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THE TOWNSHIP OF MUNISING HEREBY ORDAINS:

An Ordinance to establish zoning districts and regulations governing the development and use of land within Munising Township, Alger County, Michigan, in accordance with the provisions of Act 110, Public Acts of 2006, as amended; to provide for regulations governing nonconforming uses and structures; to provide for a Planning Commission and for its powers and duties; to provide for a 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 resolution of conflicts with other ordinances or regulations.

ARTICLE I ZONING

Section 101 Short Title

This Ordinance shall be known and may be cited as the Munising Township Zoning Ordinance.

Section 102 Purpose of Zoning

Pursuant to the authority conferred by the Public Acts of the State of Michigan, this Ordinance has been established for the purpose of:

- A. Promoting and protecting the public health, safety, and general welfare;
- B. Promoting and conserving the character and social and economic stability of the residential, commercial, industrial and other use areas;
- C. Securing the most appropriate use of land;
- D. Protecting the character of the township's valuable natural resources;
- E. Promoting the orderly and beneficial development of residential and non-residential areas within the Township of Munising;
- F. 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; Providing adequate distance between buildings to lessen the spread of fire;
- G. Lessening and avoiding congestion or other traffic related problems on the public highways and roads;
- H. Providing for the needs of housing and commerce for future growth;
- I. 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;

- J. 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;
- K. Enhancing social and economic stability in the Township;
- L. Conserving the taxable value of land, buildings and structures in the Township;
- M. Enhancing the aesthetic desirability of the environment throughout the Township;
- N. Conserving the expenditure of funds for public improvements and services to conform with the most advantageous uses of land; and,
- O. Facilitating adequate and economical provision of transportation, water, sewers, schools, recreation and other public requirements.

Section 103 Designation of the Planning Commission

- A. The Munising Township Planning Commission shall be the permanent zoning board as specified in Section 4 of Public Act 110 of 2006, as amended.
- B. The Munising Township Planning Commission shall exercise the duties and responsibilities granted to it by the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.
- C. The Munising Township Planning Commission shall have the powers and responsibilities granted to it as specified in this Ordinance.

Section 104 Effective Date

This Ordinance shall take effect following adoption by the Township Board of Munising Township and upon publication in accordance with provisions and procedures of Act 110 of the Public Acts of 2006, as amended.

Section 105 Severability

This Ordinance and the various parts, sections, subsections, and clauses thereof, are hereby declared to be severable. If any part, sentence, paragraph, subsection, section, or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this Ordinance shall not be affected thereby. If any part, sentence, paragraph, subsection, section, or clause is adjudged unconstitutional or invalid as applied to a particular property, building, or other structure, it is hereby provided that the application of such portions of this Ordinance to other property, buildings, or structures shall not be affected thereby. Whenever any condition or limitation is included in an order authorizing a planned unit development or any Conditional Use Permit, variance, grading permit, zoning compliance permit, site plan approval, or designation of Class A nonconformance, it shall be conclusively presumed that the authorizing officer or body

considered such condition or limitation necessary to carry out the spirit and purpose of this Ordinance or the requirement of some provision thereof, and to protect the public health, safety, and welfare, and that the officer or board would not have granted the authorization to which the condition or limitation pertains except in the belief that the condition or limitation was lawful.

Section 106 Conflicting Regulations

Whenever 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 provision of this Ordinance shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements, regulations, restrictions, or limitations than those imposed or required by the provisions of this Ordinance, then the provision 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 Munising Township Zoning Ordinance or Alger County Zoning Ordinance.

Section 107 Exemptions

The location of pipes, wires, poles, and transmission equipment of public utilities regulated by the State of Michigan or by the United States are exempt from regulation under this Ordinance.

Timber harvesting and/or tree cutting is allowed in any district and is exempt from regulation under this Ordinance.

Section 108 Fees

The Township Board, by resolution, may establish a schedule of fees for zoning compliance permits, for the consideration of Conditional Use Permits, planned unit development, variances, amendments to this Ordinance and other permits as authorized by this Ordinance. Fees are established to defray the cost of zoning administration.

ARTICLE II DEFINITIONS

Section 201 Construction of Language

The following rules shall apply to the text of this Ordinance:

- A. All words and phrases shall be construed and understood according to the common and approved usage of the language; but technical works and phrases that have a peculiar and appropriate meaning in the law, shall be construed and understood according to such peculiar and appropriate meaning.
- B. The particular shall control the general.
- C. In case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
- D. The word “shall” is always mandatory and not discretionary. The word “may” is permissive.
- E. The word “use” includes the words “structures” and “buildings” associated with such use.
- F. When not inconsistent with the context, words in the present tense shall include the future tense and words in the singular number shall include the plural.
- G. The word “building” includes the words “structure” and “dwelling.”
- H. The words “used” or “occupied” include the words “intended,” “designed,” or “arranged to be occupied.”
- I. The word “lot” includes the words “plot” and “parcel.”
- J. The word “person” includes any firm, association, organization, partnership, trust corporation, or similar entity, as well as an individual.
- K. The masculine gender shall include the feminine and the feminine gender shall include the masculine.
- L. Whenever a reference is made to several sections and the section number is connected by the word “to,” the reference includes both sections whose numbers are given and to all intervening sections.
- M. 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,” or “either . . . or,” the conjunction shall be interpreted as follows:
 - 1. “And” indicates that all connected items, conditions, provisions, or events shall apply.

2. “Or” indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
3. “Either . . . or” indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.

Section 202 Definitions

A. For the purpose of this Ordinance, the following words shall have the following meaning. For words not listed, the generally accepted definition as found in a dictionary shall suffice.

1. Accessory Apartment: A separate private living unit complete with its own bathroom, bedroom, and living area created by remodeling or by adding onto an existing single-family dwelling. (See Section 903 G.)
2. Accessory Structure- A structure normally associated with a residential dwelling including garage, shed for tools, playhouse, bath house, swimming pool, wood shed, sauna, satellite dish. (See Section 416.)
3. 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. (See Section 416.)
4. Adult Foster Care Family Home: A private residence licensed under PA 218 of 1979, as amended, with the approved capacity to receive six or fewer adults who are provided with foster care 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.
5. Adult Foster Care Large Group Home: A facility licensed under PA 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.
6. Adult Foster Care Small Group Home: A facility licensed under PA 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.
7. 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, pastures, pens and/or buildings.

8. Agricultural Activity – One or more plots of land comprising a farm devoted to the raising of domestic animals and/or the cultivation of crops, including dogs, cats, exotic animals, and exotic birds.
9. Aircraft Landing Area: An area where aircraft can land or take off, whether designated or not by an official body.
10. Alley: A public or legally established private thoroughfare other than a street, affording a secondary means of vehicular access to abutting property and not intended for general traffic circulation.
11. Alternative Support Structure: Any vertical component not designed and constructed primarily for the purpose of supporting antennas, including but not limited to, buildings, silos, water towers, or utility poles.
12. Antenna: Any exterior device for transmitting and receiving wireless communication to more than one customer at a time.
13. Antenna, Attached: An antenna affixed to a tower or alternative support structure.
14. Antenna, Concealed (stealth): An antenna with a support structure that screens or camouflages the presence of antenna and/or towers from public view, in a manner appropriate to the site's context and surrounding environment, including but not limited to clock towers, church steeples, light structures, water towers, or flagpoles that do not exceed 10 feet above the maximum building height.
15. Apartment: A dwelling unit in a “dwelling, multiple family.”
16. Automotive Repair Garage: A facility where the following services may be carried out: general repairs, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service such as body, frame, or fender straightening and repair; painting, undercoating, and detailing of automobiles.
17. Basement: A full story space below the first floor, usually part or all below grade. A basement shall not be counted as a story.
18. Bed and Breakfast: A structure that is also the innkeeper's residence; has sleeping accommodations meant for lodgers; has up to 14 rooms; and that serves breakfast, usually at no extra charge to lodgers. A lodger is defined as a person who rents a room in a bed and breakfast for fewer than 30 consecutive days. (Refer to Public Acts 111 thru 115 of 1987.)
19. Berm: A man-made, formed earth mound of definite height, width, and length used for obscuring purposes.

20. 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, un-subdivided acreage, lake, river, stream, or other barrier to the continuity of development.
21. Boathouse: A small building beside a river or lake in which boats are kept.
22. Breezeway: A covered structure connecting an accessory building with the principal dwelling unit. For purposes of determining yard area requirements, such buildings shall be considered as one integral unit.
23. Buffer Strip: Land area used to visibly separate one use from another, or to shield or block noise, lights, or other nuisances.
24. Building: Any structure, either temporary or permanent, having common vertical support or walls and an integrated roof system used or designed for use, as a shelter and enclosure for persons, animals, or property. Each enclosure constitutes a single building. Two or more enclosures, that is, buildings, physically connected by a structure such as a walkway do not become a single building by such connection. A structure without a roof is not a building.
25. Building, Accessory: A building or structure customarily incidental and subordinate to the principal structure and located on the same lot as the principal building.
26. Building Height: The vertical distance measured from the established grade to the highest point of the roof surface for the flat roofs; to the deck line of mansard roofs; to the average height between eaves and ridge for gable, hip, and gambrel roofs. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building walls.
27. Building, Principal: A building in which is conducted the main or primary use of the lot on which the building is located.
28. Bulletin Board: A sign whose primary purpose is to announce events or other occurrences related to the premise.
29. Campground: An area designated for temporary overnight use by motor homes, R.V. trailers, slide-in campers, or tents, improved or unimproved, whether a fee is assessed or not.
30. Carport: A partially open structure, intended to shelter one or more vehicles, boats, or recreational vehicles. Such structure shall comply with all yard requirements applicable to private garages.

31. Cemetery: A place for the interment of the dead, but not dead animals.
32. 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.
33. Clinic: A place where health care professionals furnish physical or mental health care to persons on an outpatient basis.
34. Club: An organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics, or similar activities, but not operated for profit and open only to members and not the general public.
35. Co-location: The use by two or more wireless communication providers and/or two or more antennas on a common structure, tower, or building.
36. Commercial Vehicle: A motor vehicle and/or trailer licensed as a commercial vehicle.
37. Common Use Riparian Lot: Property which abuts a lake or a navigable tributary which provides lake access to owners or occupants of nearby property which does not abut the lake.
38. Comprehensive Plan: A comprehensive, long-range plan intended to guide the growth and development of a community, Township, or region, and one that includes analysis, recommendations, and proposals for the community's population, economy, housing, transportation, community facilities, and land use.
39. Conditional Use Permit: A permit issued by the Zoning Board to a person or persons intending to undertake the operation of a land use upon land, or within a structure or building, specifically identified in the affected Zoning District under Conditional Uses. Conditional uses possess unique characteristics and are found to be not injurious to the health, safety, convenience, and general welfare of the Township's inhabitants. (See Article IX.)
40. 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.
41. Contractor Storage Yard: An area intended for the temporary or long-term storage of materials and equipment used for construction, road building, and

forestry operations.

42. Convenience Store: A retail establishment offering for sale prepackaged food products, household items, newspapers and magazines, alcoholic and non-alcoholic beverages 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 fuel and other operating commodities for motor vehicles.
43. Correctional Facility: A facility where prisoners lawfully sentenced by a court are housed for detainment purposes or are detained awaiting adjudication. The facility may be publicly or privately operated.
44. Crematory: A facility to burn a dead body to ashes.
45. Day Care, Child Center: An operation located in a structure whose principal use is that of a day care facility and is not the residence of the operator or any other person. Such facility shall be licensed and regulated under PA 116 of 1973.
46. Day Care, Family Home: A private home in which more than one (1) but fewer than seven (7) minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. A family day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year. A family day care home does not include facilities offering nursing services, congregate care facilities, drug treatment facilities nor facilities for the care and treatment of persons released from or assigned to correctional facilities.
47. Day Care, Group Home: A private home licensed or registered under Public Act 116 of 1973, in which more than six (6) but not more than twelve (12) adults or minor children are given care and supervision for periods of less than twenty-four (24) hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. Group day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year. A group day care home does not include facilities offering nursing services, congregate care facilities, drug treatment facilities nor facilities for the care and treatment of persons released from or assigned to correctional facilities. (See Section 903 C.)
48. District: A zoning district.
49. Dwelling, Single-Family: A single structure, including a manufactured home, designed or used for residential occupancy by one family.
50. Dwelling, Two-Family: A structure containing two dwelling units each designed

for residential occupancy by one family.

51. Dwelling, Multiple-Family: A structure containing more than two dwelling units each designed for residential occupancy by one family, including condominiums.
52. Dwelling Unit: One or more rooms with bathroom, bedroom, and kitchen facilities designed as a self-contained unit for occupancy by one family for living, cooking, and sleeping purposes.
53. Essential Public Facilities and 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, substations, or structures which are enclosures or shelters for service equipment or maintenance depots.
54. Excavation: Removal or recovery, by any means whatsoever, of soil, rock, minerals, mineral substances, or organic substances other than vegetation, from water or land on or beneath the surface thereof, or beneath the land surface, whether exposed or submerged.
55. Family: An individual, or two or more persons related by blood, marriage, or adoption, or parents 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, and bathroom housekeeping unit. Every additional group of three or fewer 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 families under PA 395 of 1976, as amended.
56. Farm: A tract of land devoted to agriculture for the purpose of raising crops or animals as a source of income.
57. Feed Lot: The place of confined or concentrated feeding of farm animals that are being fattened for market.
58. Fence: An artificially constructed barrier of wood, metal, stone, wire, or any manufactured materials erected for separation for yard areas.
59. Filling: The depositing or dumping of any matter into or onto the ground, except

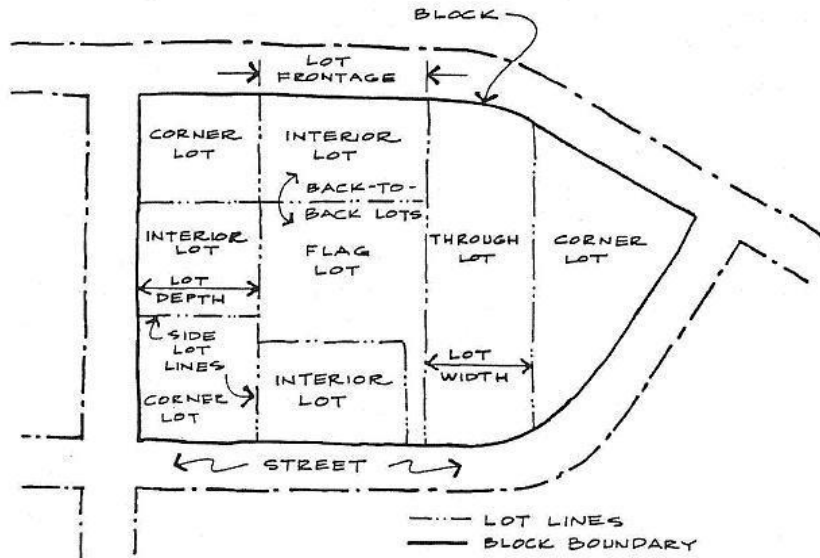
common household gardening and general maintenance.

60. Floor Area, Gross: The sum of all gross 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.
61. Floor Area Ratio: An intensity measured as a ratio derived by dividing the gross floor area of a building(s) by the lot area.
62. Floor Area, Usable: For the purposes of comprising parking requirements, is that area to be used for the sale of merchandise services, or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used for the storage or processing of merchandise, for hallways, stairways, and elevator shafts, or for utilities or sanitary facilities shall be excluded from this computation of “usable floor area.”
63. Fur Farm: The place confined to keeping, raising, or breeding of animals for the purpose of producing fur or pelts.
64. Garage Apartment: The upper portion of a residential garage that is used as a single-family dwelling. (See Article 903 F.)
65. Garage, Residential: An enclosed accessory building, or portion of a principal building, designed or used solely for the storage of non-commercial motor vehicles, boats, and similar items or equipment, and having no public sales or shop services in connection thereof.
66. Gasoline Service Stations: A structure used for the retail sale of fuels, lubricants, air, water and other operating commodities for motor vehicles, and including the customary space and facilities for the installation of such commodities on or in such vehicles, and including space for storage, minor motor repair, or servicing, but not including bumping, painting, or refinishing.
67. Grade: A ground elevation established for the purpose of controlling the number of stories and the height of any structure. The building grade shall be determined by the level of the ground adjacent to the walls of any structure if the finished grade is level. If the ground is not level, the grade shall be determined by averaging the elevation of the ground for each face of the structure. The average of all faces shall be used to determine the height of a structure.
68. Grandfathered: A land use, structure or lot which was lawfully established prior to the adoption of this Ordinance, but which is no longer in full compliance with

all requirements of this Ordinance. See also nonconforming building, nonconforming lot and nonconforming use.

69. Gravel Pit: A land area where soil compaction including clay, peat, marl, sands and gravel with not more than a 30-inch diameter as measured at the longest chord thru the center, are excavated or removed for sale of off-tract use. As part of their primary operations, gravel pits may include sifting, crushing and washing. Any operation that harvests by any means rock, ore, stone, or materials defined as “minerals” in the Michigan Mining Lands Reclamation Act, MCL 324.63101 is specifically excluded from this definition, is prohibited in a gravel pit, and constitutes a Quarry as defined in this Ordinance.
70. Height, Tower: The distance measured from ground level at the base of the tower to the highest point on a tower or structure, including any attachments.
71. Home Occupation: A use or occupation conducted on the premises whether within the main residential dwelling or an accessory building, for income production, which is clearly incidental and secondary to residential occupancy. (See Section 418.)
72. Hotel: A facility offering transient lodging accommodations to the general public, and which may provide additional services such as restaurants, meeting rooms, and recreational facilities. Hotel does not include single-family homes in residential areas that are rented on a transient basis. (See Vacation Rental)
73. Inland Buffer Zone (IBZ): The area established by Public Law 89-668.
74. Junkyard: See “Salvage Yard.”
75. Kennel, Commercial: Commercial kennels are facilities that keep, house, or maintain dogs for a limited amount of time for the purpose of shelter, care, feeding, boarding, breeding, or training purposes in return for a fee or other consideration. Includes “doggie daycare” situations where animals are not kept at the commercial kennel overnight. NOTE: Animal Veterinary Clinics that house dogs for vet services is not considered a commercial kennel. (See Section 422.)
76. Kennel, Private: Kennel involves the permanent or temporary ownership, responsibility, or confinement of four (4) or more dogs, which are six months of age or older, for the purpose of hobby, personal enjoyment, boarding, breeding, or training purposes. (See Section 422.)
77. Loading Space: An off-street space on the same lot with a building, or group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

78. Long-term Parking: The parking of a vehicle in the same general location for 30 calendar days or longer.
79. Lot: A designated parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed, or built upon as a unit.



