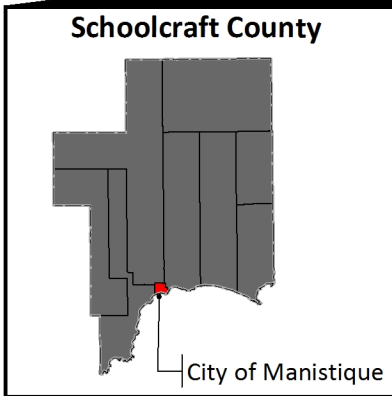
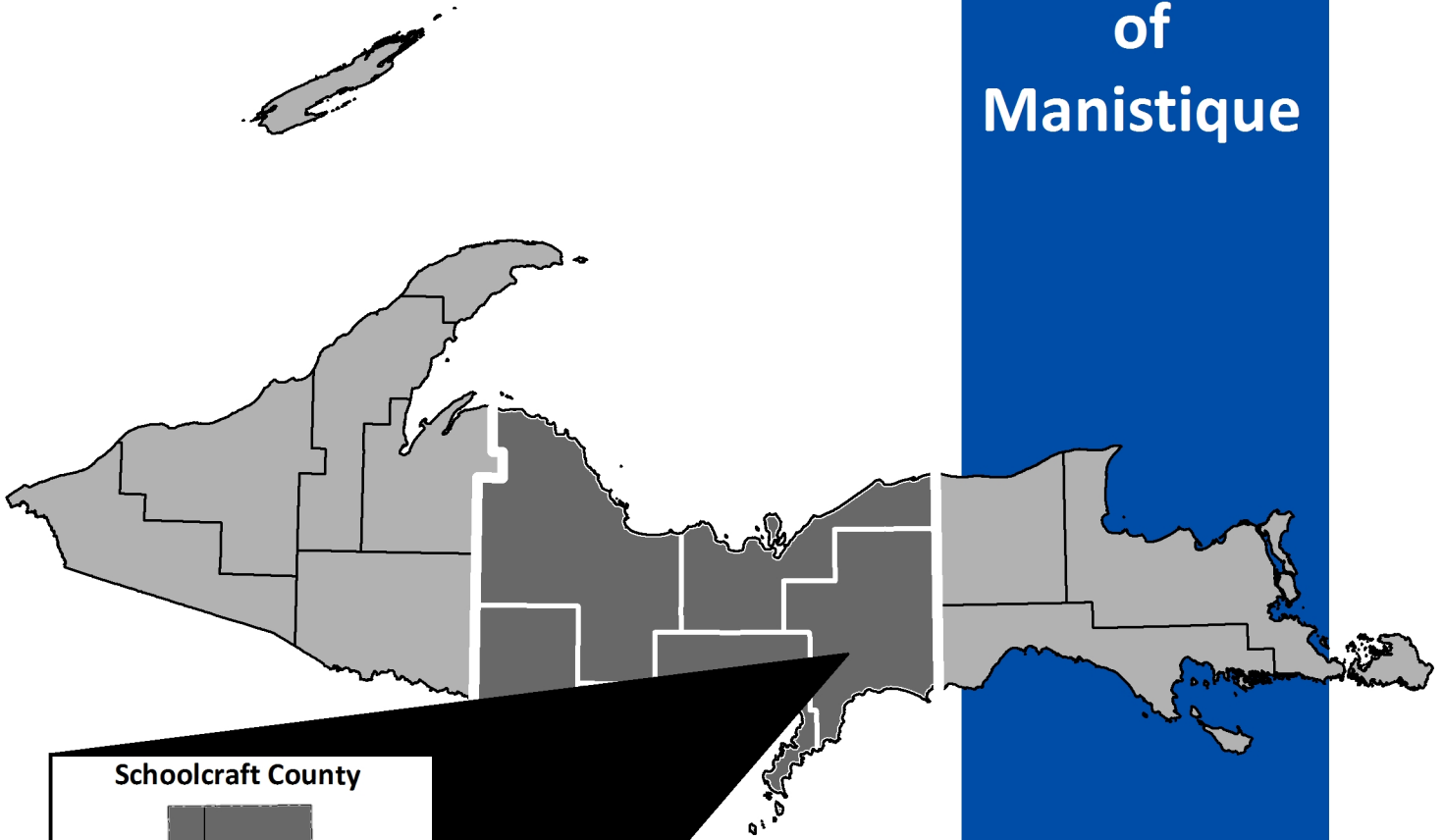


City of Manistique



Zoning Ordinance

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City of Manistique Zoning Map

**ARTICLE I
PURPOSE OF ZONING**

An Ordinance to establish zoning districts and regulations governing the development and use of land within the City of Manistique, in accordance with the provisions of Public Act 110 of 2006, as amended; to provide for regulations governing nonconforming uses and structures; to provide for a Zoning Board of Appeals and for its powers and duties; to provide for permits, fees, penalties and other administrative provisions to enforce this Ordinance; and to provide for regulations regarding conflicts with other ordinances or regulations.

THE CITY OF MANISTIQUE HEREBY ORDAINS:

Section 101 Purpose

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

1. Promoting and protecting the public health, safety, and general welfare;
2. Promoting the orderly and beneficial development of residential and non-residential areas within the City of Manistique;
3. 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;
4. Lessening and avoiding congestion or other traffic related problems on the public highways and roads;
5. Facilitating adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility needs;
6. 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;
7. 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;
8. Enhancing social and economic stability in the City;
9. Conserving the taxable value of land, buildings and structures in the City;
10. Enhancing the aesthetic desirability of the environment throughout the City; and
11. Conserving the expenditure of funds for public improvements and services to conform to the most advantageous uses of land.

Section 102 Short Title

This Ordinance shall be known and may be cited as the City of Manistique Zoning Ordinance.

ARTICLE II DEFINITIONS

Section 201 Construction of Language

The following rules of construction 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 words and phrases that have a peculiar and appropriate meaning in the law, shall be construed and understood according to such peculiar and appropriate meaning.
- 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, words in the singular number shall include the plural, and words in the plural shall include the singular.
- G. The word "building" includes the word "structure," and the word "dwelling" includes the word "residence." A "building" or "dwelling" includes any part thereof.
- H. The words "used" or "occupied" include the words "intended," "designed," or "arranged" to be used or occupied.
- I. The word "person" includes any firm, association, organization, partnership, trust, corporation, or similar entity, as well as an individual.
- J. The word "lot" includes the words "plot" and "parcel."
- K. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," "either...or," the conjunction shall be interpreted as follows:
 - (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.

- L. The masculine gender shall include the feminine and the feminine gender shall include the masculine.
- M. Whenever a reference is made to several sections and the section numbers are connected by the word "to," the reference includes both sections whose numbers are given and all intervening sections.
- N. "Day" refers to a calendar day unless otherwise specified as a working day, business day, etc. In computing a period of days, if the first day or the last day of any period is a Saturday, Sunday, or legal holiday, the period is extended to include the next day which is not a Saturday, Sunday, or legal holiday.

Section 202 Definitions

For the purpose of this Ordinance words pertaining to access, building, property, land use, building use, building measurement, and enforcement shall have the following meaning:

Accessory Building: A building or structure customarily incidental and subordinate to the principal structure and located on the same lot as the principal building or use.

Accessory Use: A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot as the principal use.

Adult Foster Care Family Home: A private residence licensed under P.A. 218 of 1979, as amended, with the approved capacity to receive six or fewer adults who are provided 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.

Adult Foster Care Small Group Home: A facility licensed under P.A. 218 of 1979, as amended, with the approved capacity to receive 12 or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for 24 hours a day, five or more days a week, and for two or more consecutive weeks, for compensation.

Adult Foster Care Large Group Home: A facility licensed under P.A. 218 of 1979, as amended, with the approved capacity to receive at least 13 but not more than 20 adults who are provided supervision, personal care, and protection in addition to room and board, for 24 hours a day, five or more days a week, and for two or more consecutive weeks, for compensation.

Alley: Any dedicated public way affording a secondary means of vehicular access to abutting property, and not intended for general traffic circulation.

Alteration: Any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders, or interior partitions, as well as any change in doors, windows, means of ingress or egress, or any enlargement to or diminution of a building or structure, whether horizontally or vertically, or the moving of a building or structure from one location to another.

Amusement Park: A facility, primarily outdoors, that may include structures and buildings, where there are various devices for entertainment, including rides, booths for the conduct of games or sales of items, buildings for shows and entertainment, and restaurants and souvenir sales.

Apartment: A dwelling unit in a "multiple family dwelling" as defined herein.

Assisted Living Facility: A residence for the frail elderly that provides rooms, meals, and personal care. Other services, such as recreational activities, financial services, and transportation, may also be provided.

Automobile: A self-propelled, free-moving vehicle, with four wheels, usually used to transport not more than six passengers and licensed by the appropriate state agency as a passenger vehicle.

Automobile/Gasoline Service Station: A place for the dispensing, sale or offering for sale of motor fuels directly to users of motor vehicles, together with the sale of minor accessories and the servicing of and minor repair of automobiles.

Automotive Repair Garage: A premise where the following services may be carried out in a completely enclosed building: general repairs, engine rebuilding, rebuilding or reconditioning of motor vehicles; auto glass work, collision service such as body, frame or fender straightening and repair; painting and undercoating of automobiles. Retail sale of motor fuels, lubricants and accessories may also occur on these premises.

Automobile Wash Facility: A structure containing facilities for washing automobiles, including automatic or self-service applications of cleaning solutions, water, wax and/or heat for drying.

Basement: That portion of a building which is partly or wholly below grade, but so located that the vertical distance from average grade to the floor is greater than the vertical distance from the average grade to the ceiling. If the vertical distance from the grade to the ceiling is over five (5) feet, such basement shall be rated as a first story.

Bed and Breakfast: A single-family detached dwelling, containing four or fewer sleeping rooms available for rental to transient tenants for less than 15 consecutive nights. Guest accommodations shall be subordinate to the principal use of the dwelling as a single-family residence. Breakfast shall be served to guests at no additional cost; other meals may be served in accordance with P.A. 112 of 1987, as amended.

Billboard: A large sign that is affixed to or erected upon a freestanding framework, designed or intended to be used for posting information not pertaining directly to the use of the premises on which it is located.

Buffer Strip: Open spaces, landscaped areas, fences, walls, berms, or any combination thereof used to physically separate or screen one use or property from another so as to visually shield or block noise, lights, or other nuisances.

Buildable Area: The area of a lot remaining after the minimum yard and open space requirements of the zoning ordinance have been met.

Building: Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind. This shall include tents, awnings or vehicles situated on private property and used for such purposes.

Building, Accessory: See Accessory Building.

Building Area: The area covered by a structure, measured from the exterior walls of the structure.

Building Height: The vertical distance from finished grade to the top of the highest roof beams on a flat or shed roof, the deck level on a mansard roof, and the average distance between the eaves and the ridge level for gable, hip, and gambrel roofs. (BOCA National Building Code, slightly modified.)

Building Line: A line parallel to the street touching that part of a building closest to the street.

Building, Principal: See Principal Building.

Business Services: Establishments primarily engaged in rendering services to business establishments on a fee or contract basis, such as advertising and mailing; building maintenance; employment services; management and consulting services; protective services; equipment rental and leasing; commercial research; development and testing; photo finishing; and personal supply services.

Campground: A plot of ground upon which two or more campsites are located, established, or maintained for occupancy by camping units as temporary living quarters for recreation, education, or vacation purposes.

Cellular Communications Site: Any tower, roof-mounted, side-mounted or monopole facility used for the transmission of cellular (wireless) communications.

Change of Use: Any use that substantially differs from the previous use of a building or land.

Clinic, Animal: A building where animal patients, which may or may not be lodged overnight, are admitted for examination and treatment by a veterinarian or similar professionals.

Clinic, Medical: An establishment where patients are admitted for examination and treatment on an outpatient basis by one or more physicians, dentists, other medical personnel, psychologists, or social workers and where patients are not usually lodged overnight.

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.

College: An educational institution authorized by the state to award baccalaureate or higher degrees.

Commercial Tower: A structure intended to send and/or receive radio and television communications.

Community College: An educational institution authorized by the state to award associate or higher degrees, and usually lacking residential facilities for students.

Conditional Use: A use requiring express approval by the Planning Commission and issuance of a conditional use permit before the use may begin. Conditional land uses must meet certain requirements and performance standards, as specified in this Ordinance, before being authorized, and additional conditions may be imposed by the Planning Commission.

Conditional Use Permit: A permit issued by the Planning Commission to a person or persons intending to undertake the operation of a use upon land or within a structure or building specifically identified in the affected zoning district under conditional uses authorized by permit. These conditional uses possess unique characteristics and are found to be not injurious to the health, safety, convenience, and general welfare of the City's inhabitants.

Condominium: A building or group of buildings, in which dwelling units, offices, or floor area are owned individually, and the common areas, facilities, and in some cases structures are owned by all the owners on a proportional, undivided basis.

Condominium Unit: That portion of the condominium project designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational time-share, or any other type of use.

Conference Center: A facility used for conferences and seminars, with accommodations for sleeping, food preparation and eating, recreation, entertainment, resources facilities and meeting rooms.

Contractor Yard: An area intended for the storage of materials and equipment used for construction, road building and forestry operations.

Convenience Store: Any 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, such as salads, for off-site consumption. A convenience store may be operated in combination with an automobile/gasoline service station.

Court: An open unoccupied space, other than a yard, and bounded on at least two sides by a building. A court extending to the front yard or front lot line or to the rear yard or rear lot line is an Outer Court. Any other court is an Inner Court.

Cul-de-sac: The turnaround at the end of a dead-end street.

Cultural Facilities: Establishments that document the social, intellectual and artistic manifestations that characterize a society, and include museums, art galleries, and similar facilities of historical, educational or cultural interest.

Day Care Facility, Commercial: A day care 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 P.A. 116 of 1973.

Day Care Facility, Family: A day care operation located in and subordinate to the residential use of the residence of the operator of the facility, which provides day care services for six or fewer children, and which is licensed or registered under P.A. 116 of 1973.

Day Care Facility, Group: A day care operation located in and subordinate to the residential use of the residence of the operator of the facility, and subordinate to the residential use, which provides day care services for seven to 12 children, and which is licensed or registered under P.A. 116 of 1973.

Developer: The legal or beneficial owner or owners of a lot or of any land included in a proposed development, including the holder of an option or contract to purchase or other persons having enforceable proprietary interests in such land.

Development: The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill, or land disturbance; and any use or extension of the use of land.

District: A specifically delineated area within the City, within which uniform regulations and requirements under this Ordinance govern the use, placement, spacing and size of land and structures.

Drive-In Use: An establishment that by design, physical facilities, service, or by packaging procedures encourages or permits customers to receive services or obtain goods while remaining in their motor vehicles.

Driveway: A private roadway providing access to a street or highway.

Duplex: A building containing two single-family dwelling units totally separated from each other by an unpierced wall extending from ground to roof. Also see Dwelling, Two-Family.

Dwelling, Multiple Family: A single structure containing more than two dwelling units each designed for residential occupancy by one family, including condominiums.

Dwelling, Single Family: A single structure, including a mobile home, designed or used for residential occupancy by one family in all districts that allow single family dwellings. The single-family dwelling, including mobile homes and manufactured housing, shall have a minimum exterior breadth/caliper/ width of twenty (20) feet. (This is to imply that the minimum dimension between any two opposing exterior walls, measured at any point on the horizontal, shall be at least twenty (20) feet.) Breezeways, garages, porches, and other appurtenances shall not be considered part of the required 20 feet.

Dwelling, Two-family: A single building on a single lot containing two dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units. The two-family dwelling building shall have a minimum exterior breadth/caliper/width of twenty (20) feet. (This is to imply that the minimum dimension between any two opposing exterior walls, measured at any point on the horizontal, shall be at least twenty (20) feet.) Breezeways, garages, porches, and other appurtenances shall not be considered part of the required 20 feet.

