

## 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 <sup>A</sup>	Minimum Setback <sup>B</sup>			Maximum Height	Maximum Lot Coverage Ratio
			Front <sup>C</sup>	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 <sup>F</sup>	100 feet	50 feet <sup>D</sup>	10 feet	25 feet	30 feet	25%
L-2	10,000 square feet <sup>F</sup>	100 feet	50 feet <sup>D</sup>	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 <sup>G</sup>	300 feet <sup>G</sup>	150 feet <sup>G</sup>	75 feet <sup>G</sup>	75 feet <sup>G</sup>	40 feet <sup>G</sup>	6.0% <sup>G</sup>
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 <sup>E</sup>	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
<b>Automotive Related Uses</b>	
Gasoline station, <b>convenience mart</b> , <b>convenience store</b>	1 per 150 square feet of <b>usable floor area</b> plus 2 per service bay, in addition to stopping places adjacent to pumps
Automobile repair facility	1 per employee plus 2 per service bay
<b>Automobile wash facility</b>	1 per vacuum plus 2 waiting space per self-service or automatic wash facility
<b>Vehicle sales</b>	1 per 400 feet of <b>usable floor area</b> in showroom, plus 2 per service bay, if any
<b>Dining, Entertainment, Assembly, Lodging, Recreational Facility and Public building</b>	

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

Uses	Minimum Required Parking spaces
Group/ Commercial <b>child day care facility, adult foster care</b>	1 per employee plus two loading and unloading site
<b>Financial institutions</b>	1 per 150 square feet of <b>floor area</b> , plus 3 stacking spaces for each drive-up window
<b>Hospital</b> (in patient services)	2 per each bed
<b>Funeral home</b>	10 per each parlor room
<b>Laundromat</b>	1 per every 3 washers
Medical and dental clinic, out-patient services <b>Veterinary clinic</b>	3 per exam room or chair
Mini storage warehouse	1 parking/ <b>loading space</b> per unit
Other service establishments	1 per 150 square feet of <b>usable floor area</b>
Repair shops; plumber, electrician, decorator, etc showroom	1 per 500 square feet of <b>usable floor area</b>
<b>School, public or private</b> (includes auditorium as <b>accessory use</b> ), technical, trade vocational or business	1 per each employee plus 1 per every 5 driving age students

Section 416 Payment in Lieu of Off-Street Parking

- A. It is the policy of the City of Munising that off-street parking as required by Section 416 shall be required to the maximum extent possible. The City recognizes that owing to the small **lots** found in the City and existing development patterns, new development may not be able to secure sufficient property to meet the minimum requirements. Subject to the approval of the **Zoning Board of Appeals**, all or part of the required off-street parking in the D, T, and LC Districts may be waived subject to the applicants election to contribute a one-time predevelopment fee to the City in lieu of the number of spaces waived. Such fee shall be established by resolution of the City Commission, and shall be based on the number of spaces waived.
- B. The City of Munising Alternative Parking Fund is established for the sole purpose of assuring that adequate off-street parking areas in the D, T and LC Districts are adequately satisfied. Fees paid in accordance with Section 416A shall be deposited into this fund. In order to accomplish this objective, expenditures from this fund shall be restricted to the purchase of property and physical improvements to provide for additional off-street parking within areas zoned as D, T or LC.
- C. The funds will be managed and maintained as a separate account by the City Treasurer. The fund will be the repository of contributions generated under this section. The fund may be augmented by transfers from federal, state, municipal and private sources.

Expenditures from the fund will be made by the City Commission according to appropriation procedures as specified in the City charter and upon recommendations of the **Planning Commission**.

- D. The **Zoning Board of Appeals** may allow for the contribution to the fund only if the applicant can demonstrate by clear and convincing evidence that (1) off-site parking will be impossible or constitute an undue hardship, or (2) a contribution to the fund under the particular circumstances of the application will be more beneficial to the City. The contribution to the fund, if allowed, shall represent the smallest amount of a **variance** from the requirements of off-street parking that will afford relief. Such contribution shall be deemed a payment in lieu of providing off-street parking and shall not be deemed an impact fee or exaction.
- E. The amount of the predevelopment contribution will be determined and adjusted periodically as needed by the City Commission upon the recommendation of the **Zoning Administrator** or upon its own motion.
- F. It is clearly understood that the off-street parking areas to be developed by the City may not directly benefit the applicants but will benefit the community at large. There shall be no time limit established by when the City must expend funds in the Alternative Parking Fund.

