

## TABLE OF CONTENTS

<b>ARTICLE I: PURPOSE OF ZONING .....</b>	<b>I - 1</b>
Section 101 Purpose.....	I - 1
Section 102 Munising Planning Commission.....	I - 2
Section 103 Short Title .....	I - 2
 <b>ARTICLE II: DEFINITIONS .....</b>	 <b>II - 1</b>
Section 201 Construction of Language.....	II - 1
Section 202 Definitions.....	II - 2
 <b>ARTICLE III: ZONING DISTRICTS AND MAP .....</b>	 <b>III - 1</b>
Section 301 Establishment of Districts .....	III - 1
Section 302 Zoning District Map.....	III - 1
Section 303 Interpretation of the Zoning Map.....	III - 1
Section 304 Replacement of Official Zoning Map .....	III - 2
Section 305 Application of District Regulations .....	III - 2
Section 306 Scope of Provisions.....	III - 3
Section 307 Conflicting Regulations .....	III - 3
Section 308 Exemptions .....	III - 4
Section 309 R-1 Residential One District.....	III - 4
Section 310 R-2 Residential Two District .....	III - 4
Section 311 L-1 Lakeshore One District .....	III - 5
Section 312 L-2 Lakeshore Two District.....	III - 6
Section 313 RR-IBZ Rural Residential- Inland Buffer Zone District .....	III - 7
Section 314 H-1 Highland One District.....	III - 7
Section 315 H-2 Highland Two District .....	III - 10
Section 316 D Downtown District.....	III - 11
Section 317 T Transitional District.....	III - 12
Section 318 LC Lakefront Commercial District.....	III - 14
Section 319 C Commercial District .....	III - 15
Section 320 I-1 Light Industrial District.....	III - 16
Section 321 I-2 Heavy Industrial District.....	III - 17
Section 322 PL Public Lands District.....	III - 18
Section 323 LSO Lake Superior Shoreline Protection Overlay District.....	III - 18
Section 324 Recreational Uses.....	III - 20
Section 325 Permitted Accessory Uses .....	III - 21
 <b>ARTICLE IV: GENERAL REGULATIONS .....</b>	 <b>IV - 1</b>
Section 401 Height, Bulk and Placement Regulations .....	IV - 1
Section 402 Regulations Pertaining to Side and Rear Yards in .....Downtown District	IV - 2
Section 403 Variance of the Size and Width of Lots of Record.....	IV - 2
Section 404 Allocation and Reduction of Lot Area.....	IV - 3

**ARTICLE IV - continued**

Section 405 Height Requirement Exceptions and Restrictions ..... IV - 3  
Section 406 Minimum Building Floor Area ..... IV - 3  
Section 407 Minimum Standards for Dwelling Units..... IV - 4  
Section 408 Use of Yard or Open Space ..... IV - 5  
Section 409 Accessory Buildings and Uses..... IV - 6  
Section 410 Home Occupation ..... IV - 7  
Section 411 One Principal Structure or Use Per Lot ..... IV - 8  
Section 412 Recreational Vehicle as a Dwelling Unit..... IV - 9  
Section 413 Recreational Vehicle Storage..... IV - 9  
Section 414 Outdoor Storage of Wood..... IV - 9  
Section 415 Off-Street Parking Requirements..... IV - 10  
Section 416 Payment in Lieu of Off-Street Parking ..... IV - 13  
Section 417 Off-Street Parking Space Layout, Standards, Construction  
..... and Maintenance IV - 14  
Section 418 Off-Street Loading and Unloading ..... IV - 14  
Section 419 Landscaping Regulations ..... IV - 15  
Section 420 Required Screening..... IV - 15  
Section 421 Planting Screens..... IV - 15  
Section 422 Fence Regulations..... IV - 17  
Section 423 Garage Sale ..... IV - 19  
Section 424 Temporary Sales Stand ..... IV - 19  
Section 425 Wireless Communication Facilities and Attached Wireless  
..... Communication Facilities IV - 19

**ARTICLE V: NONCONFORMING USES AND STRUCTURES ..... V - 1**

Section 501 Intent ..... V - 1  
Section 502 Provisions for Continued Use of a Non Conforming  
..... Structure or Use V - 1  
Section 503 Procedure For Approval by Planning Commission ..... V - 2  
Section 504 Standards for Review and Approval..... V - 3

