor **vehicles** for sale, extended parking of **vehicles**, or the repair of **vehicles** is prohibited within the required **parking spaces**.
6. For those **uses** not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a **use** which the **Zoning Board of Appeals** considers as similar in type.
7. For the purpose of computing the number of **parking spaces** required, the definition of **usable floor area** shall govern.
8. An area equivalent to 10% of the required parking area shall be provided for snow storage. The snow storage areas shall be landscaped and shall be located within any fence bounding the **parking lot**.
9. The minimum number of off-street **parking spaces** by type of **use** shall be determined in accordance with the following schedule:

Uses	Minimum Required Parking spaces
Automotive Related Uses	
Gasoline station, convenience mart , convenience store	1 per 150 square feet of usable floor area plus 2 per service bay, in addition to stopping places adjacent to pumps
Automobile repair facility	1 per employee plus 2 per service bay
Automobile wash facility	1 per vacuum plus 2 waiting space per self-service or automatic wash facility
Vehicle sales	1 per 400 feet of usable floor area in showroom, plus 2 per service bay, if any
Dining, Entertainment, Assembly, Lodging, Recreational Facility and Public building	

Uses	Minimum Required Parking spaces
Assembly and entertainment: Places of public gatherings, bowling alleys, arcade, game rooms, dance hall, roller rink, ice rink, churches, private clubs, and theater	.25 times the seating capacity or legal occupancy, whichever is greater
Boat tour	.25 times legal capacity of watercraft
Boat livery	.25 times the number of watercraft for rent
Marina	1 per 1.5 boat slip
Lodging: Boarding house, motel/hotel, tourist cabin, bed and breakfast establishment, resort, hostel, boatel	1.2 per lodging or rental unit
Recreational structure	.4 times the maximum sleeping capacity
Restaurant, tavern	1 per every 2 capacity occupants, plus 4 stacking spaces for drive up/take out facility, if any
Tourist attraction	To be determined on a case by case basis by the Zoning Board of Appeals
Industrial Uses	
Production and processing	1.2 times the maximum number of employees on premise at any one time
Warehousing and wholesaling	1.2 times maximum number of employees on premise at any one time
Residential Uses	
Single-family, two-family, and multiple-family	2 per dwelling unit
Retail Establishments	
Furniture, appliance, hardware and building supply store	1 per 800 square feet of usable floor area
Outdoor sales space	To be determined on case-by case basis by Zoning Board of Appeals
Other retail establishment	1 per 150 square feet of usable floor area , plus additional spaces required for outdoor sales space, if any
Service Establishments	
Barber and beauty shop	2 per chair or station
Business and professional office (non-medical)	1 per 200 square feet of usable floor area
Assisted living facility, home for the aged, adult care facility	1 per every 2 beds