#### Section 417 Off-Street Parking Space Layout, Standards, Construction and Maintenance

- A. Wherever the off-street parking requirements in Section 416 require the building of an off-street parking facility, such **off street parking lots** shall be laid out, constructed and maintained in accordance with the following standards and regulations:
  - 1. No **parking lot** shall be constructed unless and until a **zoning compliance permit** is issued. Applications for a permit shall be submitted with two copies of plans for the development.
  - 2. Adequate ingress and egress to the **parking lot** shall be provided and shall receive the review and approval of the **Zoning Administrator** in order to provide for the greatest possible public safety and welfare. Such necessary directional signs and controls as required shall be established and maintained by the owner or lessee of the **parking lot**.
  - 3. All spaces shall be provided adequate access by means of maneuvering lanes.
  - 4. Plans for the layout of off-street parking facilities shall be in accord with the following minimum requirements:

PARKING PATTERN	MANEUVERING LANE WIDTH	PARKING SPACE WIDTH	PARKING SPACE LENGTH	TOTAL WIDTH OF ONE TIER OF SPACES PLUS MANEUVERING	TOTAL WIDTH OF TWO TIERS OF SPACES PLUS MANEUVERING
75E to 90E	20 ft.	9 ft.	20 ft.	40 ft.	60 ft.
54E to 74E	15 ft.	8 ft. 6 in.	20 ft.	36 ft. 6 in.	58 ft.
30E to 53E	12 ft.	8 ft. 6 in.	20 ft.	32 ft.	52 ft.

5. All maneuvering lane widths shall require one-way traffic movement, with the exception of the 90E pattern where two-way movement may be permitted.

Section 418 Off-Street Loading and Unloading

- A. On the same premises with every **building, structure** or part thereof, involving the receipt or distribution of **vehicles** or materials or merchandise, there shall be provided and maintained on the **lot**, adequate space for standing, loading and unloading in order to avoid undue interference with public **use** of dedicated **streets** or **alleys**.

Section 419 Landscaping Regulations

- A. Whenever a **yard** or open area is created, the area shall be landscaped within six months from the date of a certificate of occupancy or **Conditional Use Permit**, depending upon seasonal conditions, and shall be reasonably maintained.
- B. Landscaping shall include natural ground covering material of sufficient density to prevent the washing, blowing and shifting of soil.
- C. Off-street parking areas with the capacity of 50 or more **vehicles** shall include a minimum landscaped area equal to 18 square feet for each **vehicle** parking. Landscaped areas shall be kept continuously planted with living vegetation. The landscaped area may be located at the perimeter of the parking area, as separate areas within the parking area, or in combination at the discretion of the developer. If the design includes separate areas, each area must contain at least one tree to be maintained in a healthy condition and

pruned to remove dead wood. All plant materials shall not create a hazard to drivers or pedestrians.

#### Section 420 Required Screening

- A. A planting **screen** or a six-foot fence, whether it is an opaque, wooden fence or chain link fence with interwoven slats, or a masonry wall of sufficient length and height shall be required at a **recycling drop-center**, trash collection site, **salvage yard**, or **recycling center** to interfere with the view from the adjoining property, except where the view is blocked by a change in **grade** or other natural or man-made features. Within the Lake Superior Shoreline Protection Overlay District, a four foot fence or planting **screen** will be required.
- B. Where a **service entrance** in the D or T District is located within 50 feet of any residential property either a six-foot fence or a planting **screen** no less than six feet is required.