**ARTICLE VI: ZONING COMPLIANCE PERMITS AND SITE REVIEW PLANS.. VI - 1**

Section 601 Intent ..... VI - 1  
Section 602 Zoning Compliance Permit Application ..... VI - 1  
Section 603 Site Plan Requirements ..... VI - 2  
Section 604 Site Plans for Permitted Single and Two Family Dwellings, Residential  
Accessory uses and Structures, Multiple Family Dwellings of no more than Four  
Units and less than 5,000 square feet, and All Non-Industrial Uses under 4,000  
square feet, and Non-Conforming Uses and Structure, and Conditional Use  
Permits for above Structures and Uses ..... VI - 2

**ARTICLE VI - continued**

Section 605 Site Plans for Permitted Multiple-Family Dwelling units with greater than four Dwelling units, Non-Industrial Structures and Uses greater than 4,000 square feet, all Industrial Structures and Uses, Conditional Use Permits, Planned Unit Development, Conditional Use Permits, Open Space Preservation Permits, and Condominium and Site Condominium Permits ..... VI - 4

Section 606 Site Plan for Variances..... VI - 6

Section 607 Additional Standards for Site Plan Approval..... VI - 6

Section 608 Zoning Compliance Permit Approval and Issuance ..... VI - 7

Section 609 Appeal..... VI - 8

**ARTICLE VII: CONDITIONAL USE PERMITS .....VII - 1**

Section 701 Intent .....VII - 1

Section 702 Application Procedure .....VII - 1

Section 703 Conditions and Approvals.....VII - 2

Section 704 General Standards .....VII - 2

Section 705 Conditions and Safeguards .....VII - 7

Section 706 Appeal.....VII - 8

**ARTICLE VIII: PLANNED UNIT DEVELOPMENT ..... VIII - 1**

Section 801 Intent ..... VIII - 1

Section 802 Eligibility ..... VIII - 1

Section 803 Application and Modification Powers ..... VIII - 2

Section 804 Preliminary Conference ..... VIII - 2

Section 805 Preliminary Application..... VIII - 2

Section 806 Final Application ..... VIII - 5

Section 807 Authorization and Issuance of Conditional Use Permit..... VIII - 5

Section 808 Planned Unit Development Standards ..... VIII - 6

Section 809 Changes in Approved PUD..... VIII - 7

**ARTICLE IX: OPEN SPACE PRESERVATION..... IX - 1**

Section 901 Intent ..... IX - 1

Section 902 Eligibility Criteria ..... IX - 1

Section 903 Project Design Standards ..... IX - 2

Section 904 Project Standards ..... IX - 4

Section 905 Application and Approval Process ..... IX - 4

Section 906 Revision of Approved Plans ..... IX - 5

**ARTICLE X: CONDOMINIUM AND SITE CONDOMINIUM..... X - 1**

Section 1001 Purpose..... X - 1

Section 1002 General Requirements..... X - 1

Section 1003 Application and Approval Process..... X - 3

<b>ARTICLE XI: ADMINISTRATION AND ENFORCEMENT</b> .....	XI - 1
Section 1101 Administration .....	XI - 1
Section 1102 Administrative Standards.....	XI - 1
Section 1103 Administrative Procedures for Public Notifications.....	XI - 2
Section 1104 Standards for Hearings and Zoning Administration .....	XI - 4
Section 1105 Zoning Administrator.....	XI - 4
Section 1106 Fees .....	XI - 6
<b>ARTICLE XII: AMENDMENTS TO THE ZONING ORDINANCE</b> .....	XII - 1
Section 1201 Statement of Intent.....	XII - 1
Section 1202 Required Amendment Information.....	XII - 1
Section 1203 Review of Amendment by Planning Commission.....	XII - 1
Section 1204 Changes and Amendments.....	XII - 1
Section 1205 Standards for the Review of Amendments .....	XII - 3
Section 1206 Notice of Adoption .....	XII - 3
<b>ARTICLE XIII: ZONING BOARD OF APPEALS</b> .....	XIII - 1
Section 1301 Creation and Membership.....	XIII - 1
Section 1302 Procedures.....	XIII - 1
Section 1303 Duties and Powers.....	XIII - 2
Section 1304 Variances.....	XIII - 3
Section 1305 Appeals .....	XIII - 4
Section 1306 Procedure on Matters of Appeal .....	XIII - 4
<b>ARTICLE XIV: INTERPRETATION, SEVERABILITY, VESTED RIGHT, PENALTIES, AND EFFECTIVE DATE</b> .....	XIV - 1
Section 1401 Interpretation and Conflict.....	XIV - 1
Section 1402 Severability .....	XIV - 1
Section 1403 Vested Right.....	XIV - 1
Section 1404 Violations; Penalties and Nuisances .....	XIV - 2
Section 1405 Repealing Clause .....	XIV - 2
Section 1406 Effective Date .....	XIV - 2

**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.