80. Lot Area: The area of land within the boundary of a lot excluding any part under water, and, in addition, it is the area of land bounded by any front lot lines, the right-of-way line of the roadway on which it fronts, and side lot lines intersecting the front lot line at its end extended to the rear property (lot) lines.
81. Lot, Corner: A lot which has at least two contiguous sides abutting a street for their full length.
82. Lot Coverage: The part or percent of the lot occupied by buildings, including accessory buildings.
83. Lot Depth: The average distance from the front lot line of the lot to its opposite rear line measured in the general direction of side line of the lot.
84. Lot, Flag: A lot not meeting minimum frontage requirements and where access to the public road is by a narrow right-of-way or driveway.
85. Lot, Interior: A lot, other than a corner lot.
86. Lot Line, Front: In the case of an interior lot, it is that line separating said lot from the street. In the case of a through lot, it is each line separating said lot from each street. In the case of a corner lot, both sides abutting the street are

considered front yards and, consequently, both have front lot lines.

87. Lot Line, Rear: That lot line opposite and most distant from the front lot line. In the case of an irregularly shaped lot, the rear lot line shall be an imaginary line parallel to the front lot line not less than ten feet in length, lying farthest from the front lot line and wholly within the lot. Where the lot has an irregular lot line, all lot lines approximately parallel to the front lot line shall be rear lot lines.
88. Lot Line, Side: Any lot line other than the front or rear lot lines. A side lot line separating a lot from another lot or lots is an interior side lot line.
89. Lot of Record: A lot in a map recorded with the County Register of Deeds, or described in a deed or 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, and which lot actually exists as shown or described.
90. Lot, Through: A double frontage lot, not a corner lot, having a street for both front and back lot lines.
91. Lot Width: The horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line.
92. Manufactured Home: A structure, transportable in one or more sections, which is built on a steel undercarriage and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical system contained in the structure. A manufactured home does not include recreational vehicle or any unit which can be licensed by the Secretary of State or transported by a licensed vehicle as a slide-in camper.
93. Manufactured Housing Community: Any lot, parcel or tract of land under the control or management of any person, occupied or designated for occupancy by more than two manufactured homes and including any accessory buildings, structures or enclosures comprising facilities used by park residents. A manufactured housing park shall be licensed in accordance with PA 96 of 1987.
94. Marihuana Establishment – A Marihuana Grower, Marihuana Safety Compliance Facility, Marihuana Processor, Marihuana Microbusiness, Marihuana Retailer, Marihuana Secure Transporter, or any other type of business licensed by the State of Michigan to operate under the Michigan Regulation and Taxation of Marihuana Act and the Medical Marihuana Facilities Licensing Act.
95. Marquee: A roof-like structure of a permanent nature projecting from the wall of

a building.

96. Metes and Bounds: A method of describing the limits of property by means of measuring distances and angles from designated landmarks and in relation to adjoining properties.
97. Mineral: An organic or inorganic substance in the earth includes, but is not limited to, topsoil, iron ore, copper, uranium, gypsum, silver, gold, diamonds, and other precious and semi-precious stones.
98. Mini-Warehouse: A structure containing storage spaces of varying sizes, leased or rented on an individual basis.
99. Modular (Pre-manufactured) Housing Unit: A dwelling unit constructed solely within a factory, as a single unit, or in various sized modular 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 dwelling unit, and meeting all codes and regulations applicable to conventional home construction.
100. Motel: See “Hotel”.
101. Nonconforming Building (Nonconforming Structure): A building or structure (or portion thereof) lawfully existing at the time of adoption of this Ordinance or subsequent amendments thereto, that does not conform to one or more provisions of this Ordinance.
102. Nonconforming Lot: A lot, the area, dimensions, or location of which was lawful prior to the adoption or amendment of this Ordinance, but which fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district in which it is located.
103. Nonconforming Sign: Any sign lawfully existing on the effective date of this Ordinance or amendment which renders such sign nonconforming because it does not conform to one or more of the present standards or requirements of this Ordinance.
104. 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 amendments that does not conform to one or more provisions of this Ordinance.
105. Nuisance: The unreasonable interference with the enjoyment and use of property.
106. Nursing Home: A facility licensed by the State of Michigan, other than a hospital, having as its primary function the rendering of nursing care for extended period of time to persons afflicted with illness, injury, or an infirmity.

107. Open Space Ratio: The ratio between open space on a lot, whether required or not, and the total lot area.
108. 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.
109. Park: An open space used primarily for outdoor leisure activities.
110. Parking Lot: An off-street, ground-level open area, usually improved for the short-term parking of automobiles, constructed in accordance with the requirements of Sections 413 and 415.
111. Parking Space: A space for the parking of an automobile within a public or private parking area of definite length and width and exclusive of drives, driveways, aisles, or entrances giving access thereto, and fully accessible for the parking of automobiles.
112. Planting Screen: A line of vegetation of sufficient height, width, and length as to provide an obstructed view of a land use from an adjoining property or roadway.
113. Plat: A map that shows the location of lots.
114. Premises: A lot as otherwise stated in this Ordinance.
115. Principal Structure: The main structure or building to which the premises are devoted.
116. Principal Use: The main use to which the premises are devoted.
117. Public Buildings: A 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 building, auditorium, library, township hall, community center, public school, senior citizen center, or fire hall.
118. 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, or fiber optics).

119. Quarry: A place where rock, ore, stone, or materials defined as “minerals” in the Michigan Mining Lands Reclamation Act, MCL 324.63101, are excavated, drilled, blasted, cut, sawed, removed, or harvested by any means whatsoever.
120. Race Track: A continuous track area used for the purpose of racing, by motorized or non-motorized vehicles, animals, or humans.
121. 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.
122. Recreational Structure: A cabin, cottage, camp, hunting camp, mobile home, or other similar structure used intermittently for recreational or vacation purposes which is not a permanent place of domicile or residency of the owner.
123. Recreational Use: Enclosed or open premises, public or private, which provide recreational opportunities.
124. Recreational Vehicle (RV): A vehicle used for pleasure and designed for recreational use and not as place of domicile, built upon a frame or chassis, which can be licensed by the Secretary of State, and including pickup campers.
125. Rental House: A dwelling with kitchen and bathroom facilities located on the same lot of a principal single-family dwelling; the rental house is rented as a principal residence. (See Article 903 E.)
126. Resort: A facility offering transient lodging accommodations to the general public but differing from a Hotel in that the accommodations are often provided in cabins, condominiums, or other detached units on a single parcel. Resorts are often located in proximity to amenities such as lakes, rivers, golf courses, or other attractions, and may offer additional services such as a restaurant, meeting rooms, etc.
127. Resource Production: Including, but not limited to, the growing and harvesting of timber, tree farming, landscape vegetation, agriculture, natural resource, and outdoor recreational uses.
128. 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 bars, grills, cafes, taverns, nightclubs, drive-ins, and any fast food establishment permitting consumption on the premises.
129. Retail Establishment: A place of business where goods and services are offered

for sale to the public, and where repair services are incidental and secondary to the sale of such goods.

130. Right-of-Way: A strip of land acquired by deed, reservation, dedication, forced dedication, prescription, condemnation, or McNitt Act (PA 130 of 1931), and occupied or intended to be occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary or storm sewer, or other similar uses.
131. Riparian Lot: The lake front property or other property on a navigable tributary of a lake which is used to access a lake exclusively by the owner or occupant of the property.
132. Riparian Owner: A person whose property adjoins a lake or who has rights of access to a lake because of a recorded instrument granting such rights.
133. Riparian Rights: Those rights which are associated with the ownership of the bank or shore of an inland lake or stream.
134. Salvage Yard - Any land or building used for salvaging, purchasing, storage, keeping, collecting, processing, or baling of paper, rags, scrap metals, or other scrap or discarded materials, or for abandonment, demolition, dismantling, storage, or salvaging of automobiles or vehicles not in normal operating conditions, machinery or parts thereof, occurring within the normal course of business operations for income purposes
135. Sawmill: A commercial establishment with the machinery and appurtenant structures used for the manufacture of dimensional wood products, including, but not limited to, circular or band saws, planers, debarkers, chippers, and kilns. This definition does not include small “portable” sawmills typically operated by one or two people and capable of being moved from place to place. (See Temporary Use)
136. Screening: A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms, or densely planted vegetation.
137. Setback: The minimum required unoccupied distance between the lot line and the principal or accessory buildings.
138. Setback, Front: The minimum required unoccupied distance, extending the full lot width, between any building or structure and the front lot line. 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

139. Setback, Rear: The minimum required unoccupied distance, extending the full lot width, between the principal or accessory buildings and the lot line opposite the front lot line.
140. Setback, Side: The minimum required unoccupied distance, extending from the front setback to the rear setback, between the principal or accessory buildings and the side lot line.
141. Shooting Range: An area where firearms or archery equipment are discharged for target or recreational purposes, whether the area is open to the public or reserved for club members only.
142. Sign: A name, identification, image, description, display, or illustration which is affixed to, painted, or represented directly or indirectly upon a building, structure, or piece of land, and which directs attention to an object, product, place, activity, facility, structure, service, event attraction, person, institution, organization, or business and which is visible from any street, right-of-way, sidewalk, alley, park, or other public property. Customary displays of merchandise or objects and material without lettering placed behind a store window are not signs or parts of signs.
143. Sign Area: The entire area within a circle, triangle, or parallelogram enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background on which it is placed, excluding the necessary support or uprights on which the sign is placed. Where a sign consists solely of lettering or other sign elements printed or mounted on a wall of a building without any distinguishing border, panel, or background, the area of such a sign shall be computed using the dimension of the rectangle which touches the outermost points of the sign. In the case of a two-sided identification sign where both sides are used, the larger of the two sides shall be used in calculating the total area.
144. Sign, Directional: A sign, which gives a name, location, and general nature of a specific establishment or attraction and is intended to give directions to that place.
145. Sign, Free Standing: A sign having its own support mechanism placed in or upon the ground.
146. Sign, Identification: A sign which pertains to the use of a premise and contains the occupant of the use, the address of the use, and/or the kind of business and/or the principal commodity sold on the premise.
147. Sign, Off-Premise: A sign which advertises goods, services, events, and facilities

available at a location other than the premises on which the sign has been placed.

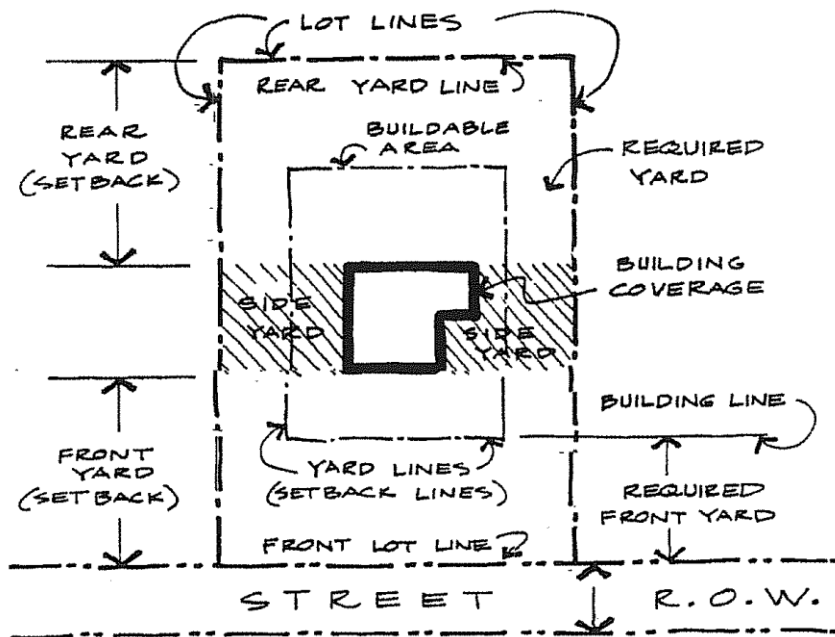
148. Sign, On-Premise: A sign which advertises goods, services, events, facilities, or attractions available only on the premises on which the sign is located, or identifies the owner or occupant or directs traffic on such premises. All other signs are considered off-premise signs.
149. Site Plan: A 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.
150. Stable: An area or facility where more than three horses are kept.
151. State Licensed Residential Facility: A structure constructed for residential purposes that is licensed by the state under the adult foster care licensing act, 1979 PA 218, MCL 400.701 to 400.737, or 1973 PA 116, MCL 722.111 to 722.128, and provides residential services for 6 or fewer persons under 24-hour supervision or care.
152. Story: That part of a building, except a mezzanine or basement, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the space between the floor and the ceiling above it.
153. Street: A public or private roadway that affords traffic circulation and principal means of access to abutting property.
154. Street Line: The outer edge of the street or road.
155. Structural Alteration: Any change in a structure other than normal repairs and maintenance or a change in the useful columns, beams, girders or foundations; or any complete rebuilding of the roof; or the exterior walls; or the construction of any addition to or enlargement of a structure; or the removal of any portion of a structure. For the purpose of this definition, the following shall not be considered a structural alteration:
 - a. Attachment of a new front where structural supports are not changed.
 - b. Addition of fire escapes where structural supports are not changed.
 - c. New windows where lintels and support walls are not materially changed.
 - d. Repair or replacement of non-structural member.
 - e. Installation of new siding.
 - f. Installation of shingles (either over existing shingles or remove existing shingles).
156. Structure: Any constructed, erected, or placed material or combination of materials in or upon the ground, including, but not limited to, buildings, porches,

decks, manufactured homes, sheds, free standing signs, storage bins, and satellite dishes, but not including fences, driveways, or sidewalks.

157. Tank Farm: An area where petroleum products, LP gas, chemicals, hazardous waste, or any other materials are stored in tanks for distribution or transfer purposes.
158. Temporary Sales Products Stand: A structure used for the seasonal sale of items propagated on or off the premises.
159. Temporary Use: A use established for a limited duration with the intent to discontinue such use upon the expiration of the time period.
160. Township Board: The Munising Township Board.
161. Tower: A structure designed and constructed primarily for the purpose of supporting one or more antennas, including guyed towers, monopole towers, and lattice towers.
162. Tower, Lattice: A self-supporting structure, erected on the ground, which consists of cross-bracing of structural steel to support antennas and other related equipment.
163. Tower, Monopole: A self-supporting structure, with a single shaft of wood, steel or concrete, to support antennas and other related equipment.
164. Vacation Rental: The use of a dwelling in which the dwelling is rented for transient use less than fifteen (15) consecutive days. (See Section 410.)
165. Variance: Permission to depart from the literal requirements of this Ordinance.
166. 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.
167. Wireless Communication Facility: Any combination of one or more antennas, accessory structures, and/or equipment together with a single tower. This may include, but shall not be limited to, radio and television broadcasting or relay towers, 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 or amateur radio facilities,

satellite dishes and government facilities which are subject to state or federal laws or regulations which preempt local regulatory authority.

168. Wireless Communication Provider: Any FCC-licensed service provider, and/or any supplier of wireless communication facilities for such providers.
169. Yard: An open space that lies between the principal or accessory building or buildings and the nearest lot line. Such yard is unoccupied and unobstructed from the ground upward, except as may be specifically provided in this Ordinance.



170. Yard, Front: An open space extending the full width of the lot and lying between the front lot line and the nearest line of any building or structure, and measured perpendicular to the building at the closest point to the front lot line.
171. Yard, Rear: An open space extending the full width of the lot and lying between the rear lot line and the nearest line of any building or structure, and measured perpendicular to the building at the closest point to the rear lot line.
172. Yard, Side: An open space between the side lot line and the nearest line of any building or structure, and extending from the front yard to the rear yard, and measured perpendicular from the side lot line to the closest point of the building.
173. Zoning Administrator: The Township Board's authorized representative charged with the responsibility of administering this Ordinance.

174. Zoning Compliance Permit: A permit issued by the Zoning Administrator to a party intending to initiate any work or change any use of property or building or construct any buildings or structures in the Township.

ARTICLE III ZONING DISTRICTS AND MAP

Section 301 Zoning Maps

- A. The boundaries of the respective districts described in this Ordinance are depicted on the maps entitled “Munising Township Official Zoning Map,” which is an integral part of this Ordinance. These maps, along with all notations and explanatory matter shall become as much a part of this Ordinance as if fully described herein.

- B. The Munising Township Official Zoning Map shall be identified by the signature of the Township Board Supervisor and attested by the Township Clerk, and bearing the following: “This is to certify that this is the official zoning map of Munising Township as adopted by the Munising Township Board on this day, March 2, 2020.” When changes are made in zoning district boundaries, such changes shall be incorporated on the Munising Township Official Zoning Map and approved by the Township Board with an entry on the Munising Township Official Zoning Map showing the date and official action taken.

- C. One copy of the Munising Township Official Zoning Map is to be maintained and kept current by the Zoning Administrator accessible to the public and shall be the final authority as to the current zoning status of properties in Munising Township.

- D. Historical map and text information shall be maintained by the Township Clerk.

Section 302 Replacement of Official Zoning Maps

In the event the Munising Township Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret, the Township Board may adopt a new Official Zoning Map, which shall supersede the prior Official Zoning Map. The Official Zoning Map shall bear the signatures and certification as required in Section 301(B). Unless the original Official Zoning Map has been lost, or has been totally destroyed, the prior map, or any significant parts remaining, shall be preserved together with all available records pertaining to its adoption or amendment.

Section 303 Interpretation of the Zoning Map

Where there is any uncertainty, contradiction, or conflict as to the intended location of any zoning district boundary, the Zoning Board of Appeals shall make an interpretation of the map upon request of any person.

The Zoning Board of Appeals, in interpreting the zoning map or deciding any appeal, shall apply the following standards:

- A. Zoning district boundary lines are intended to follow lot lines, or be parallel or perpendicular thereto, or along the center lines of alleys, streets, right-of-way or water courses, unless such boundary lines are fixed by dimensions shown on the zoning map;

- B. Where zoning districts boundary lines are so indicated that they approximately follow lot lines, such lot lines shall be construed to be such boundary lines;

- C. Where a zoning district boundary line divides a lot, the location of any such zoning district boundary line, unless indicated by dimensions shown on the zoning map, shall be determined by the use of the map scale shown thereon; and
- D. 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 Munising Township, as well as all other relevant facts.