#### Section 421 Planting Screens

- A. Any person desiring to build or cause to be built a planting **screen** upon property shall first apply to the **Zoning Administrator** for a fence/planting **screen** permit. The fence/planting **screen** permit application shall contain information, including drawings required for the determination of whether the erection of the planting **screen** is consistent with the provisions of this Ordinance. A fee shall be paid at the time of application.
- B. Whenever a **greenbelt** or planting is required by this Ordinance, it shall be planted within six months from the date of issuance of a certificate of occupancy or **Conditional Use Permit** (depending upon seasonable conditions). The **greenbelt** or planting shall be reasonably maintained with permanent plant materials to provide a **screen** to **abutting** properties. A **zoning compliance permit** may be revoked, after 30 days written notice is sent to the person assessed for taxes on the affected **lot** or to the occupant, whenever the plants are not maintained as required by this Ordinance.
- C. No planting **screen** shall be located on any **street** or alley corner which would obscure the vision of drivers using the **streets** or conflict with traffic control signals at the intersections of any **street** or **alley**. No planting **screen** shall obstruct the vision of drivers at any driveway, **parking lot** or other route providing ingress and egress to any premises. Clear vision shall be maintained at no less than 3.5 feet from the **grade** of the **street** or alley for a continuous length of 15 feet from the curb or shoulder of the intersecting **street** or **alley**.
- D. All planting **screens** required by this Ordinance shall consist of plants, at least 30 inches high when planted, maintained in a healthy condition and so pruned as to provide maximum opacity from the ground to a height of six feet.

- E. The plant materials in the recommended list below may be used or a **resource professional** may be employed by the applicant to determine alternative plant materials based on soil and drainage conditions.
- F. Plant materials shall be spaced according to the following requirements:
1. Plant materials shall not be closer than the mature width of the plant from the property line.
  2. Where planting materials are planted in two or more rows, the plant materials should be staggered in rows.
  3. Evergreen trees should be planted at 8'-10' spacing.
  4. Narrow evergreens should be planted not more than three feet on centers.
  5. Deciduous trees shall be planted at 10'-12' spacing.
  6. Tree like shrubs should be planted not more than 8'-10' on centers.
  7. Large deciduous shrubs should be planted 6'-8' on centers.
  8. A planting scheme provided by a **resource professional** may be used in the alternative. The planting scheme must provide for adequate soil erosion control and adequate **screening**.
- G. If a **resource professional** is not used, the following plant materials are recommended:

TREE LIKE SHRUBS:

*Acer spicatum* - Mountain maple  
*Cornus alternifolia* - Alternate leaved dogwood  
*Sorbus americana* - Mountain Ash  
*Sorbus decora* - Mountain Ash  
*Prunus virginiana* - Chokecherry  
*Prunus pensylvanica* - Pincherry  
*Crataegus crus-galli* - Cockspur torn  
*Crataegus chrysoarpa* - Hawthorn  
*Coryllus cornuta* - Beaked hazel  
*Alnus rugosa* - Speckled alder  
*Amelanchier species* - Juneberry

LARGE DECIDUOUS SHRUBS

*Nemopanthus mucronata* - Mountain holly  
*Dirca palustris* - Leatherwood  
*Shepherdia canadensis* - Buffalo berry  
*Cornus rugosa* - Round leaved dogwood  
*Cornus stolonifera* - Red osier  
*Sambucus canadensis* - American elderberry  
*Sambucus pubeas* - Red Elderberry  
*Viburnum cassinoides* - Wild raisin  
*Viburnum lentago* - Nannyberry  
*Viburnum trilobum* - High-bush cranberry

*Ilex verticillata* - Winterberry  
*Rhus typhina* - Staghorn sumach  
*Rhus glabra* - Smooth sumach  
*Physocarpus opulifolius* - Ninebark  
*Myrica gale* - Sweet gale

EVERGREEN TREES

*Thuja occidentalis* - Northern white-cedar  
*Picea glauca* - White spruce  
*Pinus strobus* - Eastern white pine; northern white pine  
*Pinus resinosa* - Red pine  
*Larix laricina* - Tamarack; Eastern larch

- H. It is the responsibility of the applicant to determine that the plant materials will survive in the soil and drainage conditions where planted.