Dwelling, Upper Floor Commercial: A dwelling unit located in the upper floors of a commercial establishment, with an outside entrance allowing the occupants to come and go without entering the commercial establishment. There may be more than one dwelling unit associated with a single commercial establishment.

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.

Enlargement: An increase in the size of an existing structure or use, including physical size of the property, building, parking, and other improvements.

Erected: Any physical operations on the premises required for construction on or moving on to said premises and includes construction, reconstruction, alteration, building, excavation, fill, drainage, installation of utilities and the like.

Essential Services: Building, structures, and facilities, including generating and switching stations, poles, lines, pipes, pumping stations, repeaters, antennas, transmitters and receivers, valves, and all buildings and structures relating to the furnishing of utility services, such as electric, gas, telephone, water, sewer, and public transit, to the public.

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, whether exposed or submerged.

Existing Use: The use of a lot or structure at the time of the enactment of a zoning ordinance.

Fairgrounds: Structures and/or land designed for the public exhibition of agricultural products, livestock, equipment, etc. on an occasional basis. Includes other activities commonly associated with or similar to fairs, such as musical entertainment, carnival rides, food service stands, and temporary commercial exhibits and/or sale of merchandise, also on an occasional basis.

Family: An individual, or two or more persons related by blood, marriage or adoption, or parents along with their direct lineal descendants, and adopted or foster children, or a group not to exceed three persons not related by blood or marriage, occupying a premises and living as a single cooking, sleeping, and bathroom housekeeping unit. Every additional group of three or less persons living in such housekeeping unit shall be considered a separate family for the purpose of this Ordinance. Said definition shall not apply in instances of group care centers, or state licensed residential facilities as established under P.A. 395 of 1976, as amended.

Fast Food Restaurant: An establishment whose principal business is the sale of pre-prepared or rapidly prepared food directly to the customer in a ready-to-consume state for consumption either within the restaurant building, in cars on the premises, or off the premises. Often includes drive-through service.

Fence: An artificially constructed above-ground barrier of any material or combination of materials, erected to enclose, screen or separate areas. Fences constructed of barbed wire, razor wire, electrified materials or a single strand of any material are not permitted, except that barbed wire may be used in conjunction with chain link fence at least six (6) feet in height in the industrial district.

Fence, obscuring: An artificially constructed barrier of any material or combination of materials, other than barbed wire, razor wire, or electrified materials, erected to enclose, screen or separate areas and to block vision from one area to another.

Flea Market: An occasional or periodic market held in an open area or structure where groups of individual sellers offer goods for sale to the public.

Floor Area: The total of all floor areas of a building, excluding stairwells and elevator shafts, equipment rooms, attached or interior vehicular parking or loading, breezeways or porches; and all floors below the first or ground floor, except when used or intended to be used for human habitation or service to the public.

Floor Area, Usable: For purposes of computing parking requirements, is that area to be used for the sale of merchandise or services, or for use to serve patrons, clients or customers. Such floor area which is used or intended to be used 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." Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of living areas of the building, measured from the interior faces of the exterior walls, including private garages. For the purposes of computing parking for those uses not enclosed within a building the area used for the sale of merchandise, display of merchandise, and/or area used to serve patrons or clients shall be measured to determine necessary parking spaces.

Food Processing Establishment: An establishment in which food is processed or otherwise prepared for eventual human consumption, but not consumed on the premises. If retail sales are conducted, such sales are incidental and subordinate to the processing or preparation of food.

Freight Handling Facility: A terminal with the capability of handling a large variety of goods involving various forms of transportation and which may provide multimodal shipping capabilities, such as rail to truck or truck to air.

Funeral Home: A building used for the preparation of the deceased for burial, and for the display of the deceased and rituals connected therewith before burial and cremation.

Garage, Residential: An 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.

Golf Course: A tract of land laid out for at least nine holes for playing the game of golf and improved with tees, greens, fairways, and hazards and that may include a clubhouse and shelter.

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.

Greenbelt: An open area that may be cultivated and/or maintained in a natural state surrounding development and used as a buffer and/or screen between land uses or to mark the edge of an urban or developed area.

Greenhouse: A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of plants for subsequent sale or for personal enjoyment.

Health Care Facility: A facility or institution, whether public or private, principally engaged in providing services for health maintenance and the treatment of mental and/or physical conditions. Health care facilities may be either inpatient or outpatient facilities; inpatient facilities provide for overnight or long-term care, while outpatient facilities provide care to patients who receive treatment or consultation without being hospitalized. Inpatient facilities often provide outpatient care as well.

Home Occupation: Any activity carried out for gain by a resident and conducted as a secondary, incidental, and accessory use in the resident's dwelling unit, and which does not change the character thereof.

Hotel: A structure designed, used, or offered for residential occupancy for any period less than one month, including tourist homes, resorts, lodges, motels and youth camps, but does not include hospitals and nursing homes.

Improvement: Any permanent structure that becomes part of, placed upon, or is affixed to real estate.

Incidental: Subordinate and minor in significance and bearing a reasonable relationship with the primary use.

Junk: Any scrap, waste, reclaimable material, or debris for sale or in the process of being dismantled, destroyed, processed, salvaged, stored, baled, disposed, or otherwise used or disposed of.

Junkyard: An open area greater than two hundred (200) feet square in size, where junk or second hand materials are bought and sold, exchanged, stored, baled, packed, disassembled, handled or abandoned, including, but not limited to, scrap iron and other metals, paper, rags, tires and bottles. Junkyards include automobile wrecking yards, but do not include uses established entirely within enclosed buildings.

Kennel: Any lot or premises on which three (3) or more dogs or cats more than six months of age are either permanently or temporarily kept.

Kennel, Commercial: An establishment in which three (3) or more dogs and/or cats are housed, groomed, bred, boarded, trained, or sold, primarily for financial gain.

Land Use: A description of how land is occupied or utilized.

Landfill: A disposal site in which refuse and earth, or other suitable cover material, are deposited in alternating layers of specified depth in accordance with an approved plan, and in accordance with state and federal licensing requirements.

Laundromat: An establishment providing washing, drying, and/or dry cleaning machines on the premises for rental use to the general public. Laundromats may incorporate drop-off facilities for commercial dry cleaning establishments, but do not include dry cleaning equipment other than self-service machines.

Loading Space: An off-street space or berth used for the loading or unloading of cargo, products or materials from vehicles.

Long-Term Care Facility: An institution or a distinct part of an institution that is licensed or approved to provide health care under medical supervision for 24 or more consecutive hours to two or more patients who are not related to the governing body or its members by marriage, blood or adoption. Such facilities include nursing homes, hospices, etc.

Lot: A designated parcel, tract or area of land established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed or built upon.

Lot Area: The total horizontal area within the lot lines of the lot, excluding any street right-of-ways.

Lot, Corner: A lot abutting on two or more streets or roads at their intersection or upon two parts of the same street forming an angle of less than 135 degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this Ordinance if the arc is of less radius than one hundred fifty (150) feet and the tangents to the curve, at the two points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than one hundred thirty-five (135) degrees.

Lot Coverage: The part or percent of the lot occupied by buildings, including accessory buildings.

Lot, Double Frontage: Is any interior lot having frontages on two or more or less parallel streets or roads as distinguished from a corner lot. All lot lines consisting of streets or roads shall be front lot lines, and front yards shall be provided as required.

Lot, Interior: A lot other than a corner lot.

Lot Line(s): The lines bounding a lot as defined herein from another lot or from a public or private street or any other public space:

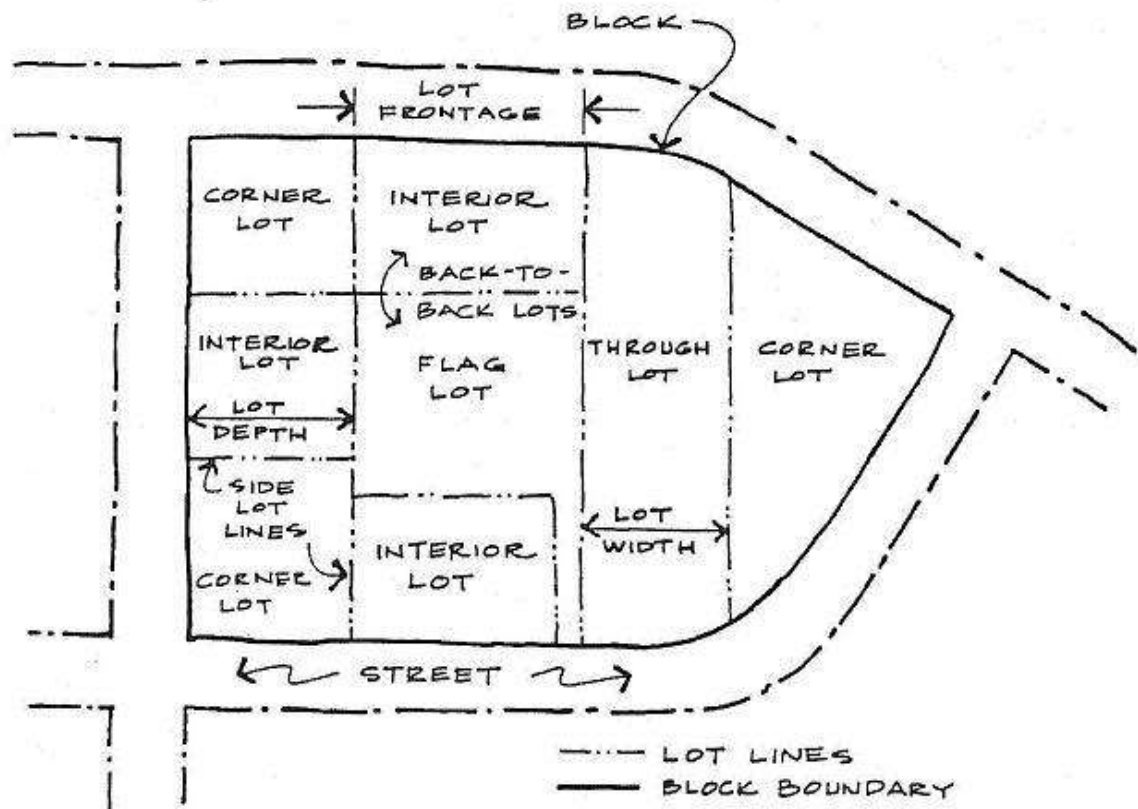
(1) Front Lot Line: The line separating said lot from a street right-of-way. In the case of corner or double frontage lots, both lot lines abutting on street rights-of-way shall be treated as front lot lines.

(2) Rear Lot Line: The lot line opposite and most distant from the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long, lying farthest from the front lot line and entirely within the lot.

(3) Side Lot Line: Any lot lines other than the front lot line or rear lot line. In the case of a corner lot or double frontage lot, all lot lines other than front lot lines shall be side lot lines.

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.

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.



Manufacturing: Establishments engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials, such as lubricating oils, plastics, resins, or liquors.

Master Plan: Is the comprehensive plan including graphic and written proposals indicating the general location for streets, parks, schools, public buildings and all physical development of the City and includes any unit or part of such plan, and any amendment to such plan or parts thereof. Such plan may or may not be adopted by the Planning Commission.

Mobile Home: A structure, transportable in one or more sections, which is built on a chassis 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 systems contained in the structure. A mobile home does not include a recreational vehicle.

Mobile Home Park: Any lot, parcel or tract of land under the control or management of any person, occupied or designated for occupancy by more than two (2) mobile homes and including any accessory buildings, structures or enclosures comprising facilities used by park residents.

Modular (Pre-Manufactured) Housing Unit: A dwelling unit constructed solely within a factory, as a single unit, or in various sized modules or components, which are then transported by truck or other means to a site where they are assembled on a permanent foundation to form a single family dwelling unit, and meeting all codes and regulations applicable to conventional single-family home construction.

Motel: A series of attached, semi-detached or detached rental units containing bedroom, bathroom and closet space. Units shall provide overnight lodging and are offered to the public for compensation and shall cater primarily to the public traveling by motor vehicles as a facility for temporary residence.

Multi-Use Building: A building containing two or more distinct uses.

Nonconforming Lot: A lot, the area, dimensions, or location of which was lawful prior to the adoption, revision, or amendment of the zoning ordinance, but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

Nonconforming Structure or Building: A structure or building, the size, dimensions, or location of which was lawful prior to the adoption, revision, or amendment to the zoning ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

Nonconforming Use: A use or activity that was lawful prior to the adoption, revision or amendment of the zoning ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

Nuisance: An interference with the enjoyment and use of property.

Nursery: An establishment where flowers, shrubs, trees or other plants are raised and/or offered for sale. A nursery may include a greenhouse, but also includes unenclosed areas used for growing and/or displaying plants for sale. Sales of related items, such as fertilizers, landscaping materials, etc. may be included when clearly related to the principal use of growing and/or selling plants.

Nursing Home: An institution or a district part of an institution that is licensed to provide health care under medical supervision to residents of the institution.

Occupancy or Occupied: The residing of an individual or individuals overnight in a dwelling unit or the storage or use of equipment, merchandise, or machinery in any public, commercial, or industrial building.

Office: A room or group of rooms used for conducting the affairs of a business, profession, service, industry or government and generally furnished with desks, tables, files and communications equipment.

Office Building: A building used primarily for conducting the affairs of a business, profession, service or government, or like activity, and which may include ancillary services exclusively for workers in the building, such as a restaurant, coffee shop, newspaper or candy stand, or child care facilities.

Office Park: A development on a tract of land that contains a number of separate office buildings, accessory and supporting uses, and open space designed, planned constructed and managed on an integrated and coordinated basis.

Outdoor Storage: The keeping, in an unenclosed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than twenty-four hours.

Park: A tract of land, designated and used by the public for active and passive recreation.

Parking Lot: An off-street, ground-level open area, usually improved for the temporary storage of motor vehicles.

Parking Space: A space for the parking of a motor vehicle within a public or private parking area of definite length and width and exclusive of drivers, driveways, aisles, or entrances giving access thereto, and fully accessible for the parking of motor vehicles.

Personal Services: Establishments primarily engaged in providing services involving the care of a person or his or her personal goods or apparel.

Planned Unit Development (PUD): An area of a minimum contiguous size, as specified by ordinance, to be planned, developed, operated, and maintained as a single entity and containing one or more residential clusters or planned unit residential developments and one or more public, quasi-public, commercial, or industrial areas in such ranges or ratios of nonresidential uses to residential uses as specified in the ordinance.

Planning Commission: The City of Manistique Planning and Zoning Commission.

Principal Building: A building in which is conducted the principal use of the lot on which it is located.

Permitted Principal Use: A use which is allowed in a certain zoning district with no permits or stipulations other than the issuance of a zoning compliance permit and such general requirements as setbacks, lot size, etc.

Principal Use: The primary or predominant use of any lot or parcel.

Public Building: Any building, structure, facility, or complex used by the general public or providing public services, whether constructed by any state, county, or municipal government agency or instrumentality or any private individual, partnership, association, or corporation, including, but not limited to, assembly buildings, such as auditoriums, libraries, etc.; city, village or township halls; community centers; senior citizen centers; fire halls; etc.

Public Hearing: A meeting announced and advertised in advance and open to the public, with the public given an opportunity to talk and participate.

Public Service: Relating to the health, safety, and welfare of the population.

Public Sewer and Water System: Any system, other than an individual septic tank, tile field, or individual well, that is operated by a municipality, governmental agency, or a public utility for the collection, treatment, and disposal of waste and the furnishing of potable water.

Public Utility: A closely regulated enterprise with a franchise for providing to the public a utility service deemed necessary for the public health, safety and welfare.

Recreation Facility: A place designed and equipped for the conduct of sports and leisure-time activities.

Recreational Vehicle: A vehicular-type portable structure without permanent foundation that can be towed, hauled, or driven and primarily designed as a temporary living accommodation for recreational, camping and travel use and including, but not limited to, travel trailers, truck campers, camping trailers and self-propelled motor homes.

Recreational Vehicle Park: Any lot or parcel of land upon which two or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes.

Recycling Center: A lot or parcel of land, with or without buildings, upon which used materials are separated and processed for shipment for eventual reuse in new products.

Recycling Collection Point: An incidental use that serves as a neighborhood drop-off point for temporary storage of recyclables.

Recycling Plant: A facility in which recyclable materials, such as newspapers, magazines, books, and other paper products; glass; metal; and other products, are recycled, reprocessed, and/or treated to return such products to a condition in which they may again be used in new products.

Religious Institution: A building or structure, or groups of buildings or structures, that by design and construction are primarily intended for conducting organized religious services and associated accessory uses.

Restaurant: An establishment where food and drink are prepared, served and consumed primarily within the principal building.

Retail Food Establishment: Any fixed facility in which food or drink is offered primarily for retail sale. May include food preparation on the premises, such as a deli or bakery, when clearly related and incidental to the retail sale of food items.

Retail Outlet Store: A retail establishment selling a single manufacturer's product.

Retail Sales: Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

Retail Warehouse Outlet: A retail operation from a warehouse as an accessory to the principal warehouse use.

Same Ownership: Properties owned by the same individual, corporation, partnership, or other entity, or if one property is owned by any corporation that controls, is controlled by, or is under common control with the owner of the other property, or is owned by any corporation resulting from a merger or consolidation with the other property owner, or is owned by any subsidiary or affiliate of the other property owner, or is owned by any joint venture of which the other property owner is a partner.

School, Elementary: Any school, public, private or parochial, which meets state requirements for elementary education.

School, Secondary: Any school, public, private or parochial, which meets state requirements for secondary education.

Setback: The distance between a building and any lot line. The minimum setbacks establish required yards and define the zoning envelope.

Shopping Center: A group of commercial establishments planned, constructed, and managed as a total entity, with customer and employee parking provided on-site, provision for goods delivery separated from customer access, aesthetic considerations and protection from the elements and landscaping and signage in accordance with an approved plan.

Sidewalk Café: A restaurant with tables on the sidewalk in front of the premises.

Sign: Any object, device, display, or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct, or attract attention to an object, person,

institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images.

Sign Face: The area or display surface of a sign used for the message, not including any structural framework not used for display. Where a sign has two display surfaces back-to-back or in V-formation, each display surface is considered a face.

Sign, Marquee: A sign that is mounted, painted, or attached to an awning, canopy or marquee.

Sign, Mechanical: Any sign or part of a sign that changes physical position or light intensity by any movement or rotation or that gives the visual impression of such movement or rotation.

Sign, Off-premise: A sign, other than a billboard as defined by this Section, that advertises a commodity, service, business or event lawfully conducted, sold, or offered at a location other than the premises on which the sign is located.

Sign, On-premise: A sign, other than a billboard as defined by this Section, that advertises a commodity, service, business or event lawfully conducted, sold, or offered on the premises on which the sign is located.

Sign Structure: The assembled components which make up an outdoor advertising display, including but not limited to uprights, supports, facings and trim. Such sign structure may contain two faces arranged back-to-back or in V-formation.

Spot Zoning: Rezoning of a lot or parcel of land to benefit an owner, resulting in a use incompatible with surrounding land uses and which is inconsistent with local plans and policies.

Sprawl: Uncontrolled growth, usually of a low-density nature, in previously rural areas and some distance from existing development and infrastructure.

Story: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it and including those basements used for the principal use.

Street: Is a dedicated public right-of-way which affords the principal means of vehicular access to abutting property. A street includes the entire right-of-way and any improvements constructed thereon.

Structure: Any constructed, erected, or placed material or combination of materials in or upon the ground, including, but not limited to buildings, mobile homes, sheds, free standing signs, storage bins, and satellite dishes, but not including sidewalks, driveways, patios, parking lots, and utility poles. Building areas separated by fire walls or bearing walls shall not be considered separate structures under this Ordinance.

Supermarket: A retail establishment primarily selling food as well as other convenience and household goods.

Tavern: An establishment used primarily for the serving of liquor by the drink to the general public and where food or packaged liquors may be served or sold only as accessory to the primary use.

Temporary Outdoor Activity: Happenings that are carried out primarily out-of-doors for a fixed period of time, not to exceed five (5) consecutive days, and including flea markets, fireworks, displays, speeches, farm stands, seasonal sales, swap and shop markets, racing meets, circuses, carnivals, concerts and parades.

Temporary Structure: A structure without any foundation or footings and that is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

Temporary Use: A use established for a limited duration with the intent to discontinue such use upon the expiration of the time period.

Theater: A building or part of a building devoted to the showing of motion pictures or for dramatic, dance, musical or other live performances.

Transfer Station: An intermediate destination for solid waste, where small shipments of waste are aggregated or compacted, or where separation of different types of waste may occur.

Truck Stop: Any building, premises, or land in which or upon which a business, service or industry involving the maintenance, servicing, storage or repair of commercial vehicles is conducted or rendered, including the dispensing of motor fuel or other petroleum products directly into motor vehicles and the sale of equipment or accessories for trucks and similar commercial vehicles. A truck stop may also include overnight accommodations and restaurant facilities primarily for the use of truck crews.

Truck Terminal: An area and building where trucks load and unload cargo and freight and where the cargo and freight may be broken down or aggregated into smaller or larger loads for transfer to other vehicles or modes of transportation.

Undeveloped or Unimproved Land: Land in its natural state before development.

Use: The purpose or activity for which land or buildings are designed, arranged, or intended, or for which land or buildings are or may be occupied or maintained. Includes actual and/or proposed use of land and/or structures.

Use, Accessory: See Accessory Use.

Variance: Is a modification of the literal provisions of the Zoning Ordinance granted by the Board of Appeals when in its judgment the strict enforcement of the Zoning Ordinance would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted. The crucial points of variance are undue hardship, and unique circumstances

Warehouse: A building used primarily for the storage of goods and materials.

Warehouse, Self Storage: A structure containing separate, individual, and private storage spaces of varying sizes leased or rented on individual leases for varying periods of time.

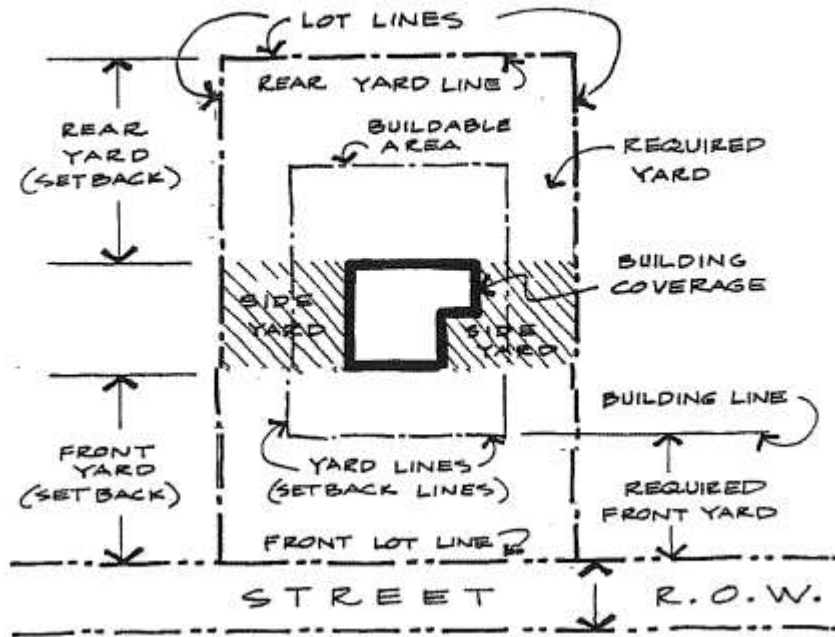
Yard: An open space that lies between the principal building or buildings and the nearest lot line. The minimum required yard as set forth in the Ordinance is unoccupied and unobstructed from the ground upward except as may be specifically provided in the zoning ordinance.

Yard, Front: A space extending the full width of the lot between the principal building and the front line and measured perpendicular to the building at the closest point to the front lot line.

Yard, Rear: A space extending across the full width of the lot between the principal building and the rear lot line and measured perpendicular to the building to the closest point of the rear lot line.

Yard, Required: The open space between a lot line and the yard line within which no structure shall be located except as provided in the zoning ordinance.

Yard, Side: A space extending from the front yard to the rear yard between the principal building and the side lot line and measured perpendicular from the side lot line to the closest point of the principal building.



Zoning Compliance Permit: A document signed by a zoning officer, as required in the zoning ordinance, as a condition precedent to the commencement of a use, or the erection, construction, reconstruction, restoration, alteration, conversion, or installation of a structure or building, that acknowledges that such use, structure, or building complies with the provisions of this Ordinance or authorized variance therefrom.

Zoning Envelope: The three-dimensional space within which a structure is permitted to be built on a lot and that is defined by maximum height regulations, minimum yard setbacks and sky exposure plane regulations when applicable.

**ARTICLE III
ZONING DISTRICTS AND MAPS**

Section 301 Establishment of Districts

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

- R-1: Single-Family Residential
- R-2: General Residential
- B-1: Restricted Business
- B-2: General Business
- M-1: Mixed Use
- I-1: Industrial
- OS-1: Open Space/Public Area
- OS-2: Open Space/Services

Section 302 Zoning District Maps

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

Section 303 Interpretation of the Zoning Map

Where due to the scale, lack of detail or illegibility of the zoning maps, there is any uncertainty, contradiction or conflict as to the intended location of any zoning district boundary as shown thereon; the Zoning Board of Appeals shall make an interpretation of said map upon request of any person. The Zoning Board of Appeals shall apply the following standards in interpreting the zoning map:

- 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, rights-of-way or water courses, unless such boundary lines are fixed by dimensions shown on the zoning map.

In the case of districts which are drawn as a strip along a street or highway, the intent is for the district to encompass the entire area of any lot fronting upon that street or highway. Although the district boundary as depicted on the map may be a straight line, the actual boundary will be irregular as a result of the irregular nature of some lots.

- B: Where zoning district boundary lines are so indicated that they approximately follow lot lines, such lot lines shall be construed to be such boundary lines.
- C. Zoning district boundary lines are not generally intended to result in a single lot being divided into two or more districts. **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.
- 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 the City of Manistique, as well as all other relevant facts.

Section 304 Replacement of Official Zoning Maps

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

Section 305 Application of District Regulations

The regulations herein 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. Where there are practical difficulties in the way of carrying out the strict letter of this Ordinance, the Zoning Board of Appeals shall have power in passing upon appeals, in accordance with Article X herein, to vary or modify regulations and provisions of this Ordinance so that the intent and purposes of this Ordinance shall be observed, public safety secured and substantial justice done.

Section 306 Scope of Provisions

- A. Except as may otherwise be provided in this Ordinance, every building and structure erected, every use of any lot, building or structure established, every structural alteration or relocation of an existing building or structure occurring, and every enlargement of or addition to an existing use, building or structure occurring after the effective date of this Ordinance shall be subject to all regulations of this Ordinance

which are applicable in the Zoning District in which such use, building, or structure shall be located.

- B. Uses are permitted by right only if specifically listed as principal permitted uses in the various Zoning Districts. Where not specifically permitted, either by right or conditionally, uses are thereby prohibited unless construed to be similar to an expressly permitted use. The Zoning Board of Appeals shall determine if a use is similar to a use specifically permitted by right or by conditions.
- C. Accessory uses are permitted as indicated for the various Zoning Districts and if such uses are clearly incidental to the permitted principal uses.
- D. The uses permitted subject to conditional use permit are recognized as possessing characteristics of such unique and special nature (relative to location, design, size, etc.) as necessitating individual standards and conditions in order to safeguard the general health, safety and welfare of the community.
- E. Any structure, use of a structure or land use and any lot, the size, width, or other characteristic of which fails to meet the requirements of the land use district in which it is located and which was lawfully established in accordance with state and local statutes ("of record") prior to the effective date of this amendment shall be considered a legal nonconforming use.

Section 307 Conflicting Regulations

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

Section 308 Exemptions

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

Section 309 District R-1: Single-Family Residential

- A. Intent: The R-1 Single-Family Residential District is intended for the establishment and preservation of quiet neighborhoods for single-family dwellings, free from other uses except those which are both compatible with and convenient to the residents in this District. The R-1 District is designed to accommodate residential dwellings served by municipal water and wastewater treatment services.

- B. Permitted Principal Uses:
1. Single-family Dwellings
 2. Adult Foster Care Family Homes
 3. Family Day Care Facilities
 4. Group Day Care Facilities
 5. Home Occupations
 6. Parks and Recreation Facilities, Day Use Only
 7. Public Libraries, Other Public Buildings
 8. Schools, Elementary (K-6)
- C. Permitted Accessory Uses: The following are permitted accessory uses:
1. Accessory structures normally associated with residential dwellings, such as a private garage, shed for yard tools, playhouse, pens, boat house, swimming pools, woodshed, and sauna.
 2. Accessory uses and structures normally associated with the permitted use.
- D. Conditional Uses Authorized by Permit: The following uses of land and structures may be permitted in this District by application for and the issuance of a Conditional Use Permit as provided for in Article VII.
1. Bed & Breakfast Establishments
 2. Day Care Centers or Preschools
 3. Golf Courses
 4. Planned Unit Developments in accordance with Section 416 only in those portions of this district located west of Chippewa Street, south of Deer Street, north of U.S. 2, and east of the corporate limits of the City of Manistique.
 5. Religious Institutions
- E. Permitted Temporary Storage (Amended 7.9.07)
1. Cargo (Intermodal) containers may be used for temporary storage in the R1 zoning district for a period not to exceed 180 days in a 365-day period. Cargo (Intermodal) containers that exceed a height of 8'6", a width of 8' and a length of 40' are prohibited at all times.
 2. Cargo containers are prohibited in R1 residential districts for any use other than the aforementioned temporary storage.

Section 310 District R-2: Multiple-Family Residential

- A. Intent: The R-2 District, Multiple-Family Residential, is intended for the establishment and preservation of residential areas, including single-, two- and multiple-family dwellings. The regulations of this district are designed to protect and stabilize the characteristics of these areas and to promote and encourage a suitable and safe environment for family life.

- B. Permitted Principal Uses:
1. Single-family Dwellings.
 2. Two-family Dwellings.
 3. Adult Foster Care Family Homes
 4. Family Day Care Facilities
 5. Group Day Care Facilities
 6. Home Occupations
 7. Parks and Recreation Facilities, Day Use Only
 8. Public Libraries, Other Public Buildings
 9. Schools, Elementary (K-8)
- C. Permitted Accessory Uses: The following are permitted accessory uses:
1. Accessory structures normally associated with residential dwellings, such as a private garage, shed for yard tools, playhouse, pens, boat house, swimming pools, woodshed, and sauna.
 2. Accessory uses and structures normally associated with permitted uses.
- D. Conditional Uses Authorized by Permit: The following uses of land and structures may be permitted in this District by application for and the issuance of a Conditional Use Permit as provided for in Article VII.
1. Assisted Living Facilities
 2. Bed & Breakfast Establishments
 3. Cultural Facilities
 4. Day Care Centers or Preschools
 5. Mobile Home Parks
 6. Multiple-Family Dwellings
 7. Golf Courses
 8. Religious Institutions
- E. Permitted Temporary Storage (Amended 7.9.07)
1. Cargo (Intermodal) containers may be used for temporary storage in the R2 zoning district for a period not to exceed 180 days in a 365-day period. Cargo (Intermodal) containers that exceed a height of 8'6", a width of 8' and a length of 40' are prohibited at all times.
 2. Cargo containers are prohibited in R2 residential districts for any use other than the aforementioned temporary storage.

Section 311 District B-1: Restricted Business District

- A. Intent: The B-1 Restricted Business District is intended to provide for commercial uses which are appropriate for high-density development, such as in the central business district. Uses in this district typically occupy buildings which share common walls and front directly on the sidewalks; where off-street parking is provided, it is typically behind the business. Uses are generally arranged so as to be more attractive to pedestrian

traffic, where shoppers can access several businesses in a compact area. Residential uses are not permitted in this district, with the exception of dwellings in the upper floors of commercial establishments.

B. Principal Permitted Uses:

1. Banks and Financial Institutions
2. Business Service Establishments
3. Cultural Facilities
4. Dwellings, Upper Floor Commercial
5. Home Occupations
6. Medical and Dental Offices
7. Office Buildings
8. Parks and Recreation Facilities, Day Use Only
9. Personal Service Establishments
10. Plumbers, Electricians, Decorators, etc. Offices and Showrooms
11. Private Clubs and Lodge Halls
12. Public Libraries, Other Public Buildings
13. Restaurants w/o Drive Thru
14. Retail Food Establishments
15. Retail Outlet Stores
16. Retail Sales Establishments
17. Sidewalk Cafes
18. Supermarkets
19. Taverns
20. Temporary Outdoor Activities
21. Theaters, Assembly Halls, and Gaming Establishments

C. Permitted Accessory Uses: The following are permitted accessory uses:

1. Any structural or mechanical building or use customarily incidental to the permitted principal use.
2. Signs, as required and subject to the regulations established in Article V.

D. Conditional Uses Permitted by Conditional Use Permit: The following uses of land and structures may be permitted in this District by application for and the issuance of a Conditional Use Permit as required for in Article VII.

1. Adult Foster Care/Small Group Homes
2. Automobile Service Stations
3. Automobile Repair Garages
4. Automobile Wash Facilities
5. Automobile Sales or Showrooms, New or Used
6. Bowling Alleys
7. Cellular Communications Sites
8. Commercial Printing And Newspaper Offices
9. Convenience Retail

10. Dry Cleaning Establishments
11. Flea Markets
12. Funeral Homes
13. Greenhouse
14. Greenhouses with Nursery
15. Health Care Facilities (Out-patient)
16. Laundromats
17. Motels, Hotels, Cabins and Resorts
18. Office parks
19. Planned Units Developments
20. Recycling Collection Points
21. Research and Development Establishments
22. Shopping Centers
23. Video Arcades

Section 312 District B-2: General Business

A. Intent: The B-2 General Business District is intended to provide for a more diversified, lower density commercial district, containing businesses which may require larger lots, or generate more traffic, lighting and other impacts on adjacent uses. Uses in this district are generally oriented more towards automobile traffic, and may include outdoor storage or sales in some cases. Residential uses are not permitted in this district, with the exception of dwellings in the upper floors of commercial establishments.

B. Permitted Principal Uses:

1. Adult Foster Care Small Group Homes
2. Automobile Service Stations
3. Automobile Repair Garages
4. Automobile Wash Facilities
5. Automobile Sales or Showrooms, New or Used
6. Banks and Financial Institutions
7. Bowling Alleys
8. Business Service Establishments
9. Cultural Facilities
10. Dry Cleaning Establishments
11. Dwellings, Upper Floor Commercial
12. Flea Markets
13. Funeral Homes
14. Greenhouses
15. Greenhouses w/Nursery
16. Home Occupations
17. Laundromats
18. Medical and Dental Offices
19. Motels, Hotels, Cabins and Resorts

20. Office Buildings
21. Office Parks
22. Parks and Recreation Facilities, Day Use Only
23. Personal Service Establishments
24. Plumbers, Electricians, Decorators, etc. Offices and Showrooms
25. Private Clubs and Lodge Halls
26. Public Libraries, Other Public Buildings
27. Restaurants w/o Drive Thru
28. Retail Food Establishments
29. Retail Outlet Stores
30. Retail Sales Establishments
31. Shopping Centers
32. Sidewalk Cafes
33. Supermarkets
34. Taverns
35. Temporary Outdoor Activities
36. Theaters, Assembly Halls and Gaming Establishments

- C. Permitted Accessory Uses: The following are permitted accessory uses:
1. Any structural or mechanical building or use customarily incidental to the permitted principal use.
 2. Signs, as required and subject to the regulations established in Article V.

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

1. Adult Foster Care Large Group Homes
2. Amusement Parks, Fairgrounds, Miniature Golf Courses
3. Assisted Living Facilities
4. Bed & Breakfast Establishments
5. Building Material Sales and Storage
6. Cellular Communications Site
7. Commercial Printing and Newspaper Offices
8. Conference Center
9. Contractor Yards
10. Convenience Retail
11. Day Care Center or Preschool
12. Flea Markets
13. Golf Courses
14. Health Care Facilities (In-patient)
15. Health Care Facilities (Out-patient)
16. Kennels, Commercial
17. Kennels, Non-Commercial
18. Long-Term Care Facilities

19. Manufacturing and Assembly
20. Painting, Varnishing, and Undercoating Shops for Automobiles
21. Parks and Recreation Facilities, Overnight Use
22. Planned Unit Developments
23. Recycling Centers
24. Recycling Collection Points
25. Refineries, Storage of Flammable Liquids
26. Research and Development Establishments
27. Restaurants w/Drive Thru
28. Retail Warehouse Outlets
29. Roadside Stands
30. Trade & Technical Schools
31. Truck Stops
32. Truck Terminals
33. Utility Substations
34. Veterinary Clinics
35. Video Arcades
36. Warehouse, Self Storage
37. Wholesale and Warehousing

Section 313 District M-1: Mixed Use

A. Intent: The M-1 Mixed Use District is established to provide for the establishment and preservation of traditional neighborhoods containing a mix of residential and compatible commercial uses. These areas can also serve as a transition area between business and residential districts. Non-residential uses permitted in this district are limited to those uses which are compatible with residential use, in that they do not involve high traffic volumes, excessive lighting, noise, smoke, fumes, or outdoor storage or sales.

B. Permitted Principal Uses:

1. Adult Foster Care Family Homes
2. Adult Foster Care Small Group Homes
3. Family Day Care Facilities
4. Group Day Care Facilities
5. Dwellings, Upper Floor Commercial
6. Dwellings, Single-family
7. Dwellings, Two-family
8. Home Occupations
9. Laundromats
10. Parks and Recreation Facilities, Day Use Only
11. Plumbers, Electricians, Decorators, Etc. Offices & Showrooms
12. Public Libraries, Other Public Buildings
13. Schools, Elementary (K-6)
14. Schools, Middle & High (7-12)

- C. Permitted Accessory Uses: The following are permitted accessory uses:
1. Accessory structures normally associated with residential dwellings, such as a private garage, shed for yard tools, playhouse, pens, boat house, swimming pools, woodshed, and sauna.
 2. Any structural or mechanical building or use customarily incidental to the permitted principal use.
 3. Signs, as required and subject to the regulations established in Article V.
- D. Conditional Uses Authorized by Permit: The following uses of land and structures may be permitted in this District by application for and the issuance of a Conditional Use Permit as provided for in Article VII.
1. Adult Foster Care Large Group Home
 2. Assisted Living Facilities
 3. Bed & Breakfast Establishments
 4. Business Service Establishments
 5. Cellular Communications Sites
 6. Commercial Printing and Newspaper Offices
 7. Conference Center
 8. Convenience Retail
 9. Cultural Facilities
 10. Day Care Center or Preschool
 11. Dwelling, Multiple-family
 12. Flea Market
 13. Funeral Homes
 14. Greenhouse
 15. Golf Courses
 16. Health Care Facilities, In-patient
 17. Health Care Facilities, Out-patient
 18. Long-Term Care Facilities
 19. Medical and Dental Offices
 20. Mobile Home Parks
 21. Motels, Hotels, Cabins and Resorts
 22. Office Buildings
 23. Office Parks
 24. Parks & Recreation Facilities, Overnight Use
 25. Personal Service Establishments
 26. Planned Unit Development
 27. Private Clubs & Lodge Halls
 28. Religious Institutions
 29. Research & Development Establishments
 30. Restaurant w/Drive Thru
 31. Restaurant without Drive Thru
 32. Retail Outlet Stores

33. Retail Sales Establishments
34. Roadside Stands
35. Shopping centers
36. Sidewalk Cafes
37. Supermarkets
38. Taverns
39. Temporary Outdoor Activities
40. Theaters, Assembly Halls & Gaming Establishments
41. Utility Substations
42. Veterinary Clinics
43. Warehouse, Self Storage
44. Wholesale & Warehousing

Section 314 District I-1: Industrial

A. Intent: The I-1 District, Industrial, is designed and intended for manufacturing, assembling, fabricating, and processing businesses, storage, mineral extraction, 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 Principal Uses:

1. Automobile Service Stations
2. Automobile Repair Garages
3. Automobile Wash Facilities
4. Automobile Sales or Showrooms, New or Used
5. Banks and Financial Institutions
6. Bottling Works
7. Building Materials Sales & Storage
8. Cellular Communications Sites
9. Commercial Printing & Newspaper Offices
10. Commercial Towers
11. Contractor Yards
12. Dry Cleaning Establishments
13. Freight Handling Facilities
14. Manufacturing & Assembly
15. Office Buildings
16. Office Parks
17. Parks and Recreation Facilities, Day Use Only
18. Recycling Centers
19. Recycling Collection Points
20. Recycling Plants
21. Research & Development Establishments
22. Retail Warehouse Outlets
23. Warehouse, Self Storage

24. Wholesale & Warehousing

- C. Permitted Accessory Uses: The following are permitted accessory uses:
1. Any structural or mechanical building or use customarily incidental to the permitted principal use.
 2. Signs, as required and subject to the regulations established in Article V.
- D. Conditional Uses Authorized by Permit: The following uses of land and structures may be permitted in this District by application for and the issuance of a Conditional Use Permit as provided for in Article VII.
1. Asphalt Plants
 2. Business Service Establishments
 3. Convenience Retail
 4. Food Processing Establishments
 5. Greenhouse
 6. Greenhouse w/Nursery
 7. Gravel/Sand Pits
 8. Kennels, Commercial
 9. Painting, Varnishing & Undercoating Shops
 10. Planned Unit Developments
 11. Plumbers, Electricians, Decorators, etc. Offices & Showrooms
 12. Refineries, Storage of Flammable Liquids
 13. Trade & Technical Schools
 14. Truck Stops
 15. Truck Terminals
 16. Utility Substations
 17. Woodyards

Section 315 District OS-1: Open Space/Public Area

- A. Intent: The Open Space/Public Area District is intended to encompass publicly-owned lands which are to be maintained as open space and/or recreational areas. These areas generally provide residents and visitors views of and access to the Lake Michigan shoreline.
- B. Permitted Principal Uses:
1. Parks and Recreation Facilities, Day Use Only
- C. Permitted Accessory Uses: The following are permitted accessory uses:
1. Accessory structures normally associated with parks and recreational facilities, such as restrooms, interpretive signs, boardwalks, fishing or viewing piers, pavilions, shelters, picnic tables, etc.
- D. Conditional Uses Authorized by Permit: The following uses of land and structures may be permitted in this District by application for and the issuance of a Conditional Use

Permit as provided for in Article VII.

1. Parks and Recreation Facilities, Overnight Use
2. Schools, Elementary (K-6)
3. Schools, Middle & High (7-12)

Section 316 District OS-2: Open Space/Services

- A. Intent: The OS-2 Open Space/Services District is intended to provide for recreational areas and other public services on publicly-owned lands, with the opportunity for certain types of commercial use should areas within this district be leased, sold, or otherwise made available for development. It is felt that certain sites within this district, although currently publicly-owned, represent suitable areas for development should ownership change.
- B. Permitted Principal Uses:
1. Parks & Recreation Facilities, Day Use Only
 2. Public Libraries, other Public Buildings
- C. Permitted Accessory Uses: The following are permitted accessory uses:
1. Accessory structures normally associated with parks and recreational facilities, such as restrooms, interpretive signs, boardwalks, fishing or viewing piers, pavilions, shelters, picnic tables, etc.
 2. Accessory uses and structures normally associated with the permitted use.
- D. Conditional Uses Authorized by Permit: The following uses of land and structures may be permitted in this District by application for and the issuance of a Conditional Use Permit as provided for in Article VII.
1. Amusement Parks, Fairgrounds, Miniature Golf Courses
 2. Assisted Living Facilities
 3. Cultural Facilities
 4. Health Care Facilities, In-patient
 5. Health Care Facilities, Out-patient
 6. Long-Term Care Facilities
 7. Medical & Dental Offices
 8. Office Buildings
 9. Office Parks
 10. Planned Unit Developments
 11. Trade & Technical Schools

**ARTICLE IV
GENERAL REGULATIONS**

Section 401 Height, Bulk and Placement Regulations

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

Schedule of Regulations						
District	Minimum Lot Size (Sq. Ft.)	Minimum Lot Width (Feet) (A)	Setback (Feet)(B)(N)			Maximum Height (Feet)
			Front	Each Side	Rear	
R-1	7,800(B)	65(B)	25(C)	7(C)	25/7(D)	30(E)
R-2	7,800(B)(F)	65(B)(F)	25(C)	7(C)	25/7(D)	30(E)
B-1	None	25	None	5(G)(H)(I)	10(I)	50(E)
B-2	10,000(B)	75(B)	50/10(J)	10(H)(I)	10(I)	50/30(E)(K)(J)
M-1	7,800(B)(F)	65(B)(F)	25(C)	7(C)	25/7(D)	35(E)
I-1	15,000(B)	100(B)	(L)	25(I)(L)	25(I)(L)	(L)
OS-1	None(M)	None(M)	25	10	25	15
OS-2	15,000(B)	150(B)	25	25	25	50(E)

- (A) Lot width shall be measured at the front setback line and shall not include any encumbrances, such as easements or other such restrictions. The maximum depth to width ratio shall be 4 to 1.
- (B) Minimum lot sizes and lot widths in areas where municipal water and/or sewer are not available or will not be used are as follows:
- When either municipal water or sewer service, but not both, are available and will be used, the minimum lot size shall be 19,500 square feet with a minimum lot width of 130 feet or the minimum lot width as shown above, whichever is greater.
 - When neither municipal water or sewer are available, or will not be used, the minimum lot size shall be 40,000 square feet with a minimum lot width of 150 feet.
- (C) No accessory building shall be located in the front yard; garages may be placed in side yards provided that the required side setbacks can be met.

- (D) The first number represents the setback for the principal structure; the second number represents the minimum setback for accessory structures.
- (E) An accessory building or structure shall not exceed fifteen (15) feet in height.
- (F) For multiple-family dwellings or other uses where more than two dwelling units are placed on a single parcel, the minimum parcel size shall be 7,800 sq. ft. plus an additional 2,400 sq. ft. for each unit beyond two, in areas where municipal water and sewer service will be used. Parcels which do not have water and sewer service, or where such service will not be used, must comply with footnote (B) above, plus an additional 2,400 sq. ft. for each unit beyond two.
- (G) The side setback must be at least five feet from the lot line, or 15 feet from existing structures on adjacent parcels, unless a wall is constructed in accordance with BOCA Code requirements for fireproof construction, in which case the wall shall be built at the lot line.
- (H) If more than one building is located on a parcel, there shall be a minimum of 10 feet separation between any two buildings at any point.
- (I) A buffer shall be provided in accordance with Section 414 when adjacent to R-1, R-2, and M-1 districts.
- (J) The front setback shall be 50 feet for those lots where U.S. 2 forms the front lot line, and 10 feet for all other lots.
- (K) The maximum height for structures south of U.S. 2 shall be 30 feet.
- (L) Building height shall not exceed the distance to the lot line when measured from any point on the structure
- (M) Property in this district consists of large parcels of publicly-owned lands which are not expected to be platted or divided.
- (N) Setbacks from Water - All structures on lots abutting Lake Michigan or any inland lake or stream, as defined in Act No. 451 of the Public Acts of 1994 (M.C.L. 324.30101(e)), 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. 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.
- (O) The dwelling distance from the property lines shall be set back for that parcel only, unless structure is less than 3 feet from side property line or less than 10 feet from the front property line. If it is determined by the Zoning Administrator that existing primary dwelling setback would be obstructive and unsafe in existing setback, then existing setback could be denied by the Zoning Administrator. The homeowner could appeal the Zoning Administrator's decision to the Zoning Board of Appeals.
- (P) Unenclosed porches, balconies, or decks may project 8 feet into the front yard but must stay a minimum of 10 feet from the front property line and be 30 inches or less from grade.

Section 402 Minimum Building Floor Area

Every single/two-family dwelling shall have a floor area of not less than 720 square feet, exclusive of unfinished basements, garages, porches and breezeways. Every unit in a multiple family dwelling shall have a minimum floor area of at least 350 square feet.

Section 403 Maximum Lot Coverage Ratio

The Maximum Lot Coverage Ratio in all districts except B-1 and B-2 shall be 35 percent. The maximum lot coverage ratio in the B-1 district shall be 90 percent, and in the B-2 district shall be 50 percent.

Section 404 Accessory Buildings and Uses

Where a lot is devoted to a permitted principal use, customary accessory uses and buildings are authorized except as prohibited specifically or by necessary implication in this or any other ordinance. The following special rules are applicable:

- (A) An accessory building, including carports, attached to the principal building shall be made structurally a part thereof, and 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 main building, but shall not be considered livable floor space.
- (B) An accessory building, unless attached and made structurally a part of the principal building, shall not be closer than ten (10) feet to any other structure on the lot.
- (C) An accessory building in a residential district shall occupy no more than twenty-five (25) percent of a required rear yard plus twenty (20) percent of any non-required rear yard, provided that in no instance shall the accessory building exceed the ground floor area of the principal building.
- (D) In instances where the rear lot line and an alley right of way share a common boundary, the accessory building shall be no closer than three (3) feet from such rear lot line. In no instance shall an accessory building be located within a dedicated easement right of way.
- (E) Storage sheds of 144 square feet or less, and not more than 8 feet high or 9 feet above grade, may be set within 3 feet of the rear or side property line.

Section 405 Home Occupations

Home occupations shall be allowed in the R-1, R-2, B-1, B-2 and M-1 Districts, in accordance with the provisions below. Home occupations shall be authorized upon application for and issuance of a zoning compliance permit by the Zoning Administrator. All home occupations shall comply with the following conditions:

- (A) Home occupations shall employ only those members of the family residing on the premises and not more than one non-occupant employee; home occupations in the R-1 District shall not employ non-occupants;
- (B) There shall be no outdoor storage and there shall be no exterior evidence of the conduct of home occupations, other than an approved sign in accordance with Article VI;
- (C) If the home occupation is conducted in an accessory building, it shall occupy not more than three hundred (300) square feet of said accessory building;
- (D) No traffic shall be generated by such home occupation in greater volumes than would be normally expected in that residential neighborhood, and any need for parking generated by the conduct of such home occupation shall meet the requirements of Section 411; the home occupation may utilize only stock vehicles such as passenger cars and light utility vehicles such as pick-ups and vans. These vehicles may be parked outside;
- (E) The use of the dwelling unit for home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and if such home occupation is conducted in the principal dwelling, not more than twenty-five (25) percent of the usable floor area of the dwelling shall be used in the conduct of home occupation;
- (F) No equipment or processes shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises;
- (G) A sign advertising the home occupation shall not exceed six (6) square feet and shall not be illuminated or have working parts.

Section 406 One Principal Structure or Use Per Lot

No more than one principal structure or use may be permitted on a lot, unless specifically provided for elsewhere in this Ordinance.

Section 407 Variance of Requirements for Lots of Record

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 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. Uses and/or structures located on parcels shall be treated as conforming uses and/or structures as long as those uses and/or structures are in conformance with the requirements of this ordinance. No vested right shall arise to the property owner for any parcel created in violation of any preceding City of Manistique Zoning Ordinance. When a nonconforming lot is held in common ownership with abutting parcel(s) of land, the two or more parcels shall be considered combined as necessary to reduce or eliminate the non-conformity.

Section 408 Allocation and Reduction of Lot Area

No portion of a lot shall be used more than once in complying with the provisions for lot area and yard dimensions for construction or alteration of buildings.

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 set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established herein.

Section 409 Height Requirement Exceptions

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

- (A) Those purely ornamental in purpose such as church spires, 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. Any commercial communication tower shall be so located that the distance from the base of the tower to the nearest property line shall be either equal to the height of the structure plus the setback in that district or the radius of the collapse/failure zone as certified by a structural engineer plus the setback in that district.
- (C) Public utility structures.

Section 410 Use of Yard or Open Space

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

Section 411 Off-street Parking Requirements

- (A) There shall be provided off-street parking for motor vehicles; and the minimum number of parking spaces to be provided is shown in the following table. Where calculation of parking in accordance with this table 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.

Use	Spaces Required
Residential Uses	
Single, two-family and multiple family dwellings (except senior citizen multiple-family housing)	2 per dwelling unit
Senior citizen multiple-family housing	1 per every 3 dwelling units, plus 2 for owner or resident manager
Rooming houses	1 per guest room and 2 for owner or resident manager
Family or group day care	1 per non-resident employee, in addition to 2 spaces required for dwelling unit
Dining, Entertainment and Assembly, Lodging	
Restaurants (except fast food and drive-through), bars, taverns, private clubs	1 per 150 square feet of usable floor area
Fast food restaurants, drive-through restaurants	1 per 100 square feet of usable floor area; parking and maneuvering lanes must not encroach upon drive-through lanes
Arcade, pool hall, game room	1 per pool table, video game machine, etc. <u>or</u> 1 per 150 square feet of usable floor area, whichever is greater
Bowling alleys	4 per lane, plus spaces required for restaurant and/or bar, if any
Churches, theaters, facilities for spectator sports, auditoriums, concert halls, or similar facilities with fixed seats	.25 times the seating capacity
Dance halls, roller and ice rinks, exhibition halls, arenas or assembly halls without fixed seats, etc.	1 per 150 square feet of usable floor area, or 0.25 times legal capacity where established
Gambling establishments	.5 times maximum capacity, plus spaces required for restaurant and/or bar, if any
Golf courses	7 per hole, plus spaces required for restaurant and/or bar, if any
Hotels and motels	1.2 per room plus spaces required for restaurant and/or bar, if any
Retail Establishments	
Furniture and appliance stores, hardware and building supply stores	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

Use	Spaces Required
Other retail establishments	1 per 150 square feet of usable floor area, plus additional spaces required for outdoor sales space, if any
Service Establishments	
Barber shops and beauty parlors	2 plus 1 per chair
Convalescent and nursing homes	.25 times maximum lawful number of occupants, plus .5 per employee
Educational institutions	1 per employee plus 1 per every 5 students over 15 years of age
Financial institutions	3 per teller window; parking and maneuvering lanes must not encroach upon drive-through lanes, if any
Funeral homes	1 per 150 square feet of usable floor area in assembly rooms, parlors and slumber rooms
Hospitals	.16 times number of beds, plus .5 per employee
Laundromats	.3 per washing machine
Medical offices	1 per 100 square feet of waiting room area plus 2 per medical professional
Offices (except as otherwise noted)	1 per 300 square feet of usable floor area
Repair shops for household equipment, shoes, etc.; plumber, electrician, decorator, etc. showrooms	1 per 500 square feet of usable floor area
Other service establishments	1 per 150 square feet of usable floor area
Automotive-related Uses	
Automobile gasoline station/convenience retail	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
Auto wash	1 per vacuum plus 1 waiting space per self-service or automatic wash facility
Motor vehicle sales	1 per 400 feet of usable floor area in showroom, plus 2 per service bay, if any
Other Uses	
Warehouses, including mini-storage warehouses	1 parking/loading space per unit, plus .5 per employee, if any

Use	Spaces Required
Other industrial uses	.75 times maximum number of employees on premises at any one time

- (B) Required off-street parking shall be provided on the lot to which it pertains or within four hundred (400) feet of the structure it is intended to serve, measured from the nearest point of the building to the nearest point of the parking lot. Ownership shall be shown of all lots or parcels intended for use as parking by the applicant. Access drives may be placed in the required front, side or rear yards so as to provide access to accessory or attached structures. Further, any walk or other pavement serving a like function shall not be considered a structure and shall be permitted in any required yard.
- (C) Any area once designated as required off-street parking shall not be changed to any other use unless and until equal facilities are provided elsewhere, in conformance with all applicable requirements.
- (D) The use of any required parking space for the storage of any motor vehicle for sale, or for any other purpose other than the parking of motor vehicles is prohibited. For recreational and residential storage facilities and warehousing, loading areas shall be provided adjacent to the openings of the buildings. In no case shall these loading areas including access lanes be less than 26 feet wide when loading occurs on one side of the lane nor less than 30 feet wide when loading would occur from both sides.
- (E) Two or more buildings or uses may collectively provide the required off-street parking in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately.
- (F) For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use which the Board of Appeals considers as being similar in type. If the use cannot be regarded as being similar to the uses listed, the Board of Appeals shall establish a reasonable minimum parking space requirement based upon such considerations as building floor area, number of employees and the volume of customer vehicular traffic.
- (G) For the purpose of computing the number of parking spaces required, the definition of USABLE FLOOR AREA shall govern.
- (H) The number of minimum parking spaces per unit of measure as required in this Ordinance shall apply fully to the erection, alteration or extension of residential uses within the developed central business area, however, the provisions of parking spaces as required in this section may be reduced by one-half (1/2) the minimum required

spaces for all other uses within the developed central business area, being that area zoned B-1 on the zoning district map of this Ordinance and amendments thereto.

Section 412 Off-Street Parking Layout, Standards, Construction and Maintenance

Wherever the off-street parking requirements in Section 411(A) above require the building of an off-street parking facility, such off-street parking lots shall be laid out, constructed and maintained in accordance with the following standards and regulations:

- (A) No parking lot shall be constructed unless and until a permit herefore is issued. Applications for a permit shall be submitted with two (2) copies of plans for the development, and construction of the parking lot showing the provisions of this section will be fully complied with.
- (B) Adequate ingress and egress to the parking lot shall be provided and shall receive the review and approval of the City Manager, Director of Public Safety, and Michigan Department of Transportation or Schoolcraft County Road Commission, if necessary, in order to provide for the greatest possible public safety and welfare. Such necessary directional signs and controls as are required shall be established and maintained by the owner or lessee of the parking lot.
- (C) All spaces shall be provided adequate access by means of maneuvering lanes.
- (D) Plans for the layout of off-street parking facilities shall be in accord with the following minimum requirements.

Parking Pattern	Maneuvering Lane Width	Parking Space Width	Parking Space Length	Total Width of One Tier of Spaces Plus Maneuvering Lane	Total Width of Two Tiers of Spaces Plus Maneuvering Lane
0° (parallel parking)	12 ft.	8 ft.	23 ft.	20 ft.	28 ft.
30° to 53°	12 ft.	8 ft. 6 in.	20 ft.	32 ft.	52 ft.
54° to 74°	15 ft.	8 ft. 6 in.	20 ft.	35 ft.	55 ft.
75° to 90°	20 ft.	9 ft.	20 ft.	40 ft.	60 ft.

- (E) All maneuvering lane widths shall require one-way traffic movement, with the exception of the 90 degree pattern where two-way movement may be permitted, as illustrated on the following page:
- F) Off-street parking areas shall be provided with a continuous and completely obscuring wall on all sides where the abutting property is included within a residential district.

- (G) Parking lot planting. Where the provision of off-street parking for 50 or more vehicles is required, there shall be landscaped open space within the perimeter of the parking area, or areas, in the minimum amount of 18 sq. ft. for each parking space, which shall be so located that no parking space is more than 120 feet from a portion of the landscaped open space required by this section. 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. Required trees shall be at least 12 feet high when planted or when this ordinance becomes applicable thereto, shall be maintained in a healthy condition, and shall not be pruned, except to remove dead wood, in such a manner as to prevent growth to a height of at least 15 feet or to reduce existing height below 15 feet. The following varieties of trees are prohibited in meeting the requirements of this ordinance: Poplars, willows, American elm, seed bearing locusts, box elders, and jack pine. All plant materials shall be kept pruned to maximize visibility through them between the heights of three and eight feet.

Section 413 Off-Street Loading and Unloading

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

- (A) All spaces in B-1, B-2, M-1 and OS-2 Districts shall be provided within the area required in "SCHEDULE OF REGULATIONS" as minimum rear yard.
- (B) All spaces in the I District shall be laid out in the dimension of at least ten by fifty (10'x 50') feet, or five hundred (500) square feet in area, with a clearance of at least fourteen (14) feet in height. All spaces in the I District shall be provided in the following ratio of spaces to gross floor area:

Gross Floor Area (Sq. Ft.)	Loading & Unloading Spaces Required
0 - 1,400	None
1,401 - 20,000	One
20,001 - 100,000	One per 20,000 sq. ft. or fraction thereof
100,001 +	Five

Section 414 Required Planting Screens

- (A) When a planting screen, buffer or greenbelt is required by this Ordinance, such planting screen, buffer or greenbelt shall be in accordance with the requirements of this section.

Planting screens, buffers or greenbelts shall be of sufficient length to interfere with the view thereof from the adjoining property, except where the view is blocked by a change in grade or other natural or man-made features, Where, because of intense shade or soil conditions, the planting screen cannot be expected to thrive, a six (6) foot high fence whether it be an opaque wooden fence, a chain link fence with interwoven slats, or a masonry wall may be substituted upon approval by the Zoning Board of Appeals.

(B) Planting screen specifications. All planting screens required by this Ordinance shall be maintained in a healthy condition and so pruned as to provide maximum opacity from the ground to a height of five feet. Selection and spacing of plant materials shall be in accordance with the following standards:

1. Plant material spacing
 - a. Plant materials shall not be closer than four (4) feet from the fence line or property line.
 - b. Where planting materials are planted in two or more rows, plantings shall be staggered in rows.
 - c. Evergreen trees shall be planted not more than thirty (30) feet on centers.
 - d. Narrow evergreens shall be planted not more than three (3) feet on centers.
 - e. Deciduous trees shall be planted not more than thirty (30) feet on centers.
 - f. Tree-like shrubs shall be planted not more than ten (10) feet on centers.
 - g. Large deciduous shrubs shall be planted not more than four (4) feet on centers.

2. Suggested plant materials	<u>Minimum Size at</u>
	<u>Planting</u>
a. Evergreen trees	Five (5) feet in height
(1) Juniper	
(2) Red cedar	
(3) White cedar	
(4) Pines (except jack pine)	
b. Narrow Evergreens	Three (3) feet in height
(1) Pyramidal arborvitae	
(2) Columnar juniper	
(3) Irish juniper	
c. Deciduous Trees	Eight (8) feet in height
(1) Oaks	
(2) Hard maples	
(3) Ash	
(4) Hackberry	
d. Tree-like Shrubs	Four (4) feet in height

- (1) Flowering crabapple
- (2) Russian olive
- (3) Mountain ash
- (4) Redbud
- (5) Rose of Sharon
- e. Large Deciduous Shrubs Four (4) feet in height
 - (1) Honeysuckle
 - (2) Viburnum
 - (3) Mock-Orange
 - (4) Forsythia
 - (5) Lilacs
 - (6) Ninebark
- 3. Trees not permitted
 - a. Box elder
 - b. Soft maples
 - c. Elms
 - d. Poplars
 - e. Ailanthus (Tree of Heaven)
 - f. Jack pine

(C) Time of completion of plantings. All plantings required by this Ordinance shall be installed prior to occupancy or commencement of use. Where compliance is not possible because of the season of the year, the Zoning Administrator shall grant an appropriate delay. Any zoning compliance permit may be revoked, after 30 days written notice to the person assessed for taxes on the affected lot and to the occupant, whenever plantings are not maintained as required in this Ordinance.

Section 415 Fences

(A) Permit Requirements (Amended 2.25.08)

1. Any person desiring to build or replace an existing fence or cause to be built a fence upon property within the City of Manistique must first apply to the Zoning Administrator for a permit.
2. Application for a permit shall include drawings necessary for the determination of whether the erection of such fence would be contrary to the provisions of the City of Manistique Zoning Ordinance or the laws of the State of Michigan.
3. Verification of property lines is required prior to obtaining a fencing permit. Verification can be accomplished by a survey performed by a licensed surveyor, or written permission by adjoining property owners that they agree on location of property line.
4. The construction under a permit issued under the provisions of this ordinance must be completed within six (6) months from the date of issuance. The Zoning

Administrator shall have the authority to grant one additional six-month extension to the permit period.

5. Permit fees shall be established by the Manistique City Council.

(B) Construction and Maintenance

1. Every fence shall be constructed in a substantial, workmanlike manner and of materials reasonably suited for the purpose for which the fence is intended.
2. Every fence shall be maintained in good repair. Any fence which is, or has become, dangerous to the public safety, health or welfare is declared a public nuisance and shall be required to be repaired or removed within 180 days of notice.
3. Wood fences shall be constructed of new materials and preserved in a manner to maintain the fence in good structural condition and appearance.
4. Metal fences shall be constructed of new material, treated in a manner to prevent rust or corrosion.
5. Fence materials must be comparable to those manufactured for fencing purposes. Alternate materials, design and method of construction may be approved, if the Zoning Administrator finds that the proposed design is satisfactory and complies with the intent and provisions of this ordinance.

- (C) All fences shall be erected so that the finish face of the fences faces the outside property, with any visible posts or supports being located on the inside of the fence or structure.

(D) Height Requirements

1. Fences or Hedges in Non-Industrial Districts: Fences or hedges not exceeding six (6) feet in height may be located in the rear yard of any lot, except in the industrial district. Fences or hedges not exceeding six (6) feet in height may be allowed in the side yard of any lot, except in the industrial district. Fences are prohibited in the front yard of any lot, except in the industrial district. Hedges not exceeding three (3) feet in height may be located in the front yard of any lot, along side lot lines only. Hedges and fences are prohibited along all front lot lines, except in the industrial district. No fence or hedge shall intrude into or break the vertical plane of the property line. Shrubs and trees planted for purposes of maintaining a hedge shall be placed so that the trunk or main stem of the plant is no closer than three (3) feet from any lot line.
2. Fences in the Industrial (I-1) District: In the industrial district, fences not to exceed ten (10) feet in height are permitted on all lot lines. If barbed wire is

used in conjunction with chain link fencing, the barbed wire must be at least six (6) feet off the ground.

3. Supportive/Decorative Structures: Supporting posts shall not exceed six (6) feet in height; supporting posts with decorative attachments shall not exceed six and one-half (6-1/2) feet in height. This does not include posts in industrial district.
4. Prohibited Materials: Use of barbed wire, razor wire, electrified materials or a single strand of material as a fencing material is prohibited, except that barbed wire may be used in conjunction with chain link fence at least six (6) feet in height in the industrial district.

Section 416 Planned Unit Development

- (A) 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.
- (B) Eligibility: In order to be approved by the City of Manistique Planning Commission, a proposed Planned Unit Development shall:
1. Be located on a parcel at least two acres in size.
 2. Provide for open space and preservation of natural features; clustered development and similar design methods are encouraged.
 3. Minimize the amount of impervious surface created.
 4. 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. Arrangement of buildings shall be done in such a way to utilize natural topography, existing vegetation and views within and beyond the site.
- (C) Application and Modification Powers: The applicant shall submit an application to the Planning Commission in accordance with the procedures in Sections 416(D) through 416 (F).

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. However, 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.

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.

- (D) 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.
- (E) Preliminary Application: 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 City Council of the City of Manistique:
 - 1. A written description of the proposed PUD, including:
 - a). How the proposed PUD is consistent with the intent of the Section, and with the eligibility criteria in Section 416(B).
 - 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 which is in accordance with the Site Plan requirements of Article V.
 - 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.
5. The applicant may request that the requirement of Section 416(F) 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 416(E)1 through 416(E)4 above and Sections 416 (F)1 through 416(F)5 are included, the requirement for a final application and final public hearing may be waived. If the requirement for a final application is waived, the public hearing notice and all other materials pertaining to the preliminary application should clearly state that the final application requirement has been waived, and that no further public hearings on this application are anticipated.

All the application materials must be received in the office of the City of Manistique Zoning Administrator before a public hearing notice can be submitted for publication.

The Planning Commission shall hold a public hearing, held in accordance with the requirements of Section 902, 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 416(H) and Section 704 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.

Approval of the preliminary application does not constitute recording of the plan or plot nor authorize the issuance of building permits.

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 final application for any reason, approval or conditional approval shall be revoked.

- (F) Final Application: 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 Act 288 of 1967, the Land Division Act, 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.

All the application materials must be received in the office of the City of Manistique Zoning Administrator before a public hearing notice can be submitted for publication.

If a separate final application is received, the Planning Commission shall hold a second public hearing, in accordance with Section 902, 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.

- (G) Authorization and Issuance of Conditional Use Permit: Where the Planning Commission determines that the final application is consistent with this Section and other requirements thereof, 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 City of Manistique Planning Commission or the Manistique City Council to enforce any deed restrictions or covenants of the development parcel.

The PUD Conditional Use Permit shall be issued following evidence of recording of the PUD final development plan with the Schoolcraft County Register of Deeds.

- (H) Planned Unit Development Standards: 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 Section 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 Section.

2. Access: Every structure or dwelling unit shall have access to a public street, or to a private roadway built to City specifications and dedicated to common use. A maintenance agreement shall be required for private roadways.
 3. Sidewalks: All streets and roadways within the PUD shall be bordered by sidewalks at least five feet in width on both sides of the street or roadway.
 4. Land Usage: 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. Privacy: Each development shall provide reasonable visual and acoustical privacy for dwelling units. Fences, walls, barriers, and landscaping 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. Off-Street Parking: Parking convenient to all dwelling units and other uses shall be provided pursuant to the requirements of Sections 411, 412, and 413 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. Utilities: PUD's shall, where feasible, provide for underground installation of utilities (including electricity and telephone) in both public ways and private extensions thereof. In no instance shall the PUD place demands in excess of the capabilities of the affected public facilities and services.
 8. Planting: 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 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 704 and other relevant provisions of this Ordinance.
- (I) Changes in Approved PUD: Minor 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. No changes so authorized may 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. Any 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 V
SITE PLAN REVIEW**

Section 501 Intent

It is the purpose of this Section 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 herein are intended to provide for and promote the orderly development of the City; safe and convenient traffic movement, both within a site and in relation to access streets; and provide information which enables local officials to both on-site and off-site impacts of the proposed development.

Section 502 Site Plan Required

A site plan is required for and shall accompany the applications for:

- (A) Zoning Compliance Permits for:
 - a) Any proposed construction
 - b) Any commencement of a new use
 - c) Any proposed change in use
- (B) Conditional Use Permit
- (C) Variances
- (D) Class A Non-Conforming use designations
- (E) Any other request for zoning status where the Zoning Administrator determines a site plan is necessary for accurate review or documentation of the existing development.

The site plan may be drawn on the application form or on a separate sheet of paper as appropriate to the scale and amount of information shown.

Section 503 Site Plans for Single and Two-Family Dwellings, and Residential Accessory Uses and Structures

The site plan for single-family dwellings, two-family dwellings, and residential accessory uses and structures shall show the following information:

- (A) The legal description and street address of the site.
- (B) All lot lines and dimensions of the lot.
- (C) All existing and proposed sidewalks, streets and easements on or abutting the lot. Named streets should be labeled.
- (D) All existing and proposed structures, including dimensions and use.
- (E) Distances between all structures.
- (F) Distances between all structures and all lot lines.
- (G) Natural features affecting development, such as rock outcrops, water, wetlands, etc.
- (H) Location of existing and proposed utility connections.
- (I) North arrow.

Section 504 Site Plans for Commercial, Industrial and Multiple Family Development (all other development)

Site plans meeting the following standards shall be required for any use or construction not covered in Section 503. This information shall be provided on six (6) 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.
- (F) The relationship of the subject lot(s) to abutting properties.
- (G) The location of all existing and proposed structures, including signs, on the subjects lot(s), and all existing structures within 100 feet of the boundaries of the subject lot(s).
- (H) The dimensions of all existing and proposed structures on the subject lot(s), including height.
- (I) Distances between all existing and proposed structures on the subject lot(s) and all lot lines.
- (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.

Section 505 Site Plan Review Procedures

Upon receipt of any site plan, the Zoning Administrator shall conduct a preliminary review to determine whether the site plan is in the proper form and contains all of the information required by Section 503 or 504. If the site plan meets these requirements, it is forwarded,

along with other application materials, to the appropriate zoning official or body. In the case of applications for zoning compliance permits, the Zoning Administrator is responsible for reviewing and approving site plans and applications. The Planning Commission is responsible for reviewing and approving site plans and applications for conditional uses, Class A nonconforming uses and planned unit developments. The Zoning Board of Appeals is responsible for reviewing and approving zoning variances.

Denial of a zoning compliance permit, conditional use permit, Class A nonconforming status, variance or other zoning request shall set forth in writing the reasons for the denial. The denial shall specify inadequacies or deficiencies in the site plan, and may set forth changes which would result in approval. The Zoning Administrator, Planning Commission and Zoning Board of Appeals shall use the standards set forth in Section 506 in their review of site plans.

Section 506 Standards for Site Plan Approval

- (A) The proposed use shall conform to the uses permitted in that district.
- (B) The dimensional arrangement of building(s) and structure(s) shall conform to the dimensional requirements of Section 401.
- (C) The proposed use shall conform to all use and design provisions and requirements found in this Ordinance for specified uses.
- (D) The relationship of existing and proposed streets, alleys, ingress/egress points, driveways, railroads and other transportation-related features shall assure the safety and convenience of pedestrian and vehicular traffic.
- (E) For site plans prepared in accordance with Section 504, driveway spacing shall be in accordance with the guidelines shown below.
- (F) Adverse effects upon owners and occupants of adjacent and surrounding properties shall be minimized by providing for adequate ingress/egress, internal and external traffic flow, storm drainage, erosion control, grading, lighting, parking, etc., as specified by this or other ordinances or state or federal regulations.
- (G) The proposed development shall be served by adequate utilities, and shall not adversely affect the provision of utilities to owners or occupants of adjacent or nearby properties.
- (H) Natural features of the site shall be retained where such features enhance the proposed development, provide a buffer or barrier between the proposed use and adjoining properties, and/or assist to preserve or enhance the general safety, health and appearance of the community.
- (I) Adverse effects on adjacent property owners or occupants are minimized by buffers, screening and/or fencing, as provided for in this Ordinance.
- (J) All buildings and structures shall be accessible to emergency vehicles from all sides.
- (K) The site plan shall demonstrate that the proposed development is consistent with the intent and purpose of this Ordinance, as described in Section 101.

	Posted Speed (mph)					
	25	30	35	40	45	50 or above
Center-to-Center Distance (feet)*	130	185	245	300	350	455
Distance from signalized intersection (feet)*	230	230	230	460	460	460
Distance from intersection w/stop sign (feet)*	115	115	115	230	230	230

* If a lot or combination of lots proposed for development do not contain adequate road frontage to meet the above standards, the spacing may be reduced to the level required for the next lowest speed (e.g., on a 30 mph roadway, the center-to-center distance required may be reduced to 130 feet if 185 feet is not available). Alternatively, a shared driveway with adjacent owners may be encouraged, access to a side street may be required, or, if these options have been exhausted, an access point may be allowed at the location determined to be least hazardous by the Superintendent of Public Works and Director of Public Safety.

Section 507 Site Plan as Part of Permit

An approved site plan is a part of any Zoning Compliance Permit, Conditional Use Permit, Variance, Class A Nonconforming Use designation, or other zoning decision issued in accordance with the standards set forth in this Ordinance. Subsequent actions relating to the activity authorized shall be consistent with the approved site plan, unless a change conforming to the zoning ordinance is mutually agreed upon by the owner of the site and the individual or body which initially approved the site plan.

ARTICLE VI SIGNS

Section 601 Intent

It is determined that regulation of the location, 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 business 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 may lawfully be erected and maintained under the provisions of this Ordinance are consistent with customary usage, and that signs which may not lawfully be erected or maintained under the provisions hereof are not consistent with customary usage, are an abuse thereof, and are unwarranted invasions of the rights of legitimate business interests and of the public.

Section 602 Residential District Regulations for Signs

Within all districts allowing residential uses as a permitted principal use, signs shall be permitted as follows:

- (A) One residential nameplate not to exceed two square feet, indicating the name of the occupant.
- (B) One sign to announce the sale or rent of property whose area shall not exceed six square feet.
- (C) Churches shall be permitted a total sign area of 20 square feet. The total sign area may be divided into two signs: one identification sign and one bulletin board.
- (D) One sign per vehicle entrance which identifies a platted subdivision development or mobile home park not exceeding 36 square feet and eight feet in height.
- (E) Multiple dwellings shall be permitted one identification sign not to exceed six square feet.
- (F) One sign shall be permitted to advertise a home occupation not to exceed six square feet and shall not be illuminated or have working parts. It shall be attached flush to the building and shall not detract from the visual appearance of the neighborhood.
- (G) Signs permitted by this Section are exempt from the setback requirements of Section 401. However, no part of any sign shall be located within the right-of-way. Signs shall not interfere with traffic visibility as determined and approved by the City of Manistique Public Safety Department.

Section 603 On-Premise Sign Regulations

- (A) Within the B-1, B-2, M-1, OS-2, and I districts, attached and/or free-standing (ground) signs shall be permitted on premises for non-residential land use as follows:

District	Maximum Total Sign Area	Maximum Height
B-1, OS-2	64 square feet/face	20 feet
I	64 square feet/face	40 feet
B-2, M-1 (establishments with U.S. 2 frontage)	200 square feet/face; if more than one business occupies a premise, each business shall be permitted a maximum of 200 square feet/face, up to a total of 400 square feet/face for all businesses on the premises.	50 feet
B-2 (establishments with Deer Street frontage)	120 square feet/face; if more than one business occupies a premise, each business shall be permitted a maximum of 120 square feet/face, up to a total of 300 square feet/face for all businesses on the premises.	40 feet
B-2 (all other areas)	64 square feet/face; if more than one business occupies a premise, each business shall be permitted a maximum of 64 square feet/face, up to a total of 300 square feet/face for all businesses on the premises.	40 feet
M-1 (all other areas)	32 square feet	20 feet

1. Free-standing (ground) signs advertising an on-site business are permitted as shown below. The maximum total sign area may be located on one sign structure, or may be divided between no more than two sign structures.
2. Signs permitted by this Section are exempt from the setback requirements of Section 401. However, no part of any sign shall be located within the right-of-way. Signs shall not interfere with traffic visibility as determined and approved by the City of Manistique Public Safety Department.
3. There shall be at least ten feet between the surface of the ground or sidewalk and the lowest point on the sign face. Exception: A ground sign may be approved as long as all elements of the sign are a minimum of ten feet from the front of the property line.
4. Directional or instructional signs which indicate ingress/egress, location of drive-thru windows, self/full service, etc. shall be permitted in the B-1, B-2 and M-1 districts, provided that such signs do not exceed six square feet per face, and provided that such signs are limited to two per ingress/egress point, one per island of gas pumps, and/or the minimum necessary to provide for orientation. The height requirement in Section 3 above does not apply to directional or instructional signs.
5. Permanent marquees and canopies shall be permitted provided that such marquees and canopies shall be established no less than 10 feet above the established sidewalk grade.

6. If attached to a building, signs shall be mounted in one of the following ways:
 - a. Flat against the wall of the building.
 - b. Parallel to the wall of the building at a distance of 12 inches or less from the wall.
 - c. Perpendicular to the wall of the building, extending no more than five feet from the wall or to no less than 12 inches back from the sidewalk edge (where sidewalks exist), whichever is less.

Signs may also be painted directly on the wall of a building. For signs which are mounted flat against or parallel to the wall of the building, or painted on the wall, the following maximum sizes shall apply:

District	Maximum Size of Sign
B-1	40 percent of the area of the wall upon which the sign is mounted or painted
B-2	50 percent of the area of the wall upon which the sign is mounted or painted
M-1, OS-2, I	25 percent of the area of the wall upon which the sign is mounted or painted

Section 604 Off-Premise Sign Regulations

- (A) Off-premise signs, other than billboards, are permitted along U.S. 2 in areas zoned B-2 and I.
- (B) The maximum sign area for any one face of an off-premise sign shall not exceed 64 square feet, excluding the base or apron, trim supports, and other structural elements. Temporary embellishments shall not exceed 20% of the maximum sign area allowed.
- (C) Signs may be back-to-back, V-type, or multiple-faced with not more than two faces to each facing, and such structure shall be considered as one off-premise sign.
- (D) An off-premise sign shall have a maximum height not to exceed 40 feet above road grade level. An off-premise sign shall maintain a minimum clearance of ten feet measured from the ground level at the base of the sign to the bottom of the sign face.
- (E) Off-premise signs shall be located a minimum of 300 feet from the intersection of public roads.
- (F) Setback requirements for off-premise signs are:
 - Front: A minimum setback of 10 feet.
 - Side: A minimum setback of 5 feet.
 - Rear: A minimum setback of 5 feet.

Signs shall not interfere with traffic visibility as determined and approved by the City of Manistique Public Safety Department.

- (G) No off-premise sign shall be constructed which resembles any official marker erected by a governmental entity, or which by reason of position, shape, or color would conflict with the proper functioning of any official traffic control device.

Section 605 Cluster Sign Regulations

A sign that lists and identifies a number or group of institutions, residences, organizations, churches and/or businesses and which contain the names, locations, hours, products sold, services offered, announcement of events or similar messages is permitted in all zoning districts. A cluster sign at one location shall have a maximum sign area of 64 square feet per face. The cluster sign must be maintained either by the City or by a recognized civic organization, church, or individual(s).

Section 606 Signs for Conditional Use

In granting a conditional use permit, the Planning Commission shall stipulate the maximum sign area, setback requirements, location, sign height and other requirements of a sign or signs on the parcel.

Section 607 Temporary Signs

Signs which are intended to identify or advertise a non-profit annual or one-time event or occurrence, such as a fair or other event of general public interest, shall be permitted for a period not to exceed 30 calendar days provided that the sign is not contrary to the spirit and purpose of this Ordinance and shall conform to all size limitations set forth by 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.

Section 608 Construction Signs

One construction sign is permitted per project not exceeding 16 square feet in sign area for residential buildings and 32 square feet for non-residential buildings. Signs shall be erected no more than five days prior to the beginning of construction for which a valid building permit has been issued, shall be confined to the site of construction, and shall be removed no later than 30 days following occupancy or completion of the project.

Section 609 Exempt Signs

The following signs shall not exceed nine square feet and are otherwise exempt from this Ordinance:

- (A) Public Signs - Signs of a noncommercial nature and in the public interest, erected by, or on the order of a public officer in the performance of official duty.
- (B) Directional Signs - Signs required for purposes of orientation when established by a governmental agency.

- (C) Political Signs - Those signs which are intended to advertise a public election, an individual actively participating in such an election, or other public ballot issue, are permitted on private property with the owner's permission. All political signs must be removed within 10 calendar days after the election date.
- (D) Signs which indicate a garage sale or directions to a garage sale. All such signs shall be removed within 48 hours and shall not be located on the public right-of-way or on utility poles, traffic control posts, or other structures owned or maintained by utility companies or any public agency.
- (E) Signs used for advertising of buildings for rent, lease and/or sale, when located on the building or land intended to be rented, leased or sold. Said signs shall not exceed six square feet in the R-1 and R-2 districts or 32 square feet in the B-1, B-2, M-1, OS-2 and I districts.

Section 610 Lighting of Signs

- (A) No strobe, blinking, or other pulsating lights shall be permitted in any district. So-called "reader-board" signs which contain flashing lights are specifically prohibited. No sign shall be lighted in any way so as to create a traffic hazard or to adversely affect neighboring land uses. Permanent signs with time, temperature, or other messages which change from time to time shall be permitted in accordance with this section.
- (B) Illumination of signs in the R-1 and R-2 districts is prohibited.
- (C) Illumination of signs shall be directed, shaded or designed so as not to interfere with the vision of drivers or pedestrians. The use of full-cutoff fixtures shall be encouraged.
- (D) Illumination of signs shall be directed, shaded or designed in such a way that no light shall shine onto adjacent properties. The use of full-cutoff fixtures shall be encouraged.
- (E) 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 611 Maintenance of Signs

Dilapidated sign structures which are likely to cause injury or degrade the surrounding area, and signs which advertise a closed business, past event or political election, are no longer legible, or are otherwise untimely or unsafe, are a nuisance or danger to the public. The zoning administrator is authorized to remove, or to have removed, all dangerous or nuisance signs, the cost of which is to be borne by the sign owner and/or property owner.

Section 612 Nonconforming Signs

- (A) It is the intent and purpose of this Section to eliminate nonconforming signs except as otherwise specifically set forth in this Section as rapidly as the police power of the City

permits. Signs may be designated as Class A Nonconforming in accordance with Article VIII.

- (B) No nonconforming sign:
 - 1. Shall 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 be continued after the activity, business, or usage to which it relates has been discontinued for 30 days or longer; or
 - 3. Shall be reestablished after damage or destruction if the estimated expense of reconstruction exceeds 50% of the sign value.
- (C) A conforming sign shall not be changed to a nonconforming sign.
- (D) Nonconforming signs may have their face or message updated but may not be structurally altered.

Section 613 Billboards

Billboards shall be allowed in the City of Manistique in accordance with the following provisions:

- (A) Billboards may be located in the B-1, B-2 and I districts along U.S. 2 and M-94 only.
- (B) Billboards shall not exceed 500 square feet in area per face, including border and trim but excluding ornamental base or apron, supports, or other structural members. Billboards may be placed back to back or in V-type or T-type construction, but shall not contain more than one face on each side.
- (C) Lighting of billboards shall be in accordance with Section 610 of this Ordinance.
- (D) No mechanical billboards (containing moving parts or changing displays) shall be allowed in the City of Manistique.
- (E) Billboard structures shall not be located closer than 500 feet from another billboard structure on the same side of the highway.
- (F) Billboard structures shall have a maximum height not to exceed 40 feet above road grade level. A billboard shall maintain a minimum clearance of ten feet measured from the ground level at the base of the sign to the bottom of the sign face.
- (G) Billboards shall be located a minimum of 300 feet from the intersection of public roads.
- (H) Setback requirements for billboards are:
 - Front: A minimum setback of 10 feet.
 - Side: A minimum setback of 5 feet.

Rear: A minimum setback of 5 feet.

Billboards shall not interfere with traffic visibility as determined and approved by the City of Manistique Public Safety Department.

Except as indicated above, billboards shall comply with the provisions of the Highway Advertising Act of 1972, P.A. 106 of 1972, as amended.

ARTICLE VII CONDITIONAL USE PERMITS

Section 701 Intent

Until recent years, the regulation of all uses of land and structures through zoning has been accomplished by assigning each use to one or more districts. However, the functions and characteristics of an increasing number of new kinds of land uses combined with some of the older, more familiar kinds of uses call for more flexibility and equitable procedure for properly accommodating these activities in the community. It should be recognized that the forces that influence decisions regarding the nature, magnitude, and location of such types of land use activities are many and varied depending upon functional characteristics, competitive situations and the availability of land. Rather than assign all uses to special, individual, and limited zoning districts, it is important to provide controllable and reasonable flexibility in requirements for certain kinds of uses, but that will, at the same time, maintain adequate provision for the security of the health, safety, convenience and general welfare of the community's inhabitants.

In order to accomplish such a dual objective, provision is made in this Ordinance for more detailed consideration of certain specified activities as each may relate to proposed conditions of location, design, size, operation, intensity of use, generation of traffic movements, concentration of population, processes and equipment employed, amount and kind of public facilities and services required, together with many other possible factors. Land and structure uses possessing these particularly unique characteristics are designated as Conditional Uses and may be authorized by the issuance of a Conditional Use Permit with such conditions and safeguards attached as may be deemed necessary for the protection of the public welfare.

The following sections (702 through 705), together with previous references in other sections (309 through 316), designate what uses require a Conditional Use Permit. With any exception noted, the procedures for obtaining such a permit apply to all conditional uses indicated.

Section 702 Application Procedure

- (A) Any person having an interest in a property may file an application for a Conditional Use Permit. The proposed use should be consistent with the uses allowed under Conditional Permit for the zoning district in which the property is situated.
- (B) Applications shall be submitted through the Zoning Administrator to the Planning Commission. Each completed application shall be accompanied by the payment of a fee in accordance with the duly adopted "Schedule of Fees" to cover costs of processing the application. No part of any fee shall be refundable.
- (C) Data Required in Application: Every application shall be accompanied by the following information and data:
 - a) Conditional Use Permit form supplied by the Zoning Administrator filled out by the applicant.

- b) Site plan drawn to a readable scale and containing that information specified in Article V, Section 503 or 504.
 - c) A statement, prepared by the applicant, with supporting evidence regarding the required findings specified in Section 704(A) through (I).
- (D) Upon receipt of a completed application, a public hearing by the Planning Commission will be scheduled in accordance with Section 902. The Planning Commission will review the application, hear and consider public comment, and approve, approve with conditions, or deny the conditional use permit.
- (E) Approval of a 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.
- (F) 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.
- (G) If development of a Conditional Use Permit has not commenced within one year from the date of issuance, said permit shall expire automatically. The Planning Commission can approve an extension for one additional year upon request by the applicant.

Section 703 Review and Findings

The Planning Commission shall approve, approve with conditions, or reject the application within sixty (60) days of the hearing based upon materials received and testimony recorded at the public hearing. The Planning Commission shall set forth in writing 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 Sections 704 and 902. The petitioner has one year from date of hearing to comply with all specified conditions. Compliance shall occur prior to issuance of a zoning compliance permit by the Zoning Administrator pursuant to Section 905 and the commencement of the use, unless a specified time is set or implied in the motion granting the Conditional Use Permit.

Section 704 General Standards

The Planning Commission shall review the particular facts and circumstances of each proposal in terms of the following standards and shall find adequate evidence showing that the proposed use:

- (A) Will be consistent with the goals, policies and objectives of the City of Manistique Comprehensive Plan.
- (B) 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 that the use will not change the essential character of the same area;

- (C) Will not be hazardous or disturbing to existing or future neighboring uses;
- (D) Will not diminish the value of land, buildings, or structures in the District;
- (E) Will be served adequately by essential public facilities and services, such as streets, municipal water and sewer service, police and fire protection, drainage structures, refuse disposal, or schools, and that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service;
- (F) 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;
- (G) Will not involve uses, activities, processes, materials and equipment and conditions of operation that will be detrimental to any person, property, or the general welfare by reason of excessive production of noise, traffic, smoke, fumes, glare, or odors;
- (H) Will protect the public health, safety and general welfare of the community; and
- (I) Will be consistent with the intent and purpose of the specific zoning district in which it is located.

Section 705 Conditions and Safeguards

- (A) Prior to granting any Conditional Use Permit, 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 judgement 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; and be consistent with the general standards listed in Section 704 of this Ordinance and therefore be necessary to meet the intent and purpose of the regulations contained therein.
- (B) Conditions and requirements stated as part of Conditional Use Permit authorization shall be a continuing obligation of land holders. The Zoning Administrator shall make periodic investigations of developments authorized by Conditional Use Permit to determine compliance with all requirements.
- (C) 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 City, 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 City Clerk/Treasurer at the time of issuance of the permit authorizing the use or activity. The City shall establish procedures for a proportional rebate of the financial guarantee upon completion of significant phases or improvements.
- (D) Revocation of a Conditional Use Permit by the Planning Commission shall be made at a public hearing following the same procedures as original approval to the effect 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 thirty (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.
- (E) All plans, specifications and statements submitted with the application for a Conditional Use Permit shall become, along with any changes ordered by the Planning Commission a part of the conditions of any Conditional Use Permit issued thereto.
- (F) Any person aggrieved by the Planning Commission's granting or failure to grant a Conditional Use Permit may appeal to the circuit court.

Upon appeal, the circuit court shall review the record and decision, and rule in accordance with Section 125.3605 of the Michigan Zoning Enabling Act, PA 110 of 2006.

- (G) The standards in Section 704 are basic to all conditional uses. The specific requirements accompanying Sections relating to particular uses are in addition to the standards in Section 704 and shall be required in all applicable situations.

**ARTICLE VIII
NONCONFORMING USES AND STRUCTURES**

Section 801 Intent

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 applicability. It is recognized that those nonconformities which adversely affect orderly development and the value of nearby property are not permitted to continue without restriction. The continued existence of nonconformities is frequently inconsistent with the purposes for which such regulations are established.

This Ordinance distinguishes by class the various nonconforming uses and structures. In general, Class A nonconforming uses and structures have been found by the Planning Commission not to be contrary to the public health, safety, and general welfare, and are not in conflict with the spirit of this Ordinance or other standards in this Ordinance and as such should either be encouraged or at a minimum not be discouraged to continue. In contrast, the Class B nonconforming uses and structures are not consistent with the aforementioned, and as such, should be not encouraged to exist by the City. Different regulations are established for each class. The degree of restriction over each class is a function of the degree to which that class of nonconformity is a nuisance or is incompatible with the purposes and regulations of this Ordinance. The location of a use or structure on a nonconforming parcel as defined in Section 407 does not make the use or structure nonconforming, unless that use or structure also fails to conform to the provisions of this ordinance.

Any use or structure created in violation of any preceding adopted city zoning ordinance remains a violation.

Section 802 Class A Nonconforming Uses and Structures

Class A nonconforming uses and structures are those which have been so designated by the Planning Commission, after application by any interested person or the Zoning Administrator. The Planning Commission shall find that the continuance thereof would not be contrary to the public health, safety, and general welfare, or to the spirit of this Ordinance; that the use or structure does not and is not likely to significantly depress the value of nearby properties; that the use or structure was lawful at the time of its inception; that it meets the standards set out in Section 704 of this Ordinance; and that 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.

Section 803 Procedure for Obtaining Class A Designation

A written application shall be filed with the Planning Commission utilizing forms obtained from the Zoning Administrator, which shall include:

- (A) Name and address of property owner and applicant if not same;
- (B) A legal description of the property or lot;

- (C) A site plan pursuant to Section 503 or 504.
- (D) An explanation describing the present nonconforming use or structure.
- (E) An explanation of any proposed addition or alteration to the uses or structures.

The Planning Commission shall consider said application, and shall issue written decision setting forth the findings and reasons on which it is based, pursuant to the standards identified in Section 704. 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 804 Provisions for Class A Nonconforming Uses and Structures

A designated Class A Nonconforming Use or Structure may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- (A) No such Class A Nonconforming Use or Structure shall be enlarged or increased, or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance, except with specific approval of the Planning Commission.
- (B) No such Class A Nonconforming Use or Structure shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance, except with specific approval of the Planning Commission.
- (C) No Class A Nonconforming Use or Structure shall be extended to displace a permitted (conforming) use.
- (D) No Class A Nonconforming Use or Structure shall be changed to another nonconforming use, except with specific approval of the Planning Commission. Before granting such approval, the Planning Commission shall determine that such change in use will have a less deleterious effect on neighboring properties than the existing nonconforming use.
- (E) No Class A Nonconforming Use shall be expanded to add another nonconforming use, except with specific approval by the Planning Commission. The proposed nonconforming use shall satisfy the standards as set out in Section 704.
- (F) Structural alterations to Class A Nonconforming Uses which do not add to the bulk of the structure or increase the intensity of use of the structure are permitted without prior approval of the Planning Commission.

Section 805 Regulations Pertaining to Class A Nonconforming Uses and Structures

No Class A Nonconforming Use shall be resumed if it has been discontinued for a continuous period of at least eighteen (18) months or if it has been changed to a conforming use for any period. No Class A Structure shall be used, altered, or enlarged in violation of any condition imposed in its designation.

Section 806 Class B Nonconforming Uses and Structures

All nonconforming uses and structures not designated as Class A are considered as Class B. It is the purpose of this Ordinance to eliminate Class B Nonconforming Uses and Structures as

rapidly as is permitted by law without payment of compensation. No Class B Nonconforming Use shall be resumed if it has been discontinued for a continuous period of at least eighteen (18) months or if it has been changed to a conforming use for any period, or if the structure in which such use is conducted is damaged by fire or other casualty to the extent that the cost of reconstruction or repair exceeds fifty (50) percent of the reproduction cost of such structure.

No Class B Nonconforming Structure shall be enlarged or structurally altered. No Class B Nonconforming Use shall be changed to a substantially different nonconforming use, nor enlarged so as to make use of more land area than was used at the time of becoming nonconforming. No Class B Nonconforming Use or Structure shall be permitted to continue in existence if it was unlawful at the time of its inception.

Section 807 Revocation of Class A Nonconforming Uses and Structures

Any Class A Nonconforming Use or Structure maintained or used in violation of this Ordinance is a nuisance per se. Whenever the Zoning Administrator determines that a violation of this Ordinance exists, said Zoning Administrator shall issue a notice of violation. Such notice shall be directed to each property owner of or a party in interest in whose name the property appears on the last local tax assessment records. All notices shall be in writing and shall be served upon the person to whom they are directed personally, or in lieu of personal service may be mailed by regular mail, addressed to such owner or party in interest at the address shown on the tax records. An affidavit of mailing shall be maintained.

All violations of Class A nonconforming uses and structures shall be corrected within a period of time as specified on the notice of violation. A violation not corrected within this period shall be reported to the Planning Commission. The Planning Commission shall, upon receipt of said violation, schedule a public hearing in accordance with the procedures set out in Section 902 of this Ordinance. Upon hearing the facts and information, the Planning Commission shall make its decision to consider revocation of the Class A designation in writing and set forth the findings and reasons on which it is based.

Section 808 Appeal of Granting, Denying, or Revocation of Class A Status

Any person aggrieved by the Planning Commission's granting or failure to grant a Class A status must appeal that decision to the Zoning Board of Appeals within 30 days. The Zoning Board of Appeals shall notify all affected parties and hold a public hearing on the appeal as specified in Section 902.

Section 809 Allow Pre-existing Residential Dwellings to Rebuild in Certain Zoning Districts

(Amended 9.26.05)

- (A) Pre-existing residential dwellings are allowed in Districts B-1, B-2, M-1 and I-1.
- (B) The City of Manistique has determined that all residential dwellings which existed at the time of the adoption of the zoning ordinance shall legally exist and that the non-conforming uses shall have the right to alter, enlarge or rebuild within their lots so long

as said dwellings meet general regulations of Article IV for the R-1 and R-2 Districts and any other requirements for the R-1 and R-2 Districts.

- (C) The purpose of this section is to allow the residential dwellings in the above-mentioned zones to obtain financing which they would be unable to do should they not be able to rebuild in the event of fire or other natural disaster.

**ARTICLE IX
ADMINISTRATION AND ENFORCEMENT**

Section 901 Administration

The administration and enforcement of this Ordinance shall be the responsibility of the City Manager. The City Manager shall have the right to delegate said responsibility to appropriate City officers, employees or designees. The person or persons administering and enforcing this Ordinance shall be known as the Zoning Administrator(s).

Section 902 Administrative Standards and Procedures

- (A) Whenever, in the course of administration and enforcement of this Ordinance, it is necessary or desirable to make any administrative decision, then, unless other standards are provided in this Ordinance, the decision shall be made so that the result will not be contrary to the spirit and purpose of this Ordinance or injurious to the surrounding neighborhood.
- (B) Where a public hearing is required in the administration of this Ordinance, the Planning Commission and the Zoning Board of Appeals:
1. Shall base their decision upon facts presented at a public hearing. Applications which require hearings before the Planning Commission or the Zoning Board of Appeals shall be submitted thirty days prior to the regular meeting date of that body. Late applications may be scheduled for hearings upon authorization by the Chairperson after review of the upcoming agenda, and the work load and ability of the staff to meet legal notice deadlines and to prepare reports and recommendations. Under no circumstances may a late application be accepted less than five days prior to a legal notice deadline;
 2. Timing of Notice: Unless otherwise provided in the Michigan Zoning Enabling Act, PA 110 of 2006, or this Ordinance where applicable, notice of a public hearing on an application for a rezoning, text amendment, special land use, planned unit development, variance, Conditional Use Permit, appeal or ordinance interpretation shall be provided no less than fifteen (15) days before the date the application will be considered for approval.
 3. 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 Breitung Township. 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 that if a 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. The current year's assessment roll shall be used as prima facie evidence of record ownership.

- c) All neighborhood organizations, public utility companies, railroads and other persons which have requested to receive notice pursuant to this Section shall receive notice by mail.
 - d) Other governmental units within one mile of the property involved in the application.
4. All hearing notices shall include the time, place and nature of the request, the geographic area included in the zoning request, where and when written comments will be received, and where and when the zoning ordinance and proposals or applications may be examined;
 5. Shall permit interested parties at the hearing to present and rebut information either supporting or opposing the zoning action under consideration;
 6. Shall prepare a comprehensive summary record of the hearing, including an exact record of motions, votes and other official action;
 7. Shall set forth in writing and in detail any denial, approval, conditional approval, or order and the facts supporting such decision;
 8. Shall file the record, written testimony, or documents submitted with regard to the hearing, and the decision with the City Clerk, and maintain an affidavit of mailing for each mailing made under this section;
 9. Shall comply with all other requirements under the law; and
 10. Shall have all administrative actions recorded in the Official Zoning Orders Book and Map.
- (C) Wherever a discretionary decision is authorized in this Ordinance, such as, but not limited to, the issuance of conditional 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 the 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 changed condition shall also be maintained.
- (D) All administrative guides or rules developed to assist the Planning Commission or the Zoning Board of Appeals in the administration of this Ordinance shall be filed with the City Clerk and be open to public inspection.

Section 903 Zoning Administrator

The City of Manistique Assessor/Building Inspector shall serve as Zoning Administrator, and shall administer the provisions of this Ordinance and shall have all administrative powers in connection therewith which are not specifically assigned to some other officer or body. He/she shall have no power to vary or waive Ordinance requirements.

Section 904 Duties of Zoning Administrator

- (A) The Zoning Administrator shall have the power to issue a Zoning Compliance Permit and to conduct a preliminary review Site Plans to determine whether they are in proper form contain all of the required information. The Zoning Administrator shall make inspections of premises and collect such investigative data deemed necessary to carry out his/her duties in the enforcement of this Ordinance.
- (B) If the Zoning Administrator shall find that any provision of this Ordinance is being violated, the Administrator shall order discontinuance of any illegal work being done; or shall take such action as authorized to insure or prevent violation of the provisions of this Ordinance.

- (C) The Zoning Administrator shall not vary, change or grant exceptions to any terms of this Ordinance, or to any person making application under the requirements of this Ordinance.
- (D) It shall be unlawful for the Zoning Administrator to issue a Zoning Compliance Permit, or other such permits, for any construction or use until he has inspected such plans and found them to conform to this Ordinance.

Section 905 Zoning Compliance Permit

- (A) It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered, or enlarged in its use or structure until a Zoning Compliance Permit shall have been issued therefore by the Zoning Administrator. The Permit shall state that the building, structure, and lot, and use thereof, conform to the requirements of this Ordinance.
- (B) The Zoning Administrator shall maintain a record of all Zoning Compliance Permits and said record shall be open for public inspection. Failure to obtain a Zoning Compliance Permit shall be a violation of this Ordinance.

Section 906 Enforcement and Violation

Notice of Violation:

- (A) Whenever the Zoning Administrator determines that a violation of this Ordinance exists, said Zoning Administrator shall issue a notice of violation.
- (B) Such notice shall be directed to each owner of or a party in interest in whose name the property appears on the last local tax assessment records.
- (C) All notices shall be in writing and shall be served upon the person to whom they are directed personally, or in lieu of personal service may be mailed by regular mail, addressed to such owner or party in interest at the address shown on the tax records. An affidavit of mailing shall be maintained.
- (D) All violations shall be corrected within a period of time as specified on the notice of violation. A violation not corrected within this period shall be reported to the City Manager who shall initiate prosecution procedures.

Section 907 Special Zoning Orders Book and Map

The Zoning Administrator shall keep a Special Zoning Orders Book, which shall list, with a brief description, all variances, conditional use permits, zoning amendments, designations of Class A nonconformance, and any terminations of any of them. Each item shall be assigned a number when entered. The Zoning Administrator shall also keep a map, to be known as the Special Zoning Orders Map, on which shall be recorded the numbers in the Special Zoning Orders Book

to indicate the locations affected by the items in the book. The Special Zoning Orders Book and Map shall be open to public inspection.

Section 908 Fees

The City Council shall periodically establish by resolution a schedule of fees for administering this Ordinance. The schedule of fees shall be made available in the office of the Zoning Administrator and may be changed only by the City Council. No permit shall be issued unless such fees have been paid in full.

ARTICLE X
ZONING BOARD OF APPEALS

Section 1001 Creation and Membership

The Zoning Board of Appeals is hereby established in accordance with Public Act 110 of 2006, as amended. The Board shall consist of three (3) members, each to be appointed by the Manistique City Council for a term of three (3) years. The Manistique City Council may appoint two (2) alternate members for the same term as regular members of the board of appeals. The alternate members, if appointed, shall be called on a rotating basis to sit as regular members of the board of appeals in the absence of a regular member. An alternate member shall also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member having been appointed shall serve in the case until a final decision has been made. The alternate member shall have the same voting rights as a regular member of the board of appeals.

Section 1002 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 Chairman. 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 in this Ordinance, except that a vote of 2/3 of the members of the board shall be necessary to grant a variance from uses of land permitted in an ordinance. In the case of a five- or six-member Zoning Board of Appeals, four members constitutes a 2/3 majority. Five members of a seven-member Zoning Board of Appeals constitutes a 2/3 majority.
- (B) Meetings of the Zoning Board of Appeals shall be held at the call of the Chairman and at such times in 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 indicating such fact, and all of its official actions. All meetings and records shall be open to the public. All minutes shall be filed in the office of the City Clerk.
- (C) The Zoning Board of Appeals shall hold a hearing within 90 days of receipt of application. 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 902.

Section 1003 Duties and Powers

- (A) The Zoning Board of Appeals shall perform its duties and exercise its powers as provided in Public Act 110 of 2006, as amended. The Board of Appeals shall hear and decide appeals from and review any order, requirements, decision, or determination made by an administrative official or body charged with the enforcement of this zoning ordinance. The Zoning Board of Appeals shall also hear and decide matters referred to the Board or upon which the board is required to pass under this Zoning Ordinance.
- (B) 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, but does have power to act on those matters specifically provided for in this Ordinance.
- (C) 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.

Section 1004 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 when there is dissatisfaction with a decision made by the Zoning Administrator; and
 - 3) Determine the parking space requirements of any use not specifically mentioned either by classifying it with one of the groups listed in Section 411 or by an analysis of the specific needs.

Section 1005 Variances

- (A) If there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of the ordinance, the board of appeals may in passing upon appeals vary or modify any of its rules or provisions relating to the construction, or structural changes in, equipment, or alteration of buildings or structures, or the use of land, buildings, or structures, so that the spirit of the ordinance shall be observed, public safety secured, and substantial justice done.
- (B) Any nonconforming use of neighboring lands, structures, or buildings shall not be considered grounds for the issuance of a variance.

- (C) The Zoning Board of Appeals shall make findings that the requirements of this Section have been met by the applicant.
- (D) 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.
- (E) 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.
- (F) In granting any variance, the Zoning Board of Appeals may prescribe appropriate conditions and safeguards consistent with Section 902(C) of 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.

Section 1006 Appeals

- (A) Appeals concerning interpretation or the 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 thirty (30) days from the occurrence of the contested action. The Zoning Administrator shall transmit to the Board copies of all papers constituting the record upon which the action appealed was taken from.
- (B) A fee shall be paid to the City of Manistique at the time of filing the notice of appeal. The appeal fee shall be established by the City Council.
- (C) Any party or parties may appear at the hearing in person or by agent or attorney.
- (D) The Zoning Board of Appeals shall hold a hearing within 90 days of receipt of application. The decision of the Board shall be in the form of a resolution containing a full record of its findings and determinations in each case.
- (E) An appeal shall stay all proceedings in furtherance of the action appealed, unless the Zoning Administrator certifies to the Board, that a stay would in his/her opinion, cause imminent peril to life or property, in which case the proceedings should not be stayed, other than by a restraining order granted by the courts.

Section 1007 Duties on Matters of Appeal

All questions concerning 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 on appeal from the decisions of the Zoning Administrator. Recourse from decisions of the Zoning Board of Appeals shall be to the Circuit Court of Schoolcraft County, as provided by law.

ARTICLE XI
PLANNING COMMISSION: PLANNING AND ZONING AUTHORITY

Section 1101 Designation

The City of Manistique Planning Commission has been created in accordance with the provisions of Public Act 110 of 2006, as amended, and in accordance with Section 12 of the above referenced Act shall assume the powers and duties of the Zoning Commission as described in Act 207 of 1921.

Section 1102 Changes and Amendments

Only the Manistique City Council may adopt or amend this Ordinance. Proposals for amendments or changes may be initiated by the City Council on its own motion, by the Planning or by an individual.

- (A) Each application or amendment shall be submitted to the Zoning Administrator, accompanied by the proper fee, and then referred to the Planning Commission for their review at a public hearing, which is held in conformance with Section 902 of this Ordinance.
- (B) Following the public hearing, the Planning Commission shall submit the proposed zoning ordinance amendment and any applicable maps to the Manistique City Council, along with a summary of the comments received at the public hearing.
- (C) Upon receipt of the recommended amendment, the City Council at a regular meeting or at a special meeting called for the 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 City Council, except in the case of a petition as discussed in Section 1101 (D). The City Council 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 and after receipt of the proposed change or departure to send its report to the City Council.
- (D) Upon presentation of a protest petition meeting the requirements of this subsection, an amendment to a zoning ordinance which is the object of the petition shall be passed only by a 2/3 vote of the legislative body. The protest petition shall be presented to the legislative body before final legislative action on the amendment, and shall be signed by one of the following:
 - 1. The owners of at least 20% of the area of land included in the proposed change.
 - 2. The owners of at least 20% of the area of land included within an area extending outward 100 feet from any point on the boundary of the land included in the proposed change.

Publicly owned land shall be excluded in calculating the 20% land area requirement.

- (E) No application for amendment, which has been disapproved by the City Council, shall be resubmitted for a period of one year from the date of disapproval, except as may be permitted by the City Council 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.

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

- (G) In viewing any application for a zoning amendment, the Planning Commission shall identify and evaluate all factors relevant to the application, and shall report its findings in full, along with its recommendations for disposition of the application, to the City Council within thirty (30) days. All findings of fact shall be made a part of the public records of the meetings of the Planning Commission and the City Council

- (H) 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 local plans and policies;
 - 3. The precedents, and the possible effects of such precedents, which might likely result from approval or denial of the application;
 - 4. The ability of the City or other government agencies to provide any services, facilities, and/or programs that might be required if the application is approved;
 - 5. Whether there are any significant and negative environmental impacts which would potentially occur if the requested zoning change occurred and resulting permitted structures were built, including but not limited to, surface water drain-

nage problems, wastewater disposal problems, or the loss of locally valuable natural resources;

6. Effect of approval of the application on adopted development policies of the City and other governmental units.
- (l) Notice of adoption of amendment shall be published in accordance with Section 125.3401 of the Michigan Planning Enabling Act.

**ARTICLE XII
INTERPRETATION, SEVERABILITY, VESTED RIGHT,
PENALTIES AND EFFECTIVE DