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THE CITY OF MUNISING HEREBY ORDAINS:

An Ordinance to establish zoning districts and regulations governing the development and use of land within the City of Munising in accordance with the provisions of Act 207 of 1921, as amended; to provide for regulations governing nonconforming uses and structures; to provide for a Zoning Board of Appeals and for its powers and duties; to provide for permits, fees, penalties and other administrative provisions to enforce this Ordinance; and to provide for regulations regarding conflicts with other ordinances or regulations.

ARTICLE I: PURPOSE OF ZONING

Section 101 Purpose

- A. Pursuant to the authority conferred by the Public Acts of the State of Michigan, this Ordinance has been established for the purpose of:
1. Promoting and protecting the public health, safety, and general welfare;
 2. Promoting and conserving the character and social and economic stability of the residential, commercial, industrial and other **use** areas;
 3. Securing the most appropriate **use** of land;
 4. Protecting the character and stability of the City’s valuable natural resources--its **hillsides**, Lake Superior **shoreline**, and other natural features;
 5. Promoting the orderly and beneficial development of residential and non-residential areas within the City of Munising;
 6. Regulating the intensity of **use** of land and **lot areas** and determining the area of **open spaces** surrounding **buildings** and structures necessary to provide adequate light, air, access and privacy to protect the public health;
 1. Provide adequate distance between **buildings** to lessen the spread of fire;
 8. Lessening and avoiding congestion or other traffic related problems on the public highways and roads;
 9. Providing for the needs of housing and commerce for future growth;
 10. Protecting the public and adjacent uses from fire, explosion, noxious fumes or odors, excessive heat, dust, smoke, glare, noise, vibration, radioactivity, and other health and safety hazards;

11. Preventing the overcrowding of land and undue concentration of **buildings** and structures so far as possible and appropriate in each zoning **district** by regulating the use and bulk of **buildings** in relation to the land surrounding them;
12. Enhancing social and economic stability in the City;
13. Conserving the taxable value of land, **buildings** and structures in the City;
14. Enhancing the aesthetic desirability of the environment throughout the City;
15. Conserving the expenditure of funds for public improvements and services to conform with the most advantageous uses of land;
16. Facilitating adequate and economical provision of transportation, water, sewers, schools, recreation and other public requirements.

Section 102 Munising Planning Commission

- A. The City of Munising Planning Commission has been created in accordance with the provisions of Act 285 of 1931, as amended. In accordance with Section 12 of Act 285 the Planning Commission has assumed the powers and duties of a zoning commission as described in Act 207 of 1921, as amended.

Section 103 Short Title

- A. This Ordinance shall be known and may be cited as the “City of Munising Zoning Ordinance.”

ARTICLE II: DEFINITIONS

Section 201 Construction of Language

- A. The following rules of construction shall apply to the text of this Ordinance:
1. All words and phrases shall be construed and understood according to the common and approved usage of the language; but technical words and phrases that have a peculiar and appropriate meaning in the law, shall be construed and understood according to such peculiar and appropriate meaning.
 2. The particular shall control the general.
 3. In case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
 4. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
 5. The word "use" includes the words "structures" and "**buildings**" associated with such use.
 6. When not inconsistent with the context, words in the present tense shall include the future and words in the singular number shall include the plural.
 7. The word "structure" includes the word "**building**." A "**building**" or "dwelling" includes any part thereof.
 8. The words "used" or "**occupied**" include the words "intended," "designed," or "arranged" to be used or **occupied**.
 9. The word "person" includes any firm, association, organization, partnership, trust, corporation, or similar entity, as well as an individual.
 10. The word "**lot**" includes the words "plot" and "parcel."
 11. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," "either . . . or," the conjunction shall be interpreted as follows:
 - a. "And" indicates that all connected items, conditions, provisions, or events shall apply.
 - b. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.

- c. "Either . . . Or" indicates that the connected items, conditions, provisions, or events shall apply single but not in combination.
12. Whenever a reference is made to several sections and the section numbers are connected by the word "to" the reference includes both sections whose numbers are given and all intervening sections.

Section 202 Definitions

- A. For the purpose of this Ordinance words shall have the following meaning:
- 1. Abutting: Having property or **district** lines in common.
 - 2. Accessory Apartment: A separate private living unit complete with its own bathroom, bedroom, kitchen and living area created by remodeling or adding onto an existing **single-family dwelling**.
 - 3. Accessory Building: A **building** or structure customarily incidental and subordinate to the **principal structure** and located on the same **lot** as the **principal building**.
 - 4. Accessory use: A use customarily incidental and subordinate to the **principal use** of the land or **building** and located on the same **lot** as the **principal use**.
 - 5. Acre: A land area equal to 43,560 square feet.
 - 6. Adult Care Facility: A facility which provides supervision, personal care, meals and protection to less than six adults for a period of four days or less, for compensation. Care may or may not involve any overnight stay, and no medical care services are provided. Respite care is also covered by this definition.
 - 7. Adult Foster Care Family Home: A private residence licensed under P.A. 218 of 1979, as amended, with the approved capacity to receive six or fewer adults who are provided supervision, personal care, and protection for five or more days a week, and for two or more consecutive weeks, for compensation. The adult foster care home licensee must be a member of the household and an occupant of the residence.
 - 8. Adult Foster Care Small Group Home: A facility licensed under P.A. 218 of 1979, as amended, with the approved capacity to receive 12 or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for 24 hours a day, five or more days a week, and for two or more consecutive weeks, for compensation.

9. Adult Foster Care Large Group Home: A facility licensed under P.A. 218 of 1979, as amended, with the approved capacity to receive at least 13 but not more than 20 adults who are provided supervision, personal care, and protection in addition to room and board, for 24 hours a day, five or more days a week, and for two or more consecutive weeks, for compensation.
10. Agriculture: The art or science of cultivating the ground, including the harvesting of crops and by extension, the rearing, reproducing and managing of livestock and poultry or other animals upon the ground in fields or pastures or pens as a source of income.
11. Alley: A public or legally established thoroughfare, other than a **street**, affording a secondary means of vehicular access to **abutting** property and not intended for general traffic circulation.
12. Alterations: Any change, addition or modification to a structure or type of occupancy, any change in the structural members of a **building**, such as walls, or partitions, columns, beams or girders, the consummated act of which may be referred to herein as "altered" or "reconstructed" or "changed."
13. Animal Shelter: A facility licensed under P.A. 287 of 1969 for the care of homeless animals, or animals that are held due to the violation of a municipal ordinance or state law, and/or animals that are surrendered to the animal control shelter.
14. Apartment: A **dwelling unit** within a multiple-family structure or an accessory structure.
15. Asphalt or Concrete Plant: An establishment engaged in the **manufacturing**, mixing, or batching of asphalt, asphaltic cement, cement, or concrete products.
16. Assisted Living Facility: A residence that provides a special combination of housing, personalized support, and health care designed to respond to the individual needs of those who need help with activities of daily living but do not need the skilled medical care provided in a **nursing home**.
17. Attached Wireless Facilities: **Wireless communication facilities** affixed to existing structures, including but not limited to existing **buildings**, towers, water tanks or utility poles.
18. Automobile Wash Facility: A structure **containing** facilities for the washing of vehicles by automatic or self service means.
Automatic Wash: Any facility, its structures, **accessory uses**, or paved areas used wholly or partly to wash, clean and dry the exterior of automobiles using conveyors to move the vehicle, or equipment that moves over or around the vehicle, or other automated equipment intended to mechanically wash such vehicles

Self Service Wash: Any facility, its structures, **accessory uses** or paved areas used wholly or partly to wash, clean and dry the exterior of vehicles using hand-held equipment.

19. Basement: The portion of a **building** which is partly or wholly below **grade** but so located that the vertical distance from average **grade** to the **floor** is greater than the vertical distance from the average **grade** to the ceiling. If the vertical distance from average **grade** to the ceiling is over five feet, such **basement** shall be rated as a first **story**.
20. Bed and Breakfast Establishment: A single-family residence structure that has eight or fewer sleeping rooms which are available for rent to transient tenants. Breakfast shall be served to its guests at no additional cost. Guest accommodations shall be subordinate to the **principal use** of the dwelling as a single-family residence.
21. Berm: A man-made, formed, earth mound of definite height and width used for obscuring purposes; the intent of which is to provide a transition between uses of differing intensity.
22. Block: The property **abutting** one side of a **street** and lying between the two nearest intersecting **streets** (crossing or terminating) or between the nearest such **street** and railroad **right-of-way**, unsubdivided acreage, lake, river, stream, or other barrier to the continuity of development.
23. Bluff: An embankment rising sharply from the ground.
24. Bluff Edge: The upper termination of a **bluff**. When the top edge of the **bluff** is rounded away from the face of the **bluff** as a result of erosional processes related to the presence of the steep **bluff** face, the edge shall be defined as that point nearest the **bluff** beyond which the downward gradient of the land surface increases more or less continuously until it reaches the general gradient of the **bluff**. In a case where there is a step-like feature at the top of the **bluff** face, the landward edge of the topmost riser shall be taken to be the **bluff edge**. In those cases where irregularities, erosion intrusions, structures or **bluff** stabilizing devices exist on a subject property so that a reliable determination of the **bluff edge** cannot be made by visual or topographic evidence, the **Zoning Administrator** shall determine the location of the **bluff edge** after evaluation of a geologic and soil report.
25. Boat Launch: A facility designed to accommodate the launching of shallow draft watercraft via a ramp extending into a water body. A small courtesy pier for the loading and unloading of passengers, etc. may be located at the ramp.