Section 304 Application of District Regulations

- A. The regulations established within 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.
- B. 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 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 305 Zoning Districts

For the purpose of this Ordinance, Munising Township is hereby divided into the following zoning districts, which shall be known by the following respective symbols and names:

R-1	Residential 1
R-2	Residential 2
RR	Rural Residential
LS/R 1	Lake Shore/River One
LS/R 2	Lake Shore/River Two
TD	Town Development
RP	Resource Production
C	Commercial
I	Industrial
IBZ-RM	Inland Buffer Zone – Resource Management
IBZ-RR	Inland Buffer Zone – Rural Residential
IBZ-TP	Inland Buffer Zone – Timber Production
IBZ-C	Inland Buffer Zone – Commercial

Section 306 Residential 1 District (R-1)

- A. **Intent:** The R-1 (Residential 1) District is intended for the establishment and preservation of quiet neighborhoods for single-family dwellings, free from other uses except those that are both compatible with and convenient to the residents in this district.
- B. **Permitted Uses:**
1. Accessory Structure
 2. Day Care, Family Home
 3. Home occupation class I (See Section 418)
 4. Limited Keeping of Animals (See Section 421)
 5. Single-family dwelling
 6. State Licensed Residential Facility (except for care of persons assigned to or released from adult correctional facilities).
- C. **Conditional Uses:**
1. Accessory Apartment (See Section 903 G)
 2. Church
 3. Community Playgrounds and fields: soccer, ice hockey, field hockey, tennis
 4. Day Care, Group Home (See Section 903 C)
 5. Garage apartment (See Section 903 F)
 6. Home occupation class II (See Section 418)
 7. Kennel, Private (See Section 422)
 8. Passive Park: nature areas, non-motorized trail, walkway, cross-country ski trail, equestrian trail
 9. Public building
 10. Rental House used as a principal residence (See Section 903 E)
 11. Wind turbine

Section 307 Residential 2 District (R-2)

- A. **Intent:** The R-2 (Residential 2) District is intended for the establishment and preservation of quiet neighborhoods for single- and two-family dwellings, free from other uses except those that are both compatible with and convenient to the residents in this district.
- B. **Permitted Uses:**
1. Accessory Structure
 2. Day Care, Family Home
 3. Home occupation class I (See Section 418)
 4. Limited Keeping of Animals (See Section 421)
 5. Single-family dwelling
 6. State Licensed Residential Facility (except for care of persons assigned to or released from adult correctional facilities).
 7. Two-family dwelling
- C. **Conditional Uses:**
1. Accessory Apartment (See Section 903 G)
 2. Cemetery
 3. Church
 4. Community Playgrounds and fields: soccer, ice hockey, field hockey, tennis
 5. Day Care, Group Home (See Section 903 C)
 6. Garage apartment (See Section 903 F)
 7. Home occupation class II (See Section 418)
 8. Kennel, Private (See Section 422)
 9. Multiple family dwelling
 10. Passive Park: nature areas, non-motorized trail, walkway, cross-country ski trail, equestrian trail
 11. Public building
 12. Rental house used as a principal residence (See Section 903 E)
 13. Wind turbine

Section 308 Rural Residential District (RR)

A. Intent: The RR (Rural Residential) District is established to provide for a transition zone between more densely settled residential areas and the more sparsely developed rural, agricultural and forested areas of the Township. Such areas provide for a mix of moderately intensive compatible uses. The RR District is designed to provide rural residential opportunities for those who are willing to assume the costs of providing their own services.

B. Permitted Uses:

1. Accessory Structure
2. Agricultural produce stand
3. Animals, grazing
4. Bed and breakfast
5. Day Care, Family Home
6. Home occupation class I (See Section 418)
7. Limited Keeping of Animals (See Section 421)
8. Manufactured Housing Community
9. Single-family dwelling
10. State Licensed Residential Facility (except for care of persons assigned to or released from adult correctional facilities).
11. Tree farm and nursery
12. Two-family dwelling
13. Vacation Rental (See Section 410)

C. Conditional Uses:

1. Accessory Apartment (See Section 903 G)
2. Agricultural Activity
3. Aircraft landing area
4. Auction sales/facility
5. Automotive Repair Facility
6. Campground
7. Cemetery
8. Church
9. Communication tower
10. Community Playgrounds and fields: soccer, ice hockey, field hockey, tennis
11. Contractor storage yard
12. Convenience Store
13. Day Care, Group Home (See Section 903 C)
14. Equestrian indoor arena/commercial riding and/or boarding stable
15. Garage apartment (See Section 903 F)
16. Golf: course (9 or 18 holes)
17. Golf: driving range
18. Gravel pit
19. Home occupation class II (See Section 418)
20. Indoor Recreation: handball, ice rink, badminton, basketball, tennis, archery, golf,

- bowling alley
- 21. Kennel, Commercial (See Section 422)
- 22. Kennel, Private (See Section 422)
- 23. Mini golf course
- 24. Mini-warehouse
- 25. Motel/hotel
- 26. Multiple family dwelling
- 27. Nursing home
- 28. Passive Park: nature areas, non-motorized trail, walkway, cross-country ski trail, equestrian trail
- 29. Public building
- 30. Recreational structure
- 31. Recreational vehicle, camper, snowmobile, and boat sales and services
- 32. Rental house used as a principal residence (See Section 903 E)
- 33. Resort
- 34. Restaurant
- 35. Salvage Yard
- 36. Veterinarian office, animal clinic
- 37. Wind turbine
- 38. Zoo

Section 309 Town Development District (TD)

- A. **Intent:** The TD (Town Development) District is intended to preserve a district for residential, retail, and service establishments, and certain governmental uses that are compatible with a small-town setting, serving residents and tourists. This district is designed for small unincorporated town areas where a mix of residential and retail is in accord with established patterns of land use and the needs of nearby residents.
- B. **Permitted Uses:**
1. Accessory Structure
 2. Agricultural produce stand
 3. Day Care, Child Center
 4. Day Care, Family Home
 5. Home occupation class I (See Section 418)
 6. Laundromat
 7. Limited Keeping of Animals (See Section 421)
 8. Mini-warehouse
 9. Motel/hotel
 10. Office building
 11. Restaurant
 12. Retail establishment with limited production facility
 13. Single-family dwelling
 14. State Licensed Residential Facility (except for care of persons assigned to or released from adult correctional facilities)
 15. Two-family dwelling
 16. Vacation Rental (See Section 410)
- C. **Conditional Uses:**
1. Accessory Apartment (See Section 903 G)
 2. Auction sales/facility
 3. Automotive repair garage
 4. Bed and breakfast
 5. Campground
 6. Church
 7. Community Playgrounds and fields: soccer, ice hockey, field hockey, tennis, archery, golf, bowling alley
 8. Contractor storage yard
 9. Convenience Store
 10. Day Care, Group Home (See Section 903 C)
 11. Farm equipment sales and service
 12. Fish market
 13. Fossil fuel, natural gas, propane gas tank farm, and related activity
 14. Garage apartment (See Section 903 F)
 15. Gasoline service station
 16. Home occupation class II (See Section 418)

17. Indoor Recreation: handball, ice rink, badminton, basketball, tennis, archery, golf, bowling alley
18. Kennel Commercial (See Section 422)
19. Kennel, Private (See Section 422)
20. Mini golf course
21. Motor sales and service
22. Multiple family dwelling
23. Nursing home
24. Passive Park: nature areas, non-motorized trail, walkway, cross-country ski trail, equestrian trail
25. Public building
26. Recreational vehicle, camper, snowmobile and boat sales and service
27. Rental house used as a principal residence (See Section 903 E)
28. Resort
29. Veterinarian office, animal clinic
30. Water storage tank
31. Wind turbine

Section 310 Lake Shore and River One District (LS/R 1)

- A. **Intent:** The LS/R 1 (Lake Shore and River One) District is intended for the establishment and preservation of existing commercial resort developments and single-family and two-family residential use. The development at those parcels will also be subject to existing state regulations, including PA 451, 1994, and PL 92-500.
- B. **Permitted Uses:**
1. Accessory structures
 2. Adult foster care family home
 3. Bed and Breakfast
 4. Boat launch
 5. Boat livery
 6. Day Care, Family Home
 7. Home occupation class I (See Section 418)
 8. Limited Keeping of Animals (See Section 421)
 9. Recreational structure
 10. Resort
 11. Single-family home
 12. Stairways, landings and “rustic fences” within the ordinary high water mark if there is a bluff
 13. State Licensed Residential Facility (except for care of persons assigned to or released from adult correctional facilities)
 14. Two-family dwelling
 15. Vacation Rental (See Section 410)
- C. **Conditional Uses:**
1. Campground
 2. Cemetery
 3. Community Playgrounds and fields: soccer, ice hockey, field hockey, tennis
 4. Garage apartment (See Section 903 F)
 5. Group Day-Care, Home (See Section 903 C)
 6. Home occupation class II (See Section 418)
 7. Kennel, Private (See Section 422)
 8. Laundromat
 9. Motel/Hotel
 10. Multiple family dwelling
 11. Passive Park: nature areas, non-motorized trail, walkway, cross-country ski trail, equestrian trail
 12. Public Building
 13. Rental house used as a principal residence (See Section 903 E)
 14. Tree farm and nursery
 15. Water storage tank
 16. Wind turbine

Section 311 Lake Shore and River Two District (LS/R 2)

- A. **Intent:** The LS/R 2 (Lake Shore and River Two) District is intended for the preservation of existing quiet neighborhoods free from other uses, except those which are compatible with and convenient to the residents in this district. The development at those parcels will be subject to existing state regulations, including PA 451, 1994, and PL 92-500.
- B. **Permitted Uses:**
1. Accessory structures
 2. Adult foster care family home
 3. Day Care, Family Home
 4. Home occupation class I (See Section 418)
 5. Limited Keeping of Animals (See Section 421)
 6. Single-family dwelling
 7. Stairways, landings and “rustic” fences” within the ordinary high water mark if there is a bluff.
 8. State Licensed Residential Facility (except for care of persons assigned to or released from adult correctional facilities)
- C. **Conditional Uses:**
1. Community Playgrounds and fields: soccer, ice hockey, field hockey, tennis
 2. Day Care, Group Home (See Section 903 C)
 3. Home occupation class II (See Section 418)
 4. Kennel, Private (See Section 422)
 5. Passive Park: nature areas, non-motorized trail, walkway, cross-country ski trail, equestrian trail
 6. Public Buildings
 7. Two-family dwelling
 8. Wind turbine

Section 312 Resource Production District (RP)

- A. **Intent:** The RP (Resource Production) District is established to maintain low-density rural areas which, because of their rural character and locations, accessibility, natural characteristics, and the potentially high cost of providing public services, are suitable for a wide range of forestry, agriculture, natural resource, and recreational uses.
- B. **Permitted Uses:**
1. Accessory Structure
 2. Agricultural Activity
 3. Agricultural produce stand
 4. Animals, grazing
 5. Bed and breakfast
 6. Day Care, Family Home
 7. Home occupation class I (See Section 418)
 8. Limited Keeping of Animals (See Section 421)
 9. Manufactured Housing Community
 10. Recreational structure
 11. Sawmill
 12. Single-family dwelling
 13. State Licensed Residential Facility (except for care of persons assigned to or released from adult correctional facilities)
 14. Two-family dwelling
 15. Vacation Rental (See Section 410)
- C. **Conditional Uses:**
1. Agricultural warehousing
 2. Aircraft landing area
 3. Auction sales/facility
 4. Campground
 5. Commercial riding and/or boarding stable
 6. Communication tower
 7. Community Playgrounds and fields: soccer, ice hockey, field hockey, tennis
 8. Contractor storage yard
 9. Day Care, Group Home (See Section 903 C)
 10. Equestrian indoor arena/commercial riding and/or boarding stable
 11. Feed, seed, fertilizer sales, storage and mixing
 12. Fossil fuel, natural gas, propane gas tank farm, and related activity
 13. Game Farm
 14. Garage apartment (See Section 903 F)
 15. Golf: course (9 or 18 holes)
 16. Golf: driving range
 17. Gravel pit
 18. Home occupation class II (See Section 418)
 19. Indoor Recreation: handball, ice rink, badminton, basketball, tennis, archery, golf,

- bowling alley
- 20. Kennel, Commercial (See Section 422)
- 21. Kennel, Private (See Section 422)
- 22. Mini golf course
- 23. Mini-warehouse
- 24. Mining and mineral extraction
- 25. Motel/hotel
- 26. Multiple family dwelling
- 27. Nursing Home
- 28. Passive Park: nature areas, non-motorized trail, walkway, cross-country ski trail, equestrian trail
- 29. Public Building
- 30. Quarry
- 31. Race Tracks: ORV, bicycle, BMX, motor cross, go-carts, snowmobile, car, midget racing
- 32. Rental house used as a principal residence - (See Section 903 E)
- 33. Resort
- 34. Rifle and shotgun range, skeet, and trap, sporting clay fields, outdoor archery range
- 35. Structures on less than 10 acres
- 36. Veterinarian office, animal clinic
- 37. Water storage tank
- 38. Wind turbine
- 39. Zoo

Section 313 Commercial District (C)

- A. **Intent:** The C (Commercial) District is intended to establish and preserve area for commercial uses, and for light industrial uses which are more compatible with commercial activity than other industrial uses.
- B. **Permitted Uses:**
1. Accessory Structure
 2. Bulk feed, seed or fertilizer sales, storage and mixing
 3. Church
 4. Clinic
 5. Fish market
 6. Greenhouse, Commercial
 7. Limited Keeping of Animals (See Section 421)
 8. Marihuana Establishment per Commercial Establishment Ordinance requirements
 9. Mini-warehouse
 10. Motel/hotel
 11. Office building
 12. Restaurant
 13. Retail establishment
 14. Veterinarian office, animal clinic
 15. Vacation Rental (See Section 410)
- C. **Conditional Uses:**
1. Automotive repair garage
 2. Campground
 3. Communication tower
 4. Community Playgrounds and fields: soccer, ice hockey, field hockey, tennis
 5. Construction equipment sales and service
 6. Contractor storage yard
 7. Crematory
 8. Farm equipment sales and service
 9. Fossil fuel, natural gas, propane gas tank farms and related activity
 10. Gasoline service station
 11. Golf: driving range
 12. Home Occupation I and II (See Section 418)
 13. Indoor Recreation: handball, ice rink, badminton, basketball, tennis, archery, golf, bowling alley
 14. Industrial and agricultural machine sales and service
 15. Kennel, Commercial (See Section 422)
 16. Kennel, Private (See Section 422)
 17. Light manufacturing
 18. Lumber yard
 19. Mini golf course
 20. Manufactured housing sales and service
 21. Motor vehicle sales and service

22. Multiple family dwelling
23. Nursing Home
24. Passive Park: nature areas, non-motorized trail, walkway, cross-country ski trail, equestrian trail
25. Public building
26. Recreational vehicle, camper, snowmobile and boat sales and service
27. Race Tracks: ORV, bicycle, BMX, motor cross, go-carts, snowmobile, car, midget racing
28. Salvage Yard
29. Sawmill
30. Single-family dwelling
31. Two-family dwelling
32. Warehouse
33. Water storage tank
34. Wind turbine

Section 314 Industrial District (I)

A. **Intent:** The I (Industrial) District is designed and intended for manufacturing, assembling, fabricating, and processing businesses, storage, and other commercial activities which may require larger sites and isolation from many kinds of other land uses, and to make provisions for commercial uses necessary to service the immediate needs of an industrial area.

B. Permitted Uses:

1. Accessory Structure
2. Bulk food processing facility and operation
3. Contractor storage yard
4. Contractor yards and shop
5. Construction equipment sales and service
6. Farm equipment sales and service
7. Fossil fuel, natural gas, propane gas tank farm, and related activity
8. Industrial and agricultural sales and service
9. Lumber yard
10. Marihuana Establishment per Commercial Establishment Ordinance requirements
11. Mini-warehouse
12. Office building
13. Sawmill
14. Warehouse
15. Water storage tank

C. Conditional Uses:

1. Automotive repair garage
2. Communication tower
3. Community Playgrounds and fields: soccer, ice hockey, field hockey, tennis
4. Gravel Pit
5. Manufacturing (cement plant, processing, assembly and fabrication operation)
6. Indoor Recreation: handball, ice rink, badminton, basketball, tennis, archery, golf, bowling alley
7. Passive Park: nature areas, non-motorized trail, walkway, cross-country ski trail, equestrian trail
8. Public Building
9. Race Tracks: ORV, bicycle, BMX, motor cross, go-carts, snowmobile, car, midget racing
10. Salvage Yard
11. Transformer station and substation
12. Wind turbine

Section 315 Inland Buffer Zone - Resource Management District (IBZ-RM)

A. **Intent:** The IBZ - RM (Inland Buffer Zone - Resource Management) District is intended to establish and maintain for low intensity use in those areas of the Pictured Rocks National Lakeshore Inland Buffer Zone, as established by PL 89-668, which, because of their location, accessibility, soils, drainage, and other characteristics, are suitable for the development of single-family residences, for timber management and agricultural purposes, and for outdoor recreational uses.

B. Permitted Uses:

1. Accessory Structure
2. Day Care, Family Home
3. Home occupation class I (See Section 418)
4. Limited Keeping of Animals (See Section 421)
5. Outdoor recreational uses, such as hunting, fishing, and trapping
6. Recreational Structure
7. Single-family dwelling
8. State Licensed Residential Facility (except for care of persons assigned to or released from adult correctional facilities)
9. Vacation Rental (See Section 410)

C. Conditional Uses:

1. Campground
2. Day Care, Group Home (See Section 903 C)
3. Kennel, Commercial (See Section 422)
4. Kennel, Private (See Section 422)

Section 316 Inland Buffer Zone - Rural Residential District (IBZ-RR)

- A. **Intent:** The IBZ-RR (Inland Buffer Zone - Rural Residential) District is intended to establish and maintain a low-intensity use, rural residential environment for those areas of the Pictured Rocks National Lakeshore Inland Buffer Zone, as established by PL 89-668, which, because of their location, accessibility, soils, drainage, and other characteristics, are suitable for the development of single-family dwellings.
- B. **Permitted Uses:**
1. Accessory Structure
 2. Day Care, Family Home
 3. Home occupation class I (See Section 418)
 4. Limited Keeping of Animals (See Section 421)
 5. Outdoor recreational uses, such as hunting, fishing, and trapping
 6. Single-family dwelling
 7. Vacation Rental (See Section 410)
- C. **Conditional Uses:**
1. Bed and Breakfast
 2. Kennel, Commercial (See Section 422)
 3. Kennel, Private (See Section 422)
 4. Recreational Structure
 5. Two-family Dwelling

Section 317 Inland Buffer Zone - Timber Production District (IBZ-TP)

- A. **Intent:** The IBZ-TP (Inland Buffer Zone - Timber Production) District is established to maintain low intensity use of those areas of the Pictured Rocks National Lakeshore Inland Buffer Zone, as established by PL 89-668, which, because of their location, accessibility, soils, drainage, and other characteristics, are suited for recreational uses.
- B. **Permitted Uses:**
1. Accessory Structure
 2. Day Care, Family Home
 3. Home occupation class I (See Section 418)
 4. Limited Keeping of Animals (see Section 421)
 5. Outdoor recreational uses, such as hunting, fishing, and trapping
 6. Single-family dwelling
 7. Two-family dwelling
 8. Vacation Rental (See Section 410)
- C. **Conditional Uses:**
1. Campground
 2. Kennel, Private – (See Section 422)

Section 318 Inland Buffer Zone - Commercial District (IBZ-C)

- A. **Intent:** The IBZ-C (Inland Buffer Zone - Commercial) District is established to maintain areas of the Pictured Rocks National Lakeshore Inland Buffer Zone, as established by PL 89-668, to service the needs of Lakeshore visitors and other tourists in rural areas. Commercial uses should be limited to those needed to provide necessary services to the Lakeshore visitor, and so located so as not to detract from the visitor's enjoyment of the Lakeshore.
- B. **Permitted Uses:**
1. Accessory Structure
 2. Campground
 3. Convenience store
 4. Limited Keeping of Animals (See Section 421)
 5. Vacation Rental (See Section 410)
- C. **Conditional Uses:**
1. Bed and Breakfast
 2. Home Occupation I and II (See Section 418)
 3. Kennel, Private (See Section 422)
 4. Resort
 5. Restaurant
 6. Retail Establishment
 7. Single Family Dwelling

ARTICLE IV GENERAL REGULATIONS

Section 401 Height, Bulk, and Placement Regulations

A. Except as otherwise specifically provided for in this Ordinance, no structure shall be erected or maintained between any lot line and the pertinent setback distance listed below and no structure shall be erected or maintained which exceeds the height limit specified below. Where there is no rear lot line as otherwise defined herein, the required rear setback distance shall be measured from a line through the point on the lot most distant from any front lot line of the same lot, which line shall be perpendicular to a line from said point to the closest point on any front lot line. If there is more than one such line, the rear setback shall be maintained from any one of them at the option of the owner. Where a lot fronts on two streets within 30 degrees of being parallel, but not of their intersection, no rear setback is required. The side setback requirement applies to a side lot line and also to any lot line which is neither a front, rear, or side lot line.

B.

Schedule of Regulations						
District	Minimum Lot Size (Square Feet or Acreage)	Minimum Lot Width (Feet)	Minimum Setback (Feet)			Maximum Height (Feet)
			Front ^{B,C,D}	Side	Rear	
R-1	20,000 sq. ft	100	30	20 ^A	20 ^A	30
R-2	20,000 sq. ft.	150	30	20 ^A	20 ^A	30
RR	2 acres	150	30	30	30	30
TD	20,000 sq. ft.	100	30	20	20	30
LS/R 1	1 acre	100	25	20	30	30
LS/R 2	1 acre	100	25	20	30	30
RP	10 acres	300	30	30	30	30
C	20,000	100	30 ^E	20	20	30
I	20,000	100	30 ^E	20	20	50
IBZ-RM	10 acres	330	100	50	50	30
IBZ-RR	2 acres	200	50	30	30	30
IBZ-TP	20 acres	660	100	50	50	30
IBZ-C	10 acres	330	100	50	50	30

Footnotes to the Table

(A) An accessory building or structure which is ten feet or less in height may be located 6 feet from a side or rear lot line in the R-1 and R-2 Districts.

- (B) 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.
- (C) Where a lot in a LS/R District does not abut a body of water, the front lot line setback shall be 30 feet measured from the road right of way.
- (D) For Waterfront Development, see section 403.
- (E) The front setback for all structures located along Highway M-28 shall be 50 feet from the road right-of way.

Section 402 Height Requirements Exceptions

The following are exempted from height limit requirements, provided that no portion of the excepted structure may be used for human occupancy:

- A. Those purely ornamental in purpose such as church steeples, belfries, domes, ornamental towers, flagpoles, and monuments.
- B. Those necessary appurtenances to mechanical or structural functions, such as chimneys and smokestacks, water tanks, radio towers, television antennas and satellite dishes, wire transmission structures, and cooling towers.
- C. Public utility structures.
- D. Agriculture related structures such as barns, silos, elevators, and the like.

Section 403 Waterfront Development

All structures on lots abutting any body of water, as defined in PA 451 of the Public Acts of 1994, including, but not limited to, inland lakes, rivers, streams, and impoundments, shall maintain a minimum setback of 50 feet as measured from the high water mark or lot line. All uses shall be subject to this setback except private bathing facilities, saunas, storage sheds, and associated facilities which shall maintain a minimum setback of 30 feet as measured from the high water mark or lot line.

Section 404 Riparian Lot Use Regulations

- A. The following regulations are to protect public health, safety and welfare and preserve the quality of waters which could be threatened by the over-usage of inland lakes, and avoid situations which may create a nuisance, impair important irreparable natural resources and diminish property values. The regulations shall apply to the following private sites, platted lots and other lots to be held in common by a subdivision, condominium, association, similar agency or group of individuals; or held in common by virtue of the terms of a plat; or provide for common use under deed restriction:
 - 1. Lots created after the effective date of this Ordinance.

2. Lots of record existing prior to the effective date of this Ordinance that did not provide common use access to a water body prior to the effective date of this amendment.
- B. Lots of record which existed prior to the effective date of this Section that provided common use access to a water body may continue to provide riparian rights subject to the marina operating permit requirements of the Michigan Department of Natural Resources under Part 301 Inland Lakes and Streams of Public Act 451 of 1994.
 - C. No more than one boat dock per dwelling unit shall be permitted.
 - D. Boat launching sites and boat docks within a common use riparian lot may be permitted in the Lake Shore and River One District as a Conditional Use upon review and approval in accordance with the standards and procedures of Article IX Conditional Use Permits.
 - E. For condominiums, site condominiums, or Planned Unit Development where there are common areas with riparian frontage, there shall be a minimum of 100 feet of riparian frontage for each dwelling unit. One boat dock shall be permitted for every five dwelling units, with a required minimum spacing of 50 feet between boat docks.
 - F. Any boat dock facility within a common use riparian lot must obtain a permit for marina operation from the Michigan Department of Natural Resources in accordance with Administrative rules of Part 301 Inland Lakes and Streams of Public Act 451 of 1994. The design for a boat dock facility shall meet all of the Michigan Department of Natural Resources standards for a marina.
 - G. Any development in any zoning district which shares a common lakefront or stream area may not permit more than one single family home, cottage, condominium or multiple family dwelling to the use of each 100 feet of lake or stream frontage in such common lakefront or stream area as measured along the water's edge or normal high water mark of the lake or stream. This restriction is intended to limit the number of users of the lake or stream frontage to preserve the quality of recreational use of all waters and recreational lands within the township. This restriction shall apply to any parcel regardless of whether access to the water shall be gained by easement, common fee ownership, or single fee ownership.

Section 405 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. In the Town Development District and Commercial District, buildings with commercial use on the ground floor may have residential use within the structure.
- C. A single-family dwelling may be allowed to be located on the same lot as a permitted business by application for and issuance of a Conditional Use Permit.

Section 406 Minimum Building Standards

- A. Every dwelling must comply with the following standards:
1. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards or regulations for construction are different from those imposed by the Alger County Building Code, then and in that event such federal or state standards or regulations shall apply.
 2. It is firmly attached to a permanent foundation constructed on a site in accordance with the Alger County Building Code and constructed of such material and type as required in the applicable building code for residential dwellings. In the event that the dwelling is a manufactured house, as defined herein, such dwelling shall, in addition thereto, be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Manufactured Housing Commission.
 3. In the event that a dwelling is a manufactured house as defined herein, each manufactured housing shall be installed with the wheels and under carriage removed. Additionally, no dwelling shall have any exposed towing mechanism, under carriage, or chassis.
 4. The dwelling is connected to a public sewer and water supply or to such private facilities approved by the local health department.
 5. The dwelling complies with all pertinent building and fire codes. In the case of a manufactured home, all construction and all plumbing, electrical apparatus and insulation within and connected to said manufactured home shall be of a type and quality conforming to the *Manufactured Home Construction and Safety Standards* as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.
 6. The foregoing shall not apply to manufactured homes located in a licensed manufactured housing community, except to the extent required by state and federal laws, or otherwise specifically required in this Ordinance.

Section 407 Recreational Vehicle

- A. Regulations applicable to the RR, LS/R 1, LS/R 2 and RP Districts:
1. 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 to exceed 120 consecutive calendar days.

2. 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.

B. Regulations applicable to all districts:

1. The long-term parking and/or storage of recreational vehicles, snowmobiles, motorcycles, scooters, 3- and 4- wheelers, boats, and other similar vehicles (whether on a trailer or not) are permitted in the front, side and rear yards provided the setbacks for a principal building are met.
2. The storage of the above items is only permitted on lots with a principal building.
3. Recreational vehicles may be used as a temporary residence on the same lot where a residential dwelling is being constructed. This use of the recreational vehicle is permitted for as long as the building permit is valid.
4. The temporary or long-term parking of recreational vehicles must conform to the setbacks established for principal structures in the respective zoning district.

Section 408 Nonconforming Lots

- A. Minimum lot size and lot width regulations do not apply to any nonconforming parcel of land shown as a lot in a map recorded with the Alger County Register of Deeds, or described in a deed or land contract or lease agreement which has been perpetual, executed together with an affidavit or acknowledgment of notary public, prior to the effective date of this Ordinance, and which lot actually exists as shown or described.
- B. No vested right shall arise to the property owner for any parcel created in violation of any preceding Munising Township or Alger County Zoning Ordinance.
- C. When a legal nonconforming lot is held in common ownership with an abutting parcel(s) of land, the two or more parcels shall be considered combined as necessary to reduce or eliminate the non-conformity.

Section 409 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 building.
- B. No setback area or lot existing at the time of adoption of this Ordinance shall be reduced in dimensions or area below the minimum requirements as established. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established.

- C. In the situation where one or more lots held in common ownership are separated by a road or easement, those lots can be considered as being adjacent.
- D. When two or more adjacent lots are held in common ownership, the lots may be considered combined to comply with provisions of this Ordinance. No portion of the combined lots shall be used more than once in order to comply with provisions of lot yard and yard dimensions of this Ordinance.

Section 410 Vacation Rental

The following requirements for the vacation rentals shall apply:

- A. A maximum of two (2) occupants per bedroom plus four (4) additional occupants on the premises are permitted.
- B. All parking associated with the Vacation Rental shall be out of the roadway and entirely on-site in the garage, driveway, or other improved area.
- C. Pets shall be secured on the premises or on a leash at all times.
- D. All occupants must practice courtesy to neighbors in regards to noise and activity.
- E. The Township Zoning Administrator must have up-to-date owner and/or manager contact information.
- F. The Township Board, by resolution, may establish a maximum number of vacation rentals allowed within the Township.
- G. By January 31st of each year, the owner or manager of the property permitted as a vacation rental shall notify the Munising Township Zoning Administrator, in writing, that the property will or will not be used as a vacation rental for that year. If the property is not used as a vacation rental for two consecutive years, any zoning compliance permit for the vacation rental shall expire without further action by the Township.

Section 411 Required Planting Screens or Fences (See Section 414 for Fence regulations.)

- A. A planting screen shall be required in Town Development (TD), Industrial (I), and Commercial (C) Districts, wherever any parking lot, trash collection, outdoor storage, storage building, service area, service building, or pole type structure is located on property adjacent to any residential district.
- B. A planting screen or fences shall be required wherever open spaces fronting all season roads if blowing and drifting snow creates a hazard to motorists and increased maintenance costs to the Road Commission.

Section 412 Planting Screen Specifications

- A. All planting screens required by this Ordinance shall consist of plants listed below and be maintained in a healthy condition and so pruned as to provide maximum opacity from the ground to a height of 12 feet.

<u>Plant</u>	<u>Minimum Height</u>	<u>Distance Apart</u>
Pine	6'	5'
Spruce	6'	5'
Arbor Vitae	5'	5'
Pfitzer (upright)	5'	4'
Lilac	6'	4'
Service berry	6'	5'
Maple	8'	8'

- B. Substitution of other plant material shall be permitted only upon certification to the Zoning Administrator that the proposed plant can be expected to thrive and provide equivalent screening and will not create a nuisance or hazard.
- C. In locations where plantings are subject to MDOT specifications, those specifications will apply.
- D. Where soil or other natural conditions make survival of the planting screen doubtful, an approved fence or wall of at least six feet in height may be substituted.
- E. All screens required by this Ordinance shall be installed prior to occupancy or commencement of use. Seasonal delay will be granted by the Zoning Administrator. The Zoning Administrator may revoke any Zoning Compliance permit after 30 days written notice to the occupant and the owner of record whenever the conditions of this Ordinance are not met.

Section 413 Parking Lot Landscaping

- A. Where off-street parking for 50 or more vehicles is required, there shall be a landscaped area within the perimeter of the parking area.
- B. Landscaped open space required by this Section shall be kept continuously planted with living vegetation. The required landscaped open space need not be contiguous, but there shall be at least one tree in each separate area.
- C. The following varieties of trees are prohibited in meeting the requirements of this Ordinance: poplars, willows, American elm, seed-bearing locusts, and box elders.
- D. All plant materials shall be kept pruned to maximize visibility through them so not to create a hazard to drivers or pedestrians.

Section 414 Fence Regulations

- A. The following requirements for fences shall apply:
1. The maximum height of fences shall be eight feet. Fences constructed higher than eight feet will require approval through the conditional use permit process after a demonstration of the need for such a fence.
 2. 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.
 3. The finished side of the fence shall be the exterior side of the fence, unless otherwise provided for in an agreement between abutting property owners.
 4. No fence shall obstruct the vision of motorists entering any street or other public way open to vehicular traffic from an adjacent driveway. 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.
 5. 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. No fence shall obstruct the vision of drivers at any driveway, parking lot or other route providing ingress and egress to any premises.
 6. An electrical fence may be erected for the purpose of containment of animals or to exclude animals. Such fence shall be clearly marked as being electrified.
 7. Unless permitted by the *Planning Commission*, fences shall not use barbed wire.
- B. Fences must be maintained so not to endanger life or property. 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 415 Off-Street Parking Requirements

- A. There shall be provided off-street parking for motor vehicles with the minimum number of parking spaces to be provided as shown on the following list.

Uses	Minimum 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 garage	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	
Assembly and entertainment: Places of public gatherings, bowling alley, arcade, game room, dance hall, roller rink, ice rink, church, private club, and theater	.35 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
Golf course	7 per hole
Marina	1 per boat slip
Lodging: Boarding house, motel, hotel, tourist cabin, bed and breakfast, resort, hostel, bootel	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	

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

- B. The parking lot shall be constructed at least six feet from the property line or road right-of-way.
- C. Where calculation in accordance with the foregoing lists results in requiring a fractional space, any fraction less than one-half shall be disregarded and any fraction of one-half or more shall require one space.
- D. Required off-street parking shall be provided on the lot to which it pertains. Access drive may be placed in the required front, side, or rear yards so as to provide access to

accessory or attached structures. Any walk or other pavement serving a like function shall not be considered a structure and shall be permitted in any required yard.

- E. The use of any required parking space for the storage of a motor vehicle for sale, or for any other purpose other than the parking of motor vehicles is prohibited.
- F. The following minimum design standards shall be observed in laying out off-street spaces and provided access lanes to each space. Layouts requiring vehicles to back out onto roads or streets are prohibited.

<u>Parking Angle</u>	<u>Stall Width</u>	<u>Aisle Width</u>	<u>Parking Stall Length</u>	<u>Curb To Curb</u>
0E to 15E	9'	12'	23'	30'
16E to 37E	10'	11'	19'	47'
38E to 57E	10'	13'	19'	54'
58E to 74E	10'	18'	19'	61'
75E to 90E	10'	24'	19'	63'

- G. Off-street loading spaces required under this Section shall be at least 50 feet long and 12 feet wide and have a vertical clearance of at least 14 feet. Every lot used for commercial or industrial purposes and having a building or buildings with a total floor area of at least 10,000 square feet and every lot used for office or research purposes on which there is a building or buildings having a total floor area of at least 20,000 square feet shall be provided with off-street loading space. An additional off-street loading space shall be required for every additional 20,000 square feet of floor area of fraction thereof.

Section 416 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 by this or any other ordinance. The following rules apply:
 - 1. Structures, including carports, attached to the principal building shall comply in all respects with the requirements of this Ordinance applicable to the principal building. Breezeways, as an attachment between the garage or carport and the main building, shall be considered a part of the principal building, but shall not be considered livable floor space.
 - 2. All or part of an accessory building may be utilized as a guest house to house occasional visitors or guests of the occupants of the single-family dwelling unit on the same lot provide the following conditions are met:
 - a. No more than two guesthouses are permitted per lot.
 - b. The size of the guesthouse cannot exceed 50% of the principal structure.

- c. The guesthouse will comply with all setback requirements for a principal structure.
 - d. A common driveway is shared by the primary and guesthouse structure, however the Zoning Administrator may authorize a separate driveway.
 - e. The guesthouse is accessory to a principal single-family detached dwelling; there are no charges made for the accommodation.
 - f. The guesthouse will not be used as a year-round dwelling.
- B. On lots of five acres or more, where no principal building is presently constructed or planned for in the immediate future, the maximum size of a garage or similar structure shall be 2,400 square feet with a maximum height of 30 feet.
- C. The parking of one large vehicle that is regularly used in an individual's profession or employment is permitted provided the following are met:
- 1. The parked vehicle must meet setbacks as they pertain to the principal building on the lot.
 - 2. The parked vehicle must be adequately screened from view from adjacent residential property.
 - 3. An accessory building on the lot to store the vehicle is permitted provided the maximum size of the structure is 2,400 square feet and the height does not exceed 30 feet. A larger size may be allowed on application of and the granting of a Conditional Use Permit by the Planning Commission.
- D. Boathouses are permitted subject to regulations and requirements of the Michigan Department of Environmental Quality and/or other regulatory bodies.
- E. Accessory Building Setbacks – See Footnote A in Article IV Section 401.
- F. Solar panels shall be considered a structure. Attached or unattached solar panels shall comply with required front, side and rear setbacks established for a principal building.

Section 417 Decks and Porches

Decks and porches shall be considered a structure. Attached or unattached decks and porches shall comply with required front, side and rear setbacks established for a principal building.

Section 418 Home Occupations

- A. There shall be two classes of home occupations. Home occupation Class I shall be permitted in all districts by application for a zoning compliance permit. Class II home occupation may be allowed in all districts upon application of and issuance of a

Conditional Use Permit pursuant to Article IX Conditional Use Permits.

- B. Home occupation in a single-family residence for instruction in craft or fine arts is allowed in all districts subject to the provisions of Sections 418(E) and 418(F).
- C. Class I and Class II home occupations must be clearly incidental and subordinate to its use for residential purposes by its occupants.
- D. Class I and Class II home occupations shall not permit equipment or processes to be used which creates noise, vibration, glare, fumes, odors, or electrical interferences which create an unreasonable interference with the enjoyment and use of adjoining properties and which are detectable by normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates unreasonable visual or audible interference in radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
- E. Class I home occupation shall:
 - 1. Employ only those members of the family residing on the premises and not more than one non-occupant employee.
 - 2. Be conducted within the principal dwelling and utilize not more than 25% of the usable floor space.
 - 3. Permit neither outdoor storage nor exterior evidence of the conduct of home occupations, other than an approved sign.
 - 4. Permit no exterior display of merchandise produced by such home occupations.
 - 5. Not generate traffic in greater volumes than would normally be expected in that residential neighborhood.
 - 6. Provide that parking generated by the conduct of such home occupation meet the requirements of Section 415.
 - 7. Utilize only stock vehicles such as passenger cars and light utility vehicles such as pickups and vans. These vehicles may be parked outside.
 - 8. See Section 603 for sign regulations.
- F. Class II home occupation may:
 - 1. Employ not more than two non-occupant employees.
 - 2. Be conducted in an accessory building not exceeding 20 feet in height, and not

more than 1,200 square feet.

3. Utilize larger vehicles and heavy equipment provided they are stored in an enclosed building or adequately screened from view of the street or adjoining neighbors.
 4. Utilize structures to store commercial vehicles, which shall not exceed twice the floor area of the principal structure.
 5. Permit outdoor storage or exterior evidence of the conduct of home occupations.
 6. Permit exterior display of merchandise produced by such home occupations.
 7. See Section 603 for sign regulations.
- G. The Planning Commission may place additional conditions upon Class II home occupations to assure compliance with Section 903 and the intent of the zoning district.

Section 419 Temporary Sales Products Stand

A temporary sales products stand is permitted in the R1, R2, RR, TD, C and RP Districts subject to the following regulations: one stand per parcel, the stand to be located 20 feet from the road right-of-way, maximum total floor area is 320 square feet, off-street parking to be provided for a minimum of four vehicles and located a minimum of five feet from the road right-of-way. Temporary sales stands are permitted on the parcel for a maximum of 120 days. The stand must be removed within 14 days of ceasing operations.

Section 420 Wireless Communication Facilities and Attached Wireless Communication Facilities

- A. Munising Township has a clear and identifiable interest in accommodating the communication needs of residents and businesses and has an interest in regulating the location 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.
 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 Munising Township to minimize the overall number of newly established locations for Wireless Communication Facilities and Wireless Communication Support Structures within the township and encourage the use of existing structures for Attached Wireless Communication Facilities. It is the Township'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. The applicant must demonstrate that feasible co-location is not available for the coverage area and capacity needs.
 2. The applicant 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 wireless communication facility shall have legal access from a public road.
 4. All support structures must be set back from all lot lines a distance equal to its height.
 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 an accessory building. If proposed as an accessory building, it shall conform to all district requirements for principal buildings, including yard setbacks.
 7. A wireless communication facility may be of such design as a steeple, bell tower, or a form 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 or subsequent standards.

9. The wireless communication facility shall not be artificially lighted, except as required by the Federal Aviation Administration.
10. There shall be no display or advertising on the wireless communication facility other than 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 after 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. The Planning Commission will use appropriate standards of Section 903 in the further review for Wireless Communication Facilities and Attached Wireless

Communication Facilities.

Section 421 Limited Keeping of Animals

When the *Right to Farm Act* does not apply, the following standards shall apply to limited keeping of animals in all districts as an accessory use, where there is a separate occupied dwelling.

Standards of Approval

- A. One or more of the following types of animals are permitted in accordance with this Section on the same property: chickens, rabbits, and bees.
- B. All seed, fertilizer, and animal feed shall be stored in a secured, rodent-, raccoon-, and bear-proof container and housed within an enclosed structure.
- C. Signage shall not be permitted, except where otherwise permitted in this ordinance.
- D. All animal structures and roaming areas shall be kept sanitary and free from accumulations of animal excrement and objectionable odors.
- E. Killing and dressing of animals raised on the premises shall be permitted if conducted entirely within an enclosed building.
- F. The following requirements and limitations shall be adhered to for the Limited Keeping of **Chickens**:
 - 1. Roosters are not permitted.
 - 2. There shall be no more than six (6) chickens on a parcel less than one acre and no more than twelve (12) on a parcel greater than one acre.
 - 3. All structures related to the housing of chickens shall be at least six (6) square feet in size, shall meet the setback requirements for accessory structures as described in Section 401 and shall not be closer than forty (40) feet to any existing residential structure on a neighboring property.
 - 4. Outdoor roaming areas shall be sufficiently enclosed and screened from the street and neighboring properties to protect them from vehicular traffic, and to minimize external impacts of the outdoor roaming areas.
- G. The following requirements and limitations shall be adhered to for the Limited Keeping of **Rabbits**:
 - 1. Rabbits shall only be kept within an enclosed structure, cage, or hutch,

except for monitored exercise periods.

2. A minimum area of five (5) square feet per rabbit, dedicated exclusively for rabbit(s) is required for a maximum of up to three (3) rabbit hutches.
3. All structures related to the housing of rabbits shall meet the setback requirements for accessory structures as described in Section 401.

H. The following requirements and limitations shall be adhered to for the Limited Keeping of **Bees**:

1. A maximum of two (2) beehives shall be permitted.
2. All structures necessary for and related to housing honeybees shall meet the setback requirements for accessory structures as described in Section 401.
3. Ground mounted beehives shall be located not higher than six (6) feet from the grade.
4. Ground mounted beehives shall be permitted in side and rear yards, and shall be provided an enclosed barrier along property lines six (6) feet in height consisting of a solid fence, dense vegetation, or combination thereof. in cases where there is ample yard area, a channeled flight path may be substituted for perimeter barriers, consisting of six (6) foot high barriers on both sides of the bee colony (\./ or .===), creating a channel extending twenty (20) feet in each chosen direction beyond each bee colony entrance.
5. Roof mounted beehives shall be located on primary and accessory structures no lower than ten (10) feet from grade and shall not be within the required setbacks.

Section 422 Kennel Regulations

Kennels, Private, as defined in Article II, involves the permanent or temporary ownership, responsibility, or confinement of four (4) or more dogs, which are six months of age or older, for the purpose of hobby, personal enjoyment, boarding, breeding, or training purposes.

District	Permitted Use	Conditional Use
All Districts Less than 5 acres	3 dogs	4 or more dogs
All Districts 5 acres to less than 10 acres	4 dogs	5 or more dogs
All Districts	6 dogs	7 or more dogs

10 acres to less than 20 acres		
All Districts 20+ acres	10 dogs	11 or more dogs

Any persons owning dogs, regardless of the number or location, are subject to the regulations and enforcement of the Munising Township Noise Ordinance.

A. Kennels, Private – Standards for Approval (Conditional Use)

The Planning Commission will specify within any Conditional Use authorization the number of dogs permitted to ensure the use intensity is appropriate to the existing Zoning District. This determination shall include factors such as:

1. Purpose of the kennel
2. Environmental impact
3. Compatibility with the existing neighborhood
4. Potential to adversely affect surrounding property values and enjoyment
5. Parcel size and location
6. Use and location of any outside kennels, enclosures or dog runs. Any outdoor dog kennel, enclosure or dog run:
 - a. Shall be situated to reduce noise by use of topography, tree cover, solid fencing or other methods.
 - b. Shall be constructed to adequately and comfortably house any dogs kept therein at any season of the year and maintained so not be detrimental to surrounding property values or public health.
 - c. Odor of similar objectionable characteristics, such as waste, incident thereto shall not be discernible beyond the boundary lot or premises.
 - d. Shall meet the lot setback requirements (See Section 401.) for that zoning district.

Article IX Section 903, “Review Standards” shall also pertain.

B. Kennels, Commercial – Standards for Approval in addition to standards for Kennels, Private (Conditional Use – allowed in RR, RP, TD, IBZ-RR, and IBZ-RM zoning districts.)

Kennels, Commercial as defined in Article II, are facilities that keep, house, or maintain dogs

for a limited amount of time for the purpose of shelter, care, feeding, boarding, breeding, or training purposes in return for a fee or other consideration. Includes “doggie daycare” situations where animals are not kept at the commercial kennel overnight. NOTE: The following shall not be considered Commercial Kennels: animal veterinary clinics that house dogs for vet services.

1. Any outside kennel facilities must be a minimum of 200’ from any residential unit not located on the premises.
2. Each dog must have individual space in the form of indoor enclosures or caging.
3. The time for dogs to be kept in outdoor caging, runs, or pens shall be limited to 7:00 a.m. – 9:00 p.m., unless modified by Conditional Use & Site Plan Review permits.
4. Outdoor dog areas shall be enclosed with privacy fencing not less than six (6) feet high, to confine dogs on the premises and to buffer noise.
5. Applicants shall provide statement (s) how kennel will be operated and maintained in a manner to provide sanitary conditions for each animal in accordance with applicable state laws and regulation and recommendations of the U.S. Department of Agriculture and the American Kennel Club (include a cleaning schedule and waste disposal plan).
6. Odor or similar objectionable characteristics, such as waste, incident thereto shall not be discernible beyond the boundary lot or premises.

Article IX Section 903, “Review Standards” shall also pertain.

ARTICLE V: PLANNED UNIT DEVELOPMENT

Section 501 Intent

To permit greater flexibility in the use and design of structures and land in situations where modifications of specific provisions of this Ordinance will not be contrary to its intent and purpose or significantly inconsistent with the planning on which it is based and will not be harmful to the neighborhood in which they occur. A Planned Unit Development (PUD) should result in development, which maximizes the provision of open space, preserves natural features, and provides a harmonious arrangement of structures and uses. More than one principal use and/or structure per lot may be permitted.

Section 502 Eligibility

In order to be approved by the Planning Commission, a proposed Planned Unit Development shall be on parcels of at least two acres in size and shall meet the following requirements:

- A. Provide for open space and preservation of natural features; clustered development and similar design methods are encouraged.
- B. Minimize the amount of impervious surfaces created.
- C. Provide a harmonious and efficient arrangement of all structures and uses in relation to topography, the size and type of plot, the character of adjoining property, and the type and size of buildings. Arrangements of buildings shall be done in such a way to utilize natural topography, existing vegetation and views within and beyond the site.

Section 503 Application and Modification Powers

- A. The applicant shall submit an application to the Planning Commission in accordance with the requirements of Section 504 through Section 506.
- B. In acting upon the application, the Planning Commission may alter setback requirements, building size limits, off-street parking regulations, landscaping rules, and density and intensity limits. It may also authorize uses not permitted in the district where the lot is located, providing such uses are desirable or convenient for the users of the lot as developed or the immediate neighborhood and provided that such uses are planned so as to assure that they will not materially alter the existing character of the neighborhood. For developments on parcels of ten acres or less, uses not permitted in the district where the lot is located shall not be permitted to occupy more than 10 percent of the lot area nor more than 10 percent of the building floor area.
- C. The provisions of this Section shall be applied to the existing zoning district, as defined on the zoning map, where the PUD is to be located.

Section 504 Preliminary Conference

Prior to preparing a formal application, the applicant shall meet with the Planning Commission to discuss the proposed development and application procedures. No decision regarding any

proposed PUD is to be reached at this conference.

Section 505 Preliminary Application

A. Following the preliminary conference, the applicant shall prepare and submit 10 copies of a preliminary application which consists of the following written and graphic documents, together with any fee(s) which have been imposed by the Munising Township Board:

1. A written description of the proposed PUD, including:
 - a. How the proposed PUD is consistent with the intent of the article, and with the eligibility criteria in Section 502.
 - b. A statement identifying all intended uses, including future sales or leasing arrangements of all or portions of the proposed PUD.
 - c. A legal description of the proposed PUD parcel.
 - d. A listing of all owners, holders of easements, and other interested parties.
 - e. A projected assessment of the proposed PUD demands on public services and utilities, including, but not limited to, water, sewer, electrical service, streets and roads, sidewalks, refuse disposal, and emergency services.
2. A preliminary site plan shall be provided on ten (10) identical copies on one or more sheets, at a scale adequate to illustrate the proposed activity, and shall include the following information.
 - a. The legal description and street address of the lot(s).
 - b. The name, address and telephone number of the owner, developer, and/or designer.
 - c. The date the site plan was prepared.
 - d. North arrow and scale.
 - e. The actual dimensions of the lot(s) as shown by a licensed surveyor, engineer, architect, or registered landscape architect, with survey stakes visible. The requirement for a survey may be waived if building dimensions will not change as a result of the proposed activity.
 - f. The relationship of the subject lot(s) to abutting properties.
 - g. Depiction of all existing structures, including signs, on the subject lot(s) shown to scale.

- h. The dimensions of all proposed structures on the subject lot(s), including height of proposed buildings.
 - i. Distances between existing structures and proposed structures on the subject lot(s) and distance between lot lines and proposed structures.
 - j. Use of all existing or proposed structures on the subject lot(s).
 - k. The location of all proposed fences and planting screens or other buffers.
 - l. The location and right-of-way widths of all streets, alleys, private road easements and/or railroads located within or abutting the subject lot(s). Named streets should be labeled.
 - m. The location of all existing and proposed ingress/egress points, sidewalks, driveways and parking areas on the subject lot(s).
 - n. The locations of existing ingress/egress points, driveways, streets, alleys and/or railroads within 300 feet of the boundaries of the subject lot(s).
 - o. The size and location of all existing and proposed public and private utilities.
 - p. The location of natural features affecting development, such as rock outcrops, water, wetlands, etc.
 - q. The location of existing and proposed surface water impoundments and surface water drainage pattern.
 - r. The location and extent of all planned earth movement. Indicate status of any necessary permits, such as sedimentation and soil erosion permit, wetlands permit, etc.
 - s. Any other information necessary, in the opinion of the Zoning Administrator, to establish compliance with this Ordinance or any other applicable ordinances.
3. A development schedule; a list of proposed covenants or deed restrictions; any proposed maintenance agreements on open space or common ownership areas; and a description of the type of financial guarantees to be utilized to insure PUD development.
 4. Any other information as the Planning Commission may reasonably require showing the applicant's intent for the development and viability of the proposal.

- B. The applicant may request that the requirement of Section 506 for a final application be waived and include all of the information required for a final application with the preliminary application. If, upon submittal, the Zoning Administrator finds that all items required by Section 505 and Section 506 are included the requirement for a final application and final public hearing shall be waived. If the requirement for a final application is waived, the public hearing notice and all other notices shall clearly state that the final application requirement has been waived, and that no further public hearings on this application are anticipated. Should, upon review, the Planning Commission find that all matters are not satisfactorily addressed, the Planning Commission shall order the applicant to resubmit the application as a final application. Payment of fees for a final application shall be required.
- C. All application materials must be received by the Zoning Administrator before a public hearing notice can be submitted for publication.
- D. The Planning Commission shall hold a public hearing in accordance with the requirements of Section 704, to review the preliminary application. In making its review of any portion of the PUD preliminary application, the Planning Commission shall find that the proposed PUD is consistent with the standards outlined in Section 508 and Section 904 and other relevant provisions of this Ordinance. Following the review, the Planning Commission shall approve, approve with conditions or subject to modifications, or deny the preliminary application. Action taken on the preliminary application shall be specified in writing, including the reasons for approval or denial of the application, and any conditions imposed as part of approval with conditions.
- E. Approval of the preliminary application does not constitute recording of the plan or plot nor authorize the issuance of building permits.
- F. Within a maximum of 12 months following preliminary approval, the applicant shall file for final application as outlined below. For good cause, the Planning Commission may extend this time period for six months. If the applicant fails to apply for the final application for any reason, approval or conditional approval shall be revoked.

Section 506 Final Application

- A. Following approval or approval with conditions of the preliminary application, the applicant shall prepare and submit 10 copies of a final application which shall include:
 - 1. All information as required by the Planning Commission for preliminary approval or conditional approval of the preliminary application, including modifications required to meet conditions imposed on the preliminary application, if any.
 - 2. Signed copies of any preliminary plats, in accordance with the Land Division Act (Act 288 of 1967, as amended).

3. A detailed development time schedule.
 4. Deed restrictions or covenants of the parcel.
 5. Any other plans, documentation or specifications, as the Planning Commission may require to insure final engineering review and approval, which may include building plans, elevation and perspective drawings, drainage, road or other facility designs, and letters of commitment or intent insuring adequate financing for public utilities and/or services.
- B. All the application materials must be received in the office of the Munising Township Zoning Administrator before a public hearing notice can be submitted for publication.
- C. The Planning Commission shall hold a public hearing, and shall determine whether or not the final plans substantially conform to the approved preliminary development plan and are in proper form for final recording. Action taken on the final application shall be specified in writing, including the reasons for approval or denial of the application, and any conditions imposed as part of approval with conditions.

Section 507 Authorization and Issuance of Conditional Use Permit

- A. Where the Planning Commission determines that the final application is consistent with this article and other requirements, and is in proper form for recording, it shall authorize a PUD Conditional Use Permit for development and use in accordance with the final accepted development plan. Authorizing the PUD Conditional Use Permit shall not obligate the Planning Commission or the Munising Township Board to enforce any deed restrictions or covenants of the development parcel.
- B. The PUD Conditional Use Permit shall be issued following evidence of recording of the PUD final development plan with the Alger County Register of Deeds.

Section 508 Planned Unit Development Standards

- A. All preliminary and final applications shall be evaluated with respect to the following standards:
1. Yard, setback, lot size, type of dwelling unit, height, and frontage requirements and restrictions may be waived for the PUD, provided, however, that the spirit and intent of this article as defined in the intent statement, are incorporated within the total development plan. The Planning Commission may determine that certain setbacks be established within all or a portion of the perimeter of the site, and shall determine the suitability of the total development plan in accordance with the intent of this article.
 2. Every structure or dwelling unit shall have access to a public street, or to a private roadway built to County specifications and dedicated to common use. A

maintenance agreement shall be required for private roadways.

3. For areas of residential development and significant pedestrian use, all streets and roadways within the PUD shall have a sidewalk at least four feet in width on at least one side of the street or roadway, unless otherwise excluded by the Planning Commission.
4. Structures and uses shown on the development plan shall be arranged so as not to be detrimental to existing or proposed structures within the development or surrounding neighborhood.
5. Each development shall provide reasonable visual and acoustical privacy or provide for reasonable spatial separation for dwelling units. Fences, walks, barriers, and landscaping or open space shall be used, as appropriate, for the protection and aesthetic enhancement of property and the privacy of its occupants, screening of objectionable views or uses and reduction of noise.
6. Parking convenient to all dwelling units and other uses shall be provided pursuant to the requirements of Sections 413, and 415 of this Ordinance. Common driveways, parking areas, walks, or steps may be required together with appropriate lighting, in order to insure the safety of the occupants and the general public. Screening of parking and service areas may be required through use of trees, shrubs, hedges or screening walls.
7. PUD's shall, where feasible, provide for underground installation of utilities (including electricity and telephone) in both public ways and private extensions. In no instance shall the PUD place demands in excess of the capabilities of the affected public facilities and services.
8. The appeal and character of the site shall be preserved and enhanced by retaining and protecting existing trees and other site features; additional new landscaping shall be added where feasible for privacy, shade, beauty of buildings and grounds, and to screen out objectionable features.
9. The PUD shall be consistent with the standards outlined in Section 904 and other relevant provisions of this Ordinance.