Section 422 Fence Regulations

- A. Any person desiring to build or cause to be built a fence upon property shall first apply to the **Zoning Administrator** for a fence/planting **screen** permit. The permit application shall contain information, including drawings required for the determination of whether the erection of the fence is consistent with the provisions of this Ordinance. A fee shall be paid at the time of application.
- B. The following requirements shall apply:
1. Open constructed fences shall not exceed four feet or solid constructed fences shall not exceed three feet in height within the **front yard setback**.
  2. The maximum height of fences located in the rear or **side yard setback** shall be six feet without restriction on open or closed construction.
  3. Fences located in the **rear yard** on the **lot** line or within four feet thereof may be built to a height of six feet.
  4. **Natural fences** are permitted to a maximum height of four feet in the **front yard setback** and six feet in the rear and side **setback** areas.
  5. All fences must be located at least six inches from the property line of the person, firm or corporation constructing the fence, unless a written agreement stipulates that a fence may be constructed on the property line along with maintenance arrangements.

6. No fence shall be constructed or placed upon any property within 10 feet of the curb or shoulder of a **street** or alley where there is no public sidewalk. A fence shall be placed at least six inches from the inside the sidewalk line.
  7. The finished side of the fence shall be located as the exterior side of the fence, unless otherwise provided for in an agreement between **abutting** property owners.
  8. No fence shall be located on any **street** or alley corner which would obscure the vision of drivers using the **streets** or conflict with traffic control signals at the intersections of any **street** or **alley**. Clear vision shall be maintained at no less than 3.5 feet from the **grade** of the **street** or **alley** for a continuous length of 15 feet from the curb or shoulder of the intersecting **street** or alley. No fence shall obstruct the vision of drivers at any driveway, **parking lot** or other route providing ingress and egress to any premises.
  9. Fences shall be constructed to posts sunk in the soil at least three feet or at least 18 inches into concrete.
- C. A permit for the erection of a fence for protective or security measures shall be granted only after a demonstration of the need for such a fence. Application for such fences shall be presented to the **Planning Commission** for approval or denial.
- A. Fences must be maintained so not to endanger life or property. The use of barbed wire is prohibited. No fence shall be constructed or maintained in such a fashion that it is charged or connected with an electrical current in such a manner as to transmit the electrical current to person, animals or things which intentionally or unintentionally might come in contact with it. Any fence which, through lack of repair, type of construction or otherwise imperils life or property, shall be deemed a **nuisance**. The **Zoning Administrator** shall notify the owner of the property on which the fence is located of the existence of the **nuisance** and require the **nuisance** be abated within six days of receiving such a notice.

#### Section 423 Garage Sale

- A. **Garage sale** at residences are allowed a maximum of three occurrences per calendar year in all zoning **districts**; each occurrence shall not exceed four consecutive days. **Garage sale** is not considered to be a **home occupation**.

#### Section 424 Temporary Sales Stand

- A. A **temporary sales stand** is permitted in the D, C, T, and LC Districts. A temporary sales stand, other than those under the auspices of a community or charitable organization or in connection with a community or charitable event or activity, shall comply with the following regulations:
1. One stand per parcel.

2. The stand to be operated during daylight hours only.
  3. The maximum total **floor area** of the stand is 320 square feet.
  4. Off-street parking shall be provided for a minimum of four **vehicles**.
  5. The stand must be located a minimum of five feet from the road right-of-way.
  6. The **temporary sales stand** is for a maximum of 90 days within a calendar year.
  7. The stand must be removed within 14 days of ceasing operations.
- B. **Temporary sales stand** operated under the auspices of a community or charitable organization or in connection with a community or charitable event or activity shall operate for a maximum of seven consecutive days.
- C. Other than those operated under the auspices of a community or charitable organization or in connection with a community or charitable event or activity, a permit shall be obtained from and payment of a fee must be paid to the city prior to operating a **temporary sales stand**.

Section 425 Wireless Communication Facilities and Attached Wireless Communication Facilities

- A. The City of Munising has a clear and identifiable interest in accommodating the communication needs of residents and businesses, and has an interest in regulating the location and of such facilities to retain the integrity of neighborhoods and protect the public health, safety and welfare of the residents.
- B. Recognizing the number of providers authorized to establish and operate wireless communication services and coverage, it is further the purpose and intent of this section to:
1. Facilitate adequate and efficient provisions for **wireless communication facilities**;
  2. Ensure that **wireless communication facilities** are situated in appropriate locations and relationship to other land **uses, structures and buildings**;
  3. Limit inappropriate physical and aesthetic overcrowding of land **use** activities and avoid adverse impact upon existing population, transportation systems and other public services and facility needs;
  4. Promote the public health, safety and welfare; and,
  5. Minimize the adverse impacts of abandonment by requiring the removal of such facilities when they are no longer being used.
- C. It is the policy of City of Munising to minimize the overall number of newly established locations for **wireless communication facilities** and **wireless communication support structures** within the City and encourage the **use** of existing **structures** for **attached wireless communication facilities**. It is the City's interest, to the extent reasonable, to

encourage the cooperative **use** and **co-location** of such towers and their associated facilities and **structures**. All new and modified **wireless communication facilities** shall be designed and constructed so as to accommodate **co-location**.

- D. The location of **wireless communication facilities** and **attached wireless communication facilities** shall be subject to the following conditions and regulations:
1. A **Conditional Use Permit** for a new wireless communication facility shall not be granted unless the applicant demonstrates that feasible **co-location** is not available for the coverage area and capacity needs.
  2. Applicants shall demonstrate a justification for the proposed height of the **structures** and present an evaluation of alternative designs which might result in lower heights. No part of any wireless communication facility shall be constructed, located, or maintained at any time on or upon any required **setback** area for the **district** in which it is located.
  3. The site shall have legal documented access to a public road.
  4. All support **structures** must be set back from all **lot lines** a distance equal to its height. Support **structures** located near a **bluffline** must be located back from the **bluff edge** a distance of two times the height of the **structure**.
  5. Where an attached wireless communication facility is proposed on the roof of a **building**, it shall be designed, constructed and maintained to be architecturally **compatible** with the **principal building**.
  6. Equipment enclosure may be located within the **principal building** or may be in an **accessory building**. If the proposed **building** is an **accessory building**, it shall conform with all **district** requirements for **principal buildings**, including **yard setbacks**.
  7. A wireless communication facility may be of design, such as steeple, bell tower, or the form of which is **compatible** with the existing character of the proposed site, neighborhood and general area, as approved by the **Planning Commission**.
  8. All support **structures** must be certified by a professional engineer licensed in Michigan, that the structural design will withstand wind speeds and icing conditions under the worst conditions experienced in the area. All support **structures** must meet the standards of the Federal Aviation Administration, Federal Communication Commission, State of Michigan and must be certified by a registered, professional engineer under the laws of the State of Michigan to meet or exceed the Telecommunications Industry Association/Electronic Industry Association (TIA/EIA) standards in accordance with TIA/EIA-222-F.

9. **Wireless communication facility** shall not be artificially lighted, except as required by the Federal Aviation Administration.
10. There shall be no display on the wireless communication facility advertising or identification of any kind to be visible from the ground or other **structures**, except as required for emergency purposes.
11. Fencing shall be provided for the protection of the support **structure** and security from children and unauthorized persons who may access the facilities.
12. Landscaping shall provide **screening** and aesthetic enhancement for the **structure** base, **accessory buildings** and enclosure.
13. The operator shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions. The wireless communication facility shall be located and operated so that they do not interfere with radio, television, audio, video, electronic, microwave or other reception in nearby areas.
14. As a condition of every approval of a **wireless communication facility**, adequate provisions shall be made for the removal of all **wireless communication facilities** within six months of being abandoned by all users. Following complete demolition and removal of the **structure**, the premises shall be restored to an acceptable condition as reasonably determined by the **Zoning Administrator**. The applicant shall provide a performance bond, issued by an acceptable bonding company authorized to do business in the State of Michigan, for the removal of the **wireless communication facilities** and restoration of the site.
15. A maintenance plan and any applicable maintenance agreement shall be incorporated as part of the **Conditional Use Permit**. The maintenance agreement shall indicate measures to ensure the site will be maintained in a neat and orderly fashion and the facility is preserved in a safe condition. The applicant is responsible for preparing the maintenance plan and agreement for review by the **Planning Commission**.
16. Conditions and safeguards as identified in Section 705 will be applicable to **Conditional Use Permits** granted for **wireless communication facilities** and **attached wireless communication facilities**.