Section 509 Changes in Approved PUD

- A. Changes in the location site or character of the building and structures may be authorized by the Planning Commission, if required by engineering or other circumstances not foreseen at the time the final development plan was approved.
- B. Changes which cause a change in the use, character, or intent of the development, an increase in the intensity of use, changes in the overall coverage of the structures, or problems of traffic circulation, utility services, or similar services, or a reduction in the

approved open space, off-street parking and loading space, or pavement width requirements may be authorized by the Planning Commission following a public hearing. The public hearing notice shall be published not less than 15 days prior to the public hearing.

- C. Changes which are approved must be made and recorded in accordance with the procedures established for the recording of the initial final development plan.

ARTICLE VI SIGNS

Section 601 Intent

It is hereby determined that regulation of the locations, size, placement, and certain features of signs is necessary to enable the public to locate goods, services, and facilities without difficulty and confusion, to prevent wasteful use of natural resources in competition among businesses for attention, to prevent hazards of life and property, and to assure the continued attractiveness of the community and protect property values.

It is further determined that signs which are lawfully erected and maintained under the provisions of this Ordinance are consistent with customary usage. Signs which are not lawfully erected or maintained under the provisions of this Ordinance are not consistent with customary usage and are an abuse and an unwarranted invasion of the rights of legitimate business interests and the public.

Section 602 Residential District Sign Regulations

- A. Within all districts allowing residential use the following sign types shall be permitted:
1. One sign, whose area shall not exceed six square feet, to announce the sale or rent of residential property.
 2. Churches shall be permitted a total sign area of 32 square feet with a maximum height of eight feet.
 3. One sign, not exceeding 32 square feet and eight feet in height, per vehicle entrance at a platted subdivision or manufactured home community.
 4. Multiple dwellings and nursing homes shall be permitted a single identification sign not to exceed 32 square feet and eight feet in height.
 5. Signs permitted by Section 602 are exempt from the setback requirements of Section 402. Signs shall not be located on the right-of-way and shall not interfere with traffic visibility.

Section 603 On-Premise Sign Regulations

- A. Signs are permitted on parcels to advertise goods, services, events facilities or attractions on the premise. Freestanding (ground) signs are permitted having an area not exceeding 10 square feet for each 10 feet or fraction of frontage, or 100 square feet for each acre or fraction of area of the developed premises, whichever is larger. There shall be a maximum of 150 square feet of sign area for each developed parcel. Where a premise has more than one occupant, the permitted sign shall be divided among them in the same proportion as floor space and outdoor sales as occupied by them. Where a premise has more than two occupants and has a distinct name from that of the occupants, an additional two square feet of sign area for each ten feet or fraction of street frontage, with

a maximum of 200 square feet, is permitted for signs identifying the developed premises.

1. In R1, R2, LSR1 and LSR2 districts, on-premise signs shall not exceed 16 square feet.

B. Signs shall be subject to the following setback requirements:

1. Minimum of five feet setback when the right-of-way width from the centerline of the road to the property line is less than 50 feet, and may be located at the lot line when the right-of-way width from the centerline of the road to the property line is greater than 50 feet.

2. Setback measurement shall be from the right-of-way to the closest part of the sign, whether it is at or above grade.

C. The maximum height for a sign shall be 30 feet.

D. One sign, whose area shall not exceed 32 square feet, to announce the sale or rent of commercial or industrial property.

Section 604 Off-Premise Sign Regulations

A. It is determined that the regulation of the location, size, placement, and certain features of billboards is necessary to enable the public to locate goods, services and facilities without difficulty and confusion, to prevent wasteful use of natural resources in competition among businesses for attention, to prevent hazards of life and property, and to assure the continued attractiveness of the community and protect property values. It is further determined that signs which are lawfully erected and maintained under the provisions of this Ordinance are consistent with customary usage. Signs, which are not lawfully erected or maintained under the provisions of this Ordinance, are considered not to be consistent with customary usage, and are an abuse and warranted invasion of the rights of legitimate business interests and of the public.

B. An off-premise sign may be established in the C, I, and TD District classifications provided that they meet the following conditions:

1. The maximum sign area for any one face of an off-premise sign (billboard) shall not exceed 300 square feet, excluding the base or apron, trim supports and other structural elements situated adjacent to M-28 or M-94.

2. The maximum sign area for any one face of an off-premise sign adjacent to a county road shall be 32 square feet.

3. Not more than three off-premise signs may be located per linear mile of street or highway regardless of the fact that such off premise sign may be located on different sides of the street or highway. Double-faced billboard structures (i.e.,

structures having back-to-back off-premise sign faces) and V-type off-premise sign structures having only one face visible to traffic proceeding from any given direction on a street or highway shall be considered as one billboard.

Additionally, billboard structures having tandem billboard faces (i.e., two parallel billboard faces facing the same direction and side by side to one another) or stacked billboard faces (i.e., two billboard faces facing the same direction with one face being directly above the other) shall be considered as one billboard. Otherwise, billboard structures having more than one billboard face shall be considered as two off-premise signs and shall be prohibited.

4. No off-premise sign shall be located within 1,000 feet of another off-premise sign abutting either side of the same street or highway.
5. No off-premise sign shall be located within 200 feet of an existing residence, church, or school. If the off-premise sign is illuminated, this required distance shall be 300 feet.
6. No off-premise sign shall be located closer than 75 feet to a property line adjoining a public right-of-way, or 10 feet from any interior boundary lines of the premise on which the off-premise sign is located.
7. The height of an off-premise sign shall not exceed 30 feet above the grade of the ground on which the off-premise sign sits or the grade of the abutting roadway, whichever is higher.
8. No off-premise sign shall be on top of, cantilevered, or otherwise suspended above the roof of any building.
9. An off-premise sign may be illuminated, provided such illumination is concentrated on the surface of the sign and is located so as to avoid glare or reflection onto any portion of any adjacent street or highway, the path of oncoming vehicles or any adjacent premises. In no event shall any off-premise sign have flashing or intermittent lights, nor shall the lights be permitted to rotate or oscillate.
10. An off-premise sign must be constructed in such a fashion that it will withstand all wind and vibration forces that can normally be expected to occur in the vicinity. An off premise sign must be maintained to assure proper alignment of structure, continued structural soundness and continued readability of the message.
11. An off-premise sign established within a business, commercial or industrial area as defined in the Highway Advertising Act of 1972 (PA 106 of 1972 as amended) bordering interstate highways, freeways or primary highways shall comply with the above conditions and applicable provisions and promulgated regulations of

PA 106 of 1972, as amended.

- C. An off-premise sign may be established in RR, RP and LSR1 districts provided they meet the following conditions:
1. The maximum sign area for any one face of an off-premise sign adjacent to a county road shall be 32 square feet.
 2. Not more than three off-premise signs may be located per linear mile of street or highway regardless of the fact that such off premise sign may be located on different sides of the street or highway.
 3. No off-premise sign shall be located within 1,000 feet of another off-premise sign abutting either side of the same street or highway.
 4. No off-premise sign shall be located within 200 feet of an existing residence, church, or school. If the off-premise sign is illuminated, this required distance shall be 300 feet.
 5. No off-premise sign shall be located closer than 75 feet to a property line adjoining a public right-of-way, or 10 feet from any interior boundary lines of the premise on which the off-premise sign is located.
 6. The height of an off-premise sign shall not exceed 15 feet above the grade of the ground on which the off-premise sign sits or the grade of the abutting roadway, whichever is higher.
 7. No off-premise sign shall be on top of, cantilevered, or otherwise suspended above the roof of any building.
 8. An off-premise sign may be illuminated, provided such illumination is concentrated on the surface of the sign and is located so as to avoid glare or reflection onto any portion of any adjacent street or highway, the path of oncoming vehicles or any adjacent premises. In no event shall any off-premise sign have flashing or intermittent lights, nor shall the lights be permitted to rotate or oscillate.
 9. An off-premise sign must be constructed in such a fashion that it will withstand all wind and vibration forces that can normally be expected to occur in the vicinity. An off premise sign must be maintained to assure proper alignment of structure, continued structural soundness and continued readability of the message.

Section 605 Inland Buffer Zone Sign Regulations

- A. All signs within the Inland Buffer Zone are subject to laws and regulations of this

Ordinance. The following additional sign restrictions apply and supersede any conflicting regulations of this Ordinance.

- B. All signs must be subdued in appearance, harmonizing in design and color with the surroundings. Signs may not be illuminated by neon or flashing devices.
- C. Sign restrictions are established in two categories: on-premises and off-premises.
 - 1. An off-premises sign is located off the property for which the sign information is provided, in a location visible from a road or highway. Three types are permitted: safety signs or symbols, public site identification signs, and commercial directories. Commercial directories for permitted commercial uses may be established at various lakeshore access road intersections along county road H-58.
 - 2. On-premises signs within the Inland Buffer Zone must be limited to public site identification signs, business identification signs, and 911 emergency signs. One such sign is allowed per property (excluding the 911 emergency sign), and it must be on the premises and relate to the use of those premises. Posting and Trespassing signs are exempt. On-premises signs must be a minimum of 15 feet from the street line or road. In IBZ-TP, IBZ- C, and IBZ-RM, one name plate or sign, not illuminated, equal to or less than 32 square feet is permitted, excluding the 911 emergency sign. In IBZ-RR, one name plate or sign, not illuminated, equal to or less 16 square feet is permitted, excluding the 911 emergency sign. One temporary sign, not illuminated, equal to or less than 3' x 2' (six square feet) advertising the sale, lease, or rental of the property is permitted.

Section 606 Signs for Conditional Use

In the granting a Conditional Use Permit, the Planning Commission is authorized to stipulate the maximum sign area, setback requirements, location, sign height and other requirements of a sign or sign associated with the conditional use.

Section 607 Miscellaneous Signs

- A. The following signs shall not exceed nine square feet:
 - 1. Those signs which are intended to advertise a public election, an individual participating in such an election, public ballot issue, or express personal opinions are permitted on private property with the owner's permission. All political campaign signs must be removed within 10 days after the election date and shall not be located on the public right-of-way.
 - 2. Signs which identify or advertise a non-profit annual or one-time event or occurrence, such as a fair or other event of general public interest, may be posted for a period of not more than two months, provided the sign is not contrary to the spirit and purpose of this Ordinance. The applicant is responsible for both the erection and removal of all signs. All signs must be removed no later than 10

- days after the end of the event.
3. Signs which announce no hunting or trespassing.
 4. Residential identification signs which have an occupant's name and/or house number.

Section 608 Lighting of Signs

No lighted signs shall be permitted within the R-1 or R-2 Districts. No strobe or other pulsating lights shall be permitted in any district. No sign shall be lighted so as to create a traffic hazard or to adversely affect neighboring land uses.

Section 609 Nuisance Signs

- A. A sign structure which is likely to cause injury, and signs which advertise a closed business, a past event, or past political election, are no longer legible, or are otherwise untimely or unsafe, are declared to be a nuisance sign. The cost of removal of the sign is to be borne by the sign owner and/or property owner.
- B. No sign may be lighted to such intensity or in such a manner that it creates a public nuisance or adversely affects the public health, safety, or general welfare.

Section 610 Nonconforming Signs

- A. It is the intent and purpose of this Section to eliminate nonconforming signs as rapidly as the police powers of the Township permits. No sign shall be designated as Class A Nonconforming (See Section 1005.)
- B. Nonconforming signs:
 1. Shall not be structurally altered so as to prolong the life of the signs, nor shall the shape, size, type, or design of the sign structure be altered.
 2. Shall not be continued after the activity, business, or usage to which it relates has been discontinued for 30 days or longer.
 3. Shall not be re-established after damage or destruction if the estimated expense of reconstruction exceeds 50 percent of the sign value.
 4. May not be changed to another nonconforming use.
 5. May have their face or message updated but may not be structurally altered.

Section 611 Inactive Business Signs

Signs shall be covered after the activity, business, or uses has been discontinued for 90 days.

ARTICLE VII ZONING ADMINISTRATION

Section 701 Office of Zoning Administrator

The office of Zoning Administrator is established. The Zoning Administrator shall be appointed by the Township Board and shall serve at their pleasure. Should the Zoning Administrator be unable to carry out these duties for a period of time, the Township Board may appoint a substitute. The Zoning Administrator and appointed substitute shall receive such compensation as determined by the Township Board.

Section 702 Duties of the Zoning Administrator

It shall be the responsibility of the Zoning Administrator to enforce the provisions of this Ordinance and in doing so shall perform the duties which follow. However, in no case shall the Zoning Administrator or any of his/her subordinates, waive or vary any of the provisions or standards in this Ordinance.

- A. Issue Permits: All applications for zoning compliance permits shall be submitted to the Zoning Administrator who shall issue zoning compliance permits when applicable provisions of this Ordinance have been complied with.
- B. File Applications: The Zoning Administrator shall maintain files of all applications for zoning compliance permits, and shall keep records of all zoning compliance permits issued and/or denied. These shall be filed with the Zoning Administrator, and files and records shall be open for public inspection. Copies shall be provided upon request, in compliance with the Munising Township Freedom of Information Policy.
- C. Maintain Official Copies: The Zoning Administrator shall maintain the official Zoning Map along with an updated zoning ordinance.
- D. Conduct Inspections: The Office of the Zoning Administrator shall be empowered to make inspections of buildings or premises in order to properly carry out the enforcement of this Ordinance.
- E. Maintain Record of Complaints: The Zoning Administrator shall keep a record of every identifiable complaint of a violation of the provisions of this Ordinance, and of the action taken consequent to each complaint. These records shall be public record.
- F. Report to the Planning Commission: The Zoning Administrator shall periodically prepare a report to the Township Planning Commission summarizing applications for zoning compliance permits, all complaints of violations, all appeals, variances, and exceptions granted by the Zoning Board of Appeals, and the action taken.
- G. Review Site Plans for Completeness: The Zoning Administrator shall review Site Plans in accordance with Article XI Site Plan Review.

- H. Provide Information: The Zoning Administrator shall present relevant information to the appropriate board.
- I. Other Duties: The Zoning Administrator may have additional duties and responsibilities which are closely related to zoning duties.

Section 703 Official Zoning Orders Book and Map

The Zoning Administrator shall keep the Official Zoning Orders Book, which lists a brief description of all variances, Conditional Use Permits, Class A nonconforming designation, and any termination. The Zoning Administrator shall keep the Official Zoning Map on which will indicate the locations affected by the items in the book. The Official Zoning Orders Book and Map shall be open to public inspection. Each item shall be assigned a number.

Section 704 Administrative Procedures

- A. Whenever, in the course of administration and enforcement of this Ordinance, it is necessary or desirable to make any administrative decisions, the Zoning Administrator, Zoning Board of Appeals, or Planning Commission shall make the decision in accordance with the standards in this Ordinance.
- B. When a public hearing is required in the administration of this Ordinance, the Zoning Board of Appeals or the Planning Commission shall comply with the following in accordance with the Michigan Zoning Enabling Act, PA 110 of 2006.

When the provisions of this Ordinance or the Michigan Zoning Enabling Act require that notice be published, the Zoning Administrator shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation in Munising Township and mailed or delivered as provided in this Section.

- 1. All mail, personal and newspaper notices for public hearings shall:
 - a. Describe the nature of the request: Identify whether the request is for a rezoning, text amendment, special land use, planned unit development, variance, appeal, ordinance interpretation or other purpose.
 - b. Location: Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used such as a tax parcel identification number, identifying the nearest cross street or including a map showing the location of the property. No street addresses must be listed when eleven (11) or more adjacent properties are proposed for rezoning or when the request is for an ordinance interpretation not involving a specific property.

- c. When and where the request will be considered: Indicate the date, time and place of the public hearing(s).
 - d. Written comments: Include a statement describing where written comments will be received concerning the request. Include a statement that the public may appear at the public hearing in person or by counsel.
 - e. Handicap access: Information concerning how handicap access will be accommodated if the meeting facility is not handicap accessible.
2. Personal and Mailed Notice – When the provisions of this Ordinance or state law require that personal or mailed notice be provided, notice shall be provided to:
- a. The owners of property for which approval is being considered and the applicant, if different than the owner(s) of the property.
 - b. Except for rezoning requests involving eleven (11) or more adjacent properties or an ordinance interpretation request that does not involve a specific property; to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property subject to the request, regardless of whether the property or occupant is located within the boundaries of Munising Township. The current year’s assessment roll shall be used as prima facie evidence of record of ownership. If the name of the occupant is not known, the term “occupant” may be used in making notification. Notification need not be given to more than one (1) occupant of a structure, except if that structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.
 - c. All neighborhood organizations, public utility companies, railroads and other persons which have requested to receive notice pursuant to the Section shall receive notice by mail.
 - d. Other governmental units within one mile of the property involved in the application.
3. Notice by mail/affidavit: Notice shall be deemed mailed by its deposit in the United States mail, first class, properly addressed, postage paid. The Zoning Administrator shall prepare a list of property owners and registrants to whom notice was mailed as well as of anyone to whom personal notice was delivered.

4. Timing of Notice: Unless otherwise provided in the Michigan Zoning Enabling Act, PA 100 of 2006, or this Ordinance where applicable, notice of a public hearing shall be provided as follows: For a public hearing on an application for a rezoning, text amendment, special land use, planned unit development, variance, appeal or ordinance interpretation: not less than fifteen (15) days before the date the application will be considered for approval.
 5. Registration to Receive Notice by Mail:
 - a. General: Any neighborhood organization, public utility company, railroad or any other person may register with the Zoning Administrator to receive written notice of all applications for development approval pursuant to this Section. Personal and Mailed Notice, or written notice of all applications for development approval within the zoning district in which they are located. The Zoning Administrator shall be responsible for providing this notification. Fees may be assessed for the provision of this notice, as established by the legislative body.
 - b. Requirements: The requesting party must provide the Zoning Administrator information on an official form to ensure notification can be made. All registered persons must re-register biannually to continue to receive notification pursuant to this Section.
- C. When the Planning Commission or Zoning Board of Appeals holds a Public Hearing it:
1. Shall permit interested parties at the hearing to present and rebut information either supporting or opposing the zoning action under consideration;
 2. Shall prepare a comprehensive summary record of the hearing, including an exact record of motions, votes and other official action;
 3. Shall set forth in writing and in detail any denial, approval, conditional approval or order and the facts supporting such decision;
 4. Shall file the record, written testimony, or documents submitted with regard to the hearing, and the decision with the Township Clerk and maintain an affidavit of mailing for each mailing made under this section;
 5. Shall comply with all other requirements under the law; and
 6. Shall have all administrative actions recorded in the Official Zoning Orders Book and Map.
- D. Wherever a discretionary decision is authorized in this Ordinance, such as, but not

limited to, the issuance of special use permits, conditions (including, but not limited to: greater setbacks, parking, screening, drainage, access control and other similar requirements) may be imposed provided they are:

1. Designed to protect natural resources, the health, safety and welfare and the social and economic well-being of those who will use the land or activity under consideration, residents and landowners immediately adjacent to the proposed use or activity, and the community as a whole;
 2. Related to the valid exercise of police power and the purposes which are affected by the proposed use or activity;
 3. Necessary to meet the intent and purpose of the zoning ordinance, are related to standards established in the Ordinance for the land use or activity under consideration and are necessary to insure compliance with those standards; and
 4. The conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action, and shall remain unchanged except upon the mutual consent of the approving authority and the landowner. A record of any changed condition shall also be maintained.
- E. All administrative guides or rules developed to assist the Zoning Board of Appeals or the Planning Commission in the administration of this Ordinance shall be filed with the Township Clerk and be open to public inspection.

Section 705 Administrative Procedures Applicable to Inland Buffer Zone

- A. Any requests for any activities such as zoning amendments, conditional uses, variances, or Class A designations affecting property within the Inland Buffer Zone area shall be provided to the Superintendent of the Pictured Rocks National Lakeshore (PRNL). The PRNL Superintendent shall be provided 30 days from receipt of the request to provide the appropriate zoning body with his/her written comments regarding the request. No final action shall be taken on the request until such comments are received or the 30 days has elapsed.
- B. The PRNL Superintendent must be provided a written notice by the Zoning Administrator of any variance granted under, or exception made to the application of, a zoning ordinance or amendment. The PRNL Superintendent must be provided a copy of every zoning compliance permit that authorize use or development of lands within the Inland Buffer Zone.

Section 706 Violations and Penalties

- A. Any person who violates any provision of this Ordinance, or any amendment, or who fails to perform any act required or does any prohibited act, may be charged with a municipal civil infraction, and, upon a finding of responsibility shall be punished by a fine of not more than \$500, plus court costs, for each offense.

- B. Each and every day on which any violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

- C. Any violation of this Ordinance is hereby declared to be a public nuisance per se and, in addition to the penalties specified herein for such violations, the Township may seek to enforce compliance with the terms and provisions on this ordinance by means of any and all other remedies or measures available to it by statute, ordinance, resolution, regulation, or civil or criminal law.

ARTICLE VIII ZONING COMPLIANCE PERMITS

Section 801 Intent

No land use shall be commenced or changed and no structure shall be erected or enlarged unless the person conducting such use or erecting or enlarging such structure has obtained a zoning compliance permit from the Zoning Administrator.

Section 802 Procedure

- A. The Zoning Administrator shall issue such permit upon:
1. The furnishing in writing, over the signature of the applicant, of such information as may be necessary to establish that the proposed use, structure, or addition is in full compliance with all provisions of this Ordinance,
 2. A finding by the Zoning Administrator that such is the case, and
 3. Payment of a permit fee.
- B. The Zoning Administrator shall respond to a permit request with either approval, denial, or a request for further information within ten (10) working days of the receipt of the application request. The Zoning Administrator shall respond to a denied application by certified mail, the postmark of which shall fall within 10 business days of receipt of the application.
- C. No zoning compliance permit shall be issued where it appears that any land area required to conform to any provision of this Ordinance is also required as a part of any adjoining property to keep the development or use in conformity with this Ordinance, or to keep it from becoming more nonconforming, if such land area was, at any time, subsequent to the commencement of development or use of such adjoining property, in common ownership with such adjoining property.
- D. If the development authorized by a zoning compliance permit has not commenced construction within one year from the date of issuance, the permit shall automatically expire. The Zoning Administrator can approve an extension for one additional year upon request of the applicant.
- E. Any zoning compliance permit based on any false statement in the application or supporting documents is absolutely void and shall be revoked. No zoning compliance permit shall remain valid if the use or structure it authorizes becomes nonconforming.

Section 803 Zoning Compliance Permit within the Inland Buffer Zone

Applicants for zoning compliance permits within the Inland Buffer Zone shall be informed in writing by the Zoning Administrator of any development limitations indicated by the Critical Resources and Development Limitations Map of the Inland Buffer Zone as adopted by the

National Park Service in the Land Protection Plan for the PRNL. The Zoning Administrator shall also inform other appropriate authorities, such as the County Health Department and the Michigan Department of Natural Resources, and the Michigan Department of Environmental Quality of the permit request. Reference to the Critical Resources Development Limitations Map by the Zoning Administrator shall be for informational purposes only in order to inform the applicant and other agencies of possible development problems. The Critical Resources Development Limitations Map shall not be used in determining if a zoning compliance permit is to be issued.

ARTICLE IX CONDITIONAL USE PERMITS

Section 901 Intent

Conditional uses are those uses of land which are essentially compatible with the uses permitted in a zoning district, but possess characteristics or locational qualities which require individual review and restriction in order to avoid incompatibility with the character of the surrounding area, public services and facilities, and adjacent uses of land.

The purpose of this Article is to establish equitable procedures and criteria which shall be applied in the determination of requests to establish conditional uses. The criteria for decision and requirements provided for under the provisions of this Article shall be in addition to those required elsewhere in this Ordinance which is applicable to the conditional use under consideration.

Section 902 Procedures

- A. Every application for a Conditional Use Permit must contain a completed conditional use application, and a site plan drawn to a readable scale containing information specified in Article X Site Plan Review.

- B. Upon receipt of an application for a conditional use which requires a decision on discretionary grounds, one notice that a request for conditional use approval has been received shall be published in a newspaper which circulates in the Township, and shall be sent by mail or personal delivery to the owners of property for which approval is being considered, all persons to whom real property is assessed within 300 feet of the boundary of the property in question, and the occupants of all structures within 300 feet. The notice shall be given not less than 15 days before the date and application will be considered. Where the name of the occupant is not known, then the "occupant" may be used in making notification. Notification need not be given to more than one occupant of a structure, except that where a structure contains more than one dwelling unit, or spatial area owned or leased by different individuals, partnerships, businesses or organizations, one occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure. The notice shall state the following.
 - 1. Describe the nature of the conditional use request.
 - 2. Indicate the geographic areas which are included in the conditional use request.
 - 3. State when and where the conditional use request shall be considered.
 - 4. Indicate when and where comments shall be received concerning the

request.

Section 903 Review Standards

- A. No conditional use shall be established in any zoning district except upon a permit issued by the Planning Commission. Any person seeking a Conditional Use Permit shall provide the Planning Commission with information to determine whether to approve the request.

- B. The Planning Commission shall review the particular circumstances of the conditional use request under consideration in terms of the following standards, and shall approve a conditional use only upon a finding of compliance with each of the following standards, as well as applicable standards established elsewhere in this Ordinance.
 - 1. The conditional use shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.
 - 2. The conditional use shall not change the essential character of the surrounding area.
 - 3. The conditional use shall not interfere with the general enjoyment of adjacent property.
 - 4. The conditional use shall represent an improvement to the property under consideration and the surrounding area in general.
 - 5. The conditional use shall not be hazardous to adjacent property, or involve uses, activities, materials, or equipment which will be detrimental to the health, safety, or welfare of persons or property through the excessive production of traffic, noise, smoke, odor, fumes or glare.
 - 6. The conditional use shall be adequately served by essential public facilities and services, or it shall be demonstrated that the person responsible for the proposed conditional use shall be able to continually provide adequately for the services and facilities deemed essential to the conditional use under consideration.
 - 7. The conditional use shall not place demands on public services and facilities in excess of current capacity.
 - 8. The conditional use shall be consistent with the intent and purpose of this Ordinance, and the objectives of any currently adopted township development plan.

- C. The following standards shall be used by the Planning Commission when considering

Group Day Care Facilities:

1. Is located not closer than 1,500 feet to any of the following:
 - a. Another licensed group day-care home.
 - b. Another adult foster care small group home or large group home licensed under the adult foster care facility licensing act, Act No. 218 of the Public Acts of 1979, being Sections 400.701 to 400.737 of the Michigan Compiled Laws.
 - c. A facility offering substance abuse disorder services to seven or more people licensed under Part 62 of the Public Health Code, 1978 PA 368, being Sections 333.6230 to 333.6251 of the Michigan Compiled Laws.
 - d. A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the Department of Corrections.
 2. Has appropriate fencing for the safety of the children in the group day-care home as determined by the Township.
 3. Maintains the property consistent with the visible characteristics of the neighborhood.
 4. Does not exceed 16 hours of operation during a 24-hour period. The Township may limit but not prohibit the operation of a group day-care home between the hours of 10 p.m. and 6 a.m.
 5. Meets regulations, if any, governing signs used by a group day-care home to identify itself.
 6. Meets regulations, if any, requiring a group day-care home operator to provide off-street parking accommodations for his/her employees.
- D. The following standards shall be used by the Planning Commission when considering if a waterfront lot dedicated to a common use may be used for water access, boat launching and docking:
1. The lot shall conform in all respects to the minimum lot size and minimum lot width requirements of the district in which they are located.
 2. The common use riparian lots shall have the following minimum lot dimensions:

- a. Such riparian lot shall have a minimum of 100 feet of riparian frontage for each non-riparian lot served. Riparian frontage shall be measured by a straight line which intersects each side lot line at the water's edge. Artificially created shoreline may not be used to increase the calculated riparian frontage.
- b. Such riparian lot or parcel shall have a minimum lot depth of 100 feet, measured as the minimum distance between the water's edge and the lot line which is opposite the water's edge.
- c. The recorded deed to such lot or parcel shall specify the non-riparian lots or parcels which shall have rights to its use.

E. The following additional standards shall be used by the Planning Commission when considering if an accessory building may be used as a **Rental House**:

- 1. No more than two rental houses are permitted per lot.
 - a. One rental house is permitted on a lot that is at least two times the minimum lot area for applicable district.
 - b. Two rental houses are permitted on a lot that is at least three times the minimum lot area for the applicable district.
- 2. The minimum size of the rental house is 750 square feet and the maximum size is 75% of the principal structure.
- 3. The rental house will comply with all setback requirements of a principal structure. A site plan will show the rental house as located on a minimum lot size parcel of that district meeting the required set back requirements.
- 4. There is one ingress/egress point from the public road to the principal structure and rental houses. However, the Planning Commission may authorize separate access points.
- 5. The rental house is accessory to a principal single-family dwelling. However, fees may be charged for the accommodation provided.
- 6. The rental house shall be conventionally constructed on the site.

F. The following additional standards shall be used by the Planning Commission when considering if a portion of a garage may be used as a **Garage Apartment**:

- 1. No more than one garage apartment is permitted per lot.

2. The maximum area of the garage apartment cannot exceed 700 square feet.
 3. At least one parking space shall be provided.
 4. There is one ingress/egress point from the public road to the principal structure and the garage apartment.
 5. The garage apartment is accessory to the principal single-family dwelling; rent may be charged for the accommodation provided.
 6. The garage apartment may be used as a year-round dwelling.
- G. The following additional standards shall be used by the Planning Commission when considering if a portion of a single-family dwelling may be constructed as an **Accessory Apartment**:
1. It is the intent of Munising Township to allow for an accessory apartment where, because of advancing age or illness, assistance or companionship is needed. The accessory apartment shall be a separate apartment within the principal dwelling unit that shares a common wall.
 2. No alteration or conversion of an existing housing unit shall take place without the acquisition of an authorized building permit.
- H. The following additional standards shall be used by the Planning Commission when considering if a **single-family dwelling may be allowed on the same lot as a permitted business**:
1. The single-family dwelling must be considered to be incidental to the permitted business.
 2. To be considered incidental, the dwelling must be occupied by the business owner or operator.

Section 904 Conditions and Safeguards

- A. The Planning Commission shall approve, approve with conditions, or reject the application within 60 days of the public hearing. The Planning Commission's action shall be based upon materials received and testimony recorded at the public hearing.
- B. The Planning Commission may impose conditions or limitations upon the establishment, location, construction, maintenance or operation of the use authorized by the Conditional Use Permit as in its judgment may be necessary for the protection of the public interest. Conditions imposed shall further be designed to protect natural resources, the health, safety and welfare, as well as the social and economic well being of those who

will utilize the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity and the community as a whole. The Planning Commission shall also consider the activity levels of the proposed use and may impose conditions to insure the preservation and protection of property values of adjacent properties.

- C. The Planning Commission shall set forth the reasons for approval, denial, or modification of the conditional use permit application. All conditions shall be clearly specified in writing and be consistent with Section 903 Review Standards.
- D. Such conditions shall be considered an integral part of the Conditional Use Permit and shall be enforced by the Zoning Administrator.
- E. All plans, specifications and written statements submitted by the applicant as part of the Conditional Use Permit, and all changes made by the Planning Commission shall become part of the Conditional Use Permit issued by the Planning Commission.
- F. If development of a Conditional Use Permit has not commenced (evidenced by construction) within one year from the date of issuance, the permit shall automatically expire. Upon request of the applicant, the Planning Commission may approve an extension for one additional year. Unless otherwise specified by the Planning Commission compliance with the conditions shall occur prior to the issuance of a zoning compliance permit.
- G. The Conditional Use Permit shall be valid regardless of change of ownership provided that all terms and conditions of the permit are met by all subsequent owners.
- H. In instances where development authorized by a Conditional Use Permit has essentially changed in nature, extent or character, the Planning Commission shall review the permit in relation to the applicable standards and requirements of the Ordinance. Upon finding that there has been a violation in the conditions of the Conditional Use Permit granted under the provisions of this Ordinance, the Planning Commission may declare the permit null and void.
- I. The Zoning Administrator shall be empowered to make periodic investigations of developments authorized by a Conditional Use Permit to determine compliance with all requirements.
- J. Only Conditional Use Permits that are clearly for a temporary use may be issued for a temporary time and shall be renewed in the original manner.
- K. In authorizing a Conditional Use Permit, the Planning Commission may require that a cash deposit, certified check, bond or other financial guarantee acceptable to the Township, of ample sum be furnished by the developer to insure compliance with such requirements as drives, walks, utilities, parking, landscaping and the like. The financial

guarantee shall be deposited with the Township Treasurer at the time of issuance of the permit authorizing the use or activity. As work progresses, the Planning Commission may authorize a proportional rebate of the financial guarantee upon completion of significant phases or improvements.

- L. The Planning Commission may review any Conditional Use Permit to determine if the conditions imposed are being complied with.
- M. The Planning Commission may revoke a Conditional Use Permit. Revocation of a Conditional Use Permit by the Planning Commission shall be made following a public hearing using the same procedures as the permit was originally granted. The Planning Commission may revoke a conditional use permit upon finding that:
 - 1. Such conditions as may have been prescribed in conjunction with the issuance of the original permit included the requirement that the use be discontinued after a specified time period; or
 - 2. Violations of conditions pertaining to the granting of the permit continue to exist more than 30 days after an order to correct has been issued. Violations of any conditions set by the Planning Commission are violations of this zoning ordinance.

Section 905 Appeals

Recourse for a person aggrieved by a decision of the Planning Commission in the granting or denial of a Conditional Use Permit shall be to Circuit Court.

ARTICLE X: NONCONFORMING USES AND STRUCTURES

Section 1001 Intent

- A. Nonconforming uses and structures are those which do not conform to a provision or requirement of this Ordinance but were lawfully established prior to the time of its adoption. It is recognized that those nonconformities which adversely affect the orderly development and the value of nearby property are not permitted to continue without restriction.
- B. The zoning regulations established by this Ordinance are designed to guide the future use of and in Munising Township by encouraging appropriate groupings of compatible and related uses to promote and protect the public health, safety and general welfare.
- C. The continued existence of nonconformities is frequently inconsistent with the purpose for which these regulations were established. It is the purpose of this Ordinance to eliminate nonconforming uses and structures as permitted by law without payment of compensation, but not to create an undue hardship to the property owner.
- D. Any use or structure created in violation of any preceding Munising Township or Alger County Zoning Ordinance remains a violation unless the use or structure is in compliance with the present zoning ordinance.
- E. Where, at the effective date of adoption of this Ordinance, a lawful use of land exists that is no longer permissible under the terms of this Ordinance as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the provisions of this Article.

Section 1002 Provisions for Continued Use of a Nonconforming Structure or Use

- A. A nonconforming structure may be enlarged to occupy an area no greater than 110% of its gross floor area at the effective date of adoption of this Ordinance without the approval of the Planning Commission.
- B. If a nonconforming structure is damaged by fire or other casualty and such damage is less than the assessed value of such structure, reconstruction or repair may proceed without the approval of the Planning Commission.
- C. If damage caused by fire or other casualty to a nonconforming structure equals or exceeds the assessed value of such structure, reconstruction or repair to the structure is not permitted unless the Planning Commission authorizes the continuation of the nonconforming structure. A written application for such authorization must be filed with the Planning Commission within six months of the occurrence.

- D. Structural alterations to the interior of a nonconforming structure are permitted without the approval of the Planning Commission.
- E. Structural alterations to the exterior of a nonconforming structure as required by local, state or federal laws or regulations are permitted without the approval of the Planning Commission.
- F. A nonconforming use or structure may be moved in whole or in part to any other portion of the lot or parcel occupied by such use or structure subject to the approval of the Planning Commission.
- G. A nonconforming use or structure may be changed to another nonconforming use subject to approval of the Planning Commission. Before granting the approval, the Planning Commission shall determine that such change in use will have a less harmful effect on neighboring properties than the existing nonconforming use.
- H. No nonconforming use or structure shall be resumed if it has been discontinued for a continuous period of 12 months, unless caused by casualty or fire. Reconstruction or repair activities due to casualty or fire must be completed within a stipulated 18-month time period, unless extended by the Planning Commission.
- I. A nonconforming use or structure shall not be resumed if it has been changed to a conforming use or structure.
- J. In the situation where two or more nonconforming dwellings are located on the same lot and one dwelling sustains damage by fire or other casualty, to the extent that the cost of reconstruction or repair exceeds the assessed value of the structure, the damaged structure shall be removed, unless the damaged dwelling is closer to the street or faces a street. In such case it may be rebuilt with the approval of the Planning Commission.

Section 1003 Procedure for Approval by Planning Commission

- A. A written application shall be filed with the Planning Commission utilizing forms obtained from the Zoning Administrator which shall include:
 - 1. Name and address of property owner and applicant, if not same;
 - 2. A legal description of the property or lot;
 - 3. A site plan pursuant to Section 1103 or 1104;
 - 4. An explanation describing the present nonconforming use or structure;
 - 5. An explanation of any proposed addition or alteration to the uses or structures;
 - 6. Time frame for completion of the project; and,

7. Comparison of the proposed activity to the existing structure or use.
- B. The Planning Commission shall, upon receipt of the application, schedule a public hearing in accordance with the procedures of Section 704. Upon hearing the facts and information, the Planning Commission shall make its decision in writing and set forth the findings and reasons on which it is based, pursuant to the standards identified in Section 1004. Conditions may be attached, including any time limit, where necessary, to assure that the use or structure does not become contrary to the public health, safety, or welfare, or the spirit and purpose of this Ordinance.

Section 1004 Standards for Review and Approval

- A. In granting its approval, the Planning Commission shall review the particular facts and circumstances of each request in terms of the following standards and shall find adequate evidence showing that:
1. The continuance of the use or structure would not be contrary to the public health, safety and welfare or the spirit of this Ordinance;
 2. The use or structure does not, and is not likely to significantly decrease the value of nearby properties;
 3. No useful purpose would be served by strict application of the provisions or requirements of this Ordinance with which the use or structure does not conform;
 4. The use or structure will be harmonious with and in accordance with the general policies or specific objectives of development plans adopted by Munising Township;
 5. The use or structure will be designed, constructed, operated, and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of the area;
 6. The use or structure will not be hazardous or disturbing to existing or foreseeable neighboring uses;
 7. The use or structure will not diminish the value of land, buildings, or structures in the district;
 8. The use or structure will be served adequately by essential public facilities and services; and,
 9. The use or structure will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.

Section 1005 Provision for Designation of a Class A Nonconforming Structure

- A. It is recognized that there exists within the township structures which were lawfully established prior to passage of this Ordinance, but which no longer are in conformance with this Ordinance.
- B. It is the intent of this section to permit a legal Class A nonconforming structure to be reconstructed as a result of damage by fire or other casualty, without the approval of the Planning Commission, regardless of the percentage of damage.
- C. The Planning Commission shall, upon receipt of an application, schedule a public hearing. A written application shall be filed with the Planning Commission which shall include:
 - 1. Name and address of property owner;
 - 2. A legal description of the property or lot;
 - 3. A site plan pursuant to Section 1103 or 1104;
 - 4. An explanation describing the present nonconforming structure or use.
- D. Upon hearing the facts and information, the Planning Commission shall make its decision in writing as to whether the structure shall be granted a Class A Non-Conforming designation. The findings and reasons shall be based, pursuant to the standards identified in Section 1004.
- E. The conferring of a Class A Non-Conforming designation on a structure only allows the structure to be rebuilt or reconstructed in the event that casualty or fire damages it without obtaining the approval of the Planning Commission.
- F. Should the nonconforming structure or use become a conforming structure or use, the Class A Non-Conforming designation becomes null and void.
- G. Any Class A Non-Conforming Use or Structure maintained or used in violation of this Ordinance is a nuisance per se. Violations not corrected shall be reported to the Planning Commission. The Planning Commission shall, upon receipt of said violation, schedule a public hearing. Upon hearing the facts and information, the Planning Commission shall make its decision to consider revocation of the Class A Non-Conforming designation in writing and set forth the findings and reasons on which it is based.

ARTICLE XI SITE PLAN REVIEW

Section 1101 Intent

It is the purpose of this Article to require site plan review approval for all buildings, structures, and uses that can be expected to have a significant impact on natural resources, traffic patterns, adjacent parcels, and the character of future development. The regulations contained are intended to provide and promote:

- A. The orderly development of the Township;
- B. The safe and convenient movement of traffic both within the site and in relation to access streets; and,
- C. The stability of land values and investments by preventing the impairment or depreciation of land values and development.

Section 1102 Site Plan Required

- A. No person shall commence any use or erect or enlarge any structure without first obtaining the approval of a site plan by the Zoning Administrator.
- B. A site plan is required for, and shall accompany, the following applications:
 - 1. Zoning Compliance Permits for:
 - a. Any proposed construction,
 - b. Any commencement of a new use, and
 - c. Any proposed change in use.
 - 2. Conditional Use Permit
 - 3. Variance
 - 4. Request for Continuation of a Non-Conforming Use or Structure
 - 5. Class A Non-Conforming use designation
 - 6. Any other request for zoning status
- C. The site plan shall be drawn on or attached to the application form at an appropriate scale for the required information to be properly and clearly shown.

Section 1103 Site Plan for Single and Two-Family Dwellings and Residential Accessory Uses and Structures and for Recreational Structures

The site plan shall include:

- A. A legal description of the site.
- B. All lot lines and dimensions of the lot.
- C. All roads and easements.
- D. All existing and proposed buildings shall be shown and labeled.
- E. Proposed use of each building.
- F. Distances between buildings and all lot lines.
- G. Building dimensions.
- H. Natural features affecting development (rock, water, etc.).
- I. Well and septic locations.
- J. A North arrow.

Section 1104 Site Plans for Commercial, Industrial, and Multiple Family Development (all other development)

The site plan shall be provided on six identical copies on one or more sheets.

- A. A scale adequate to illustrate the proposed activity.
- B. A legal description of the lot: the name, address and telephone number of the owner, developer, and designer.
- C. Date, North arrow, and scale.
- D. The actual dimensions of the proposed developed area (as shown by a licensed surveyor, or licensed engineer, with survey stakes visible) showing the relationship of the subject property to abutting properties.
- E. The location of all existing and proposed structures including signs, on the subject property and all existing structures on land immediately adjacent to the site within 100 feet of the site's parcel lines.
- F. The location of all existing and proposed drives and parking areas.
- G. The location and right-of-way widths of all abutting streets, alleys, and private drives.
- H. The location of proposed planting and screening, fencing, signs, and advertising features.

- I. The height and floor area of all proposed structures.
- J. The size and location of all existing and proposed public and private utilities and required landscaping.
- K. Any other information necessary to establish compliance with this Ordinance or any other applicable ordinances.
- L. A topographic map with enough detail to show the location of all existing and proposed surface water impoundments, and the surface water drainage pattern.
- M. The location and extent of all earth movement, which is planned. Indicate if a sedimentation erosion control permit has been applied for.
- N. The location on the parcel that will be utilized for the on-site storage of snow and the resulting anticipated drainage pattern that will result from the melting snow.

Section 1105 Review Procedures

- A. Upon receipt of a Section 1103 Site Plan, the Zoning Administrator shall within 10 working days approve or deny the site plan. The site plan shall show compliance with this Ordinance and demonstrate the adequacy of utility service. Denial shall be in writing and detail the reasons which are limited to any defect in form or required information, or violation of any provision of this Ordinance or any ordinance enacted by the Township Board. The Zoning Administrator shall identify changes which would make the plan acceptable. The Zoning Administrator shall use the standards in Section 1106 in the review.
- B. Upon receipt of a Section 1104 Site Plan, the Zoning Administrator shall within 10 working days review it to determine whether it is in proper form and contains all of the required information. The administratively complete application will be forwarded to the Planning Commission for review at a regular or special meeting. The Planning Commission shall act on all site plans submitted within 60 days. The Planning Commission shall approve or deny the site plan. Denial shall be in writing detailing the reasons which are limited to any defect in form or required information, or violation of any provision of this Ordinance or any other Ordinance enacted by the Township Board. The Planning Commission may approve the site plan with necessary changes which would make the site plan acceptable. The Planning Commission shall use the standards in Section 1106 in the review. The applicant must submit the revised site plan with all of the changes as approved by the Planning Commission to the Zoning Administrator before obtaining a Zoning Compliance Permit.
- C. The proposer may appeal any denial to the Township Zoning Board of Appeals.

Section 1106 Site Plan Review Standards

The Zoning Administrator and the Planning Commission shall use the following standards for

site plan review approval:

- A. All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of lot, the character of adjoining property, and the type and size of the buildings. The site will be so developed as to not impede the normal and orderly development or improvement or surrounding property for uses permitted in this Ordinance.
- B. The landscaping shall be preserved in its natural state in so far as practical by minimizing tree and soil removal, and by topographic modifications which result in maximum harmony with adjacent areas.
- C. Special attention shall be given to proper site surface drainage so that removal of storm waters and melting accumulated snow will not adversely affect neighboring properties.
- D. Attention shall be given that the placement of accumulated snow removal piles shall not obstruct the vision of drivers at any driveway, parking lot or other route providing ingress and egress to any premises or traffic control measures.
- E. The site plan shall provide reasonable visual and auditory privacy for all dwelling units located therein. Fences, walks, barriers, and landscaping shall be used as appropriate for the protection and enhancement of property and for the privacy of its occupants.
- F. Every Structure or dwelling shall have access to a public street, walkway or other area dedicated to common use.
- G. All loading or unloading and outside storage areas, including areas for storage of trash, which face or are visible from residential properties, a residential zone, or public thoroughfares, shall be screened to at least six feet in height.
- H. Exterior lighting shall be arranged so it does not adversely affect adjacent properties.

ARTICLE XII ZONING BOARD OF APPEALS

Section 1201 Establishment of Zoning Board of Appeals

- A. The Zoning Board of Appeals is established in accordance with Act 110 of 2006, as amended. The Zoning Board of Appeals will consist of five members; one shall be a member of the Township Planning Commission, and the remaining members shall be appointed by the Township Board from residents of the unincorporated area of the Township. One member may be a member of the Township Board. The term of the Planning Commission and Township Board members shall be limited to the time serving as a member of the respective board. An elected officer of the township shall not serve as chairperson of the Board of Appeals. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest shall constitute misconduct in office.
- B. The term of office of the first members appointed shall be 1, 2, and 3 years respectively, so as nearly as possible to provide for the appointment of an equal number of members each year. After the initial appointments, each member shall hold office for a 3-year term.
- C. The township board may appoint not more than two alternate members for the same term as regular members to the board. The alternate member(s) has the same voting rights as a regular member of the board when serving. The alternative member appointed to a case shall serve in the case until a final decision is made. An alternate member may be called to serve as a regular member of the board if;
1. The regular member is absent from or will be unable to attend two (2) or more consecutive meetings of the board, or
 2. The regular member will be unable to attend meetings for a period of more than thirty (30) consecutive days, or
 3. A regular member needs to abstain for reasons of conflict of interest.

Section 1202 Procedures

- A. The Zoning Board of Appeals may adopt rules and regulations to govern its procedures. The Zoning Board of Appeals shall appoint one of its members as Chair. The concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to revise any order, requirements, decision or interpretation of the Zoning Administrator or to decide in favor of an applicant any matter upon which they are required to pass under this Ordinance or to effect any variation of this Ordinance.
- B. Meetings of the Zoning Board of Appeals shall be held at the call of the Chair and at such

times that its rules of procedure may specify. Minutes shall be kept of each meeting and the Board shall record into the minutes all findings, conditions, facts and other relevant factors, including the vote of each member upon any question or if absent or failing to vote indication such fact, and all of its official actions. All meetings and records shall be open to the public. Notice and minutes of all meetings shall be filed in the Office of the Township Clerk.

- C. The Zoning Board of Appeals shall fix a reasonable time and date for a hearing. The Board shall give due notice of the hearing by regular mail to the parties of interest and to owners of adjacent property in accordance with the provisions of Section 704.

Section 1203 Duties and Powers

- A. The Zoning Board of Appeals shall perform its duties and exercise its powers as provided in Act 184 of the Public Acts of 2006, as amended, so that the objectives of this Ordinance shall be attained, the public health, safety, and welfare secured, and substantial justice done.
- B. The Zoning Board of Appeals shall hear and decide only those matters which it is specifically authorized to hear and decide as provided therein; administrative review, interpretation of the Zoning Ordinance, including the zoning map, and variances.
- C. The Zoning Board of Appeals shall not have the power to alter or change the zoning district classification of any property, nor make any change in the terms or intent of this Ordinance.

Section 1204 Administrative Review

- A. The Zoning Board of Appeals shall hear and decide appeals from and review any order, requirements, decision or determination of the Zoning Administrator.
- B. The Zoning Board of Appeals shall have the power to:
 - 1. Interpret, upon request, the provisions of this Ordinance in such a way as to carry out the intent and purpose of this Ordinance.
 - 2. Determine the precise location of the boundary lines between zoning districts in accordance with the guidelines of Section 303.
 - 3. Determine the parking space requirements of any use not specifically mentioned either by classifying it with one of the groups listed in Section 415 or by an analysis of the specific needs.
 - 4. Determine if a use is similar to an expressly permitted (either by right or conditionally) use within a specific district.

Section 1205 Variance

- A. The Zoning Board of Appeals shall have the power and duty to authorize a variance from

the provisions of this Ordinance that will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in practical difficulty.

- B. The Zoning Board of Appeals shall not grant a variance unless the following conditions are met:
 - 1. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;
 - 2. The literal interpretation of the provisions of this Ordinance would deprive the applicant of the rights commonly enjoyed by other properties in the same district under the terms of this Ordinance;
 - 3. The special conditions and circumstances necessitating the variance did not result from the actions of the applicant; and
 - 4. The granting of the variance would not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.
- C. Any nonconforming use of neighboring lands, structures, or buildings shall not be considered grounds for the issuance of a variance.
- D. The Zoning Board of Appeals shall make findings that the applicant has met the requirements of this Section.
- E. The Zoning Board of Appeals shall further find that the reasons set forth in the application justify the granting of the variance, and that it is the minimum variance that will make possible the reasonable use of the land, building, or structure.
- F. The Zoning Board of Appeals shall further find that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public interest.
- G. In granting any variance, the Zoning Board of Appeals may prescribe appropriate conditions and safeguards with this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted shall be deemed a violation of this Ordinance.
- H. Under no circumstance shall the Zoning Board of Appeals grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.

- I. In exercising the above mentioned powers the Zoning Board of Appeals may, so long as such action is in conformity with the terms of this Ordinance, reverse or affirm wholly or partly or may modify the order, requirements, decision, or determination appealed from and may make such order, requirements, decision, or determination as ought to be made, and to that end shall have the powers of the public official from whom the appeal was taken.
- J. Each variance granted under the provisions of this Ordinance shall become null and void unless the occupancy of land or building, or the construction authorized by such variance has commenced within one year after the granting of such variance.
- K. An extension of one year may be granted by the Zoning Board of Appeals if evidence of effort towards completion of the building, or occupancy of the land or building, has been shown and such request is made within 30 days and not more than 60 days before the expiration date.

Section 1206 Appeals

- A. Appeals concerning interpretation and administration of this Ordinance shall be made by filing a notice of appeal specifying the grounds thereof with the Zoning Administrator within a period of 30 days from the occurrence of the contested action. The Zoning Administrator shall furnish to the Zoning Board of Appeals copies of all papers constituting the record of the decision which is being appealed.
- B. A fee shall be paid to the Township at the time of filing the notice of appeal.
- C. Any party or parties may appear at the hearing in person or by agent or attorney.
- D. The Zoning Board of Appeals shall decide all matters within 10 working days. The decision of the Board shall be in the form of a resolution containing the full record of its findings and determinations in each case.
- E. All questions concerning the application of the provisions of this Ordinance shall first be presented to the Zoning Administrator. Such questions shall be presented to the Zoning Board of Appeals only by filing an appeal based on the decisions of the Zoning Administrator. Decisions of the Zoning Board of Appeals shall be considered final.
- F. Recourse from decisions of the Zoning Board of Appeals shall be to the Circuit Court of Alger County, as provided by law.

ARTICLE XIII TEXT AND MAP AMENDMENTS

Section 1301 Intent

Only the Township Board may amend this Ordinance. Proposals for amendments or changes may be initiated by the Township Board on its own motion, by the Planning Commission, other government agencies, or by an individual, business or organization.

Section 1302 Required Amendment Information

- A. If the amendment is to change the text of this Ordinance, the applicant shall transmit the proposed language for consideration by the Planning Commission.
- B. When an application involves a change in the Zoning Map, the applicant shall submit the following:
 - 1. Legal description of the property.
 - 2. A scaled map of the property correlated with the legal description clearly showing the property's location.
 - 3. The name and address of the applicant.
 - 4. The applicant's interest in the property.
 - 5. Signatures of applicant certifying the accuracy of the required information.
 - 6. The desired change and reasons for such change.

Section 1303 Procedure

- A. Each application shall be submitted to the Zoning Administrator, accompanied by the proper fee, to be referred to the Planning Commission for review at a public hearing held in conformance with Section 704.
- B. Following the public hearing, the Planning Commission shall transmit their recommendation, and a summary of the comments received at the public hearing to the Alger County Board of Commissioners who shall have 30 days to review and comment.
- C. The Planning Commission shall transmit their recommendation, a summary of the comments received at the public hearing, and the comments from the Alger County Board of Commissioners to the Township Board.
- D. The Township Board may hold additional public hearings if it considers it necessary. Notice of public hearing held by the Township Board shall be published in a newspaper which circulates in the Township. The notice shall be given not less than 15 days before

the hearing.

- E. After receiving the recommended amendment, the Township Board, at a regular meeting or at a special meeting called for that purpose, shall consider the recommendations and vote upon the adoption of the amendment. Any amendments shall be approved by a majority vote of the members of the Township Board. The Township Board either rejects or enacts the recommendations as an Ordinance.
- F. The Township Board shall not make a change or departure from the plans, text, or maps as certified by the Planning Commission unless the proposed change or departure is first submitted to the Planning Commission for its advice or suggestions. The Planning Commission shall have 30 days from receipt of the proposed change or departure to send its report to the Township Board.
- G. After receiving the report the Township Board may grant a hearing on the amendment prior to considering the proposed amendment. The Township Board may adopt by a majority vote the amendment to the zoning ordinance with or without amendments that have been previously considered by the Planning Commission.
- H. Notice of adoption shall be published as required by law.
- I. No application for amendment, which has been disapproved by the Township Board, shall be resubmitted for a period of one year from the date of disapproval except as may be permitted by the Township Board after learning of new and significant facts or conditions which might result in favorable action upon resubmittal. Resubmittal shall follow the same procedure as outlined in this Section.

Section 1304 Standards for Review of Amendments

- A. In viewing any petition for a zoning amendment, the Planning Commission shall identify and evaluate all factors relevant to the petition. All findings of fact shall be made a part of the public records of the meetings of the Planning Commission and the Township Board.
- B. The general standards to be considered by the Planning Commission shall include, but not be limited to, the following:
 - 1. Whether the requested zoning change is justified by a change in conditions since the original ordinance was adopted or by an error in the original ordinance.
 - 2. Whether the requested zoning change is consistent with the Goals and Policies and other elements of the Alger County Comprehensive Plan or Plan adopted by the Township.
 - 3. The precedents and the possible effects of such precedents which may result from approval or denial of the petition.

4. The ability of the Township or other government agencies to provide any services, facilities and/or programs that might be required if the petition is approved.
5. Whether there are any significant and negative environmental impacts, which would potentially occur if the petitioned zoning change and resulting permitted structures, were built, including but not limited to, surface water drainage problems, wastewater disposal problems, or the loss of locally valuable natural resources.
6. Effect of approval of the petition on adopted development policies of the Township and other governmental units.
7. All findings of fact shall be made a part of the public records of the meetings of the Planning Commission and the Township Board. An amendment shall not be approved unless these and other identified facts are affirmatively resolved in terms of the general health, safety, welfare, comfort and civil divisions where applicable.

Section 1305 Conditional Rezoning Prohibited

Conditional rezoning, as authorized by Section 405 of the Michigan Zoning Enabling Act, shall be prohibited in Munising Township. Any application for a rezoning amendment to the Official Zoning Map that includes proposed conditions or voluntary use or development limitations shall be returned to the applicant without Township review or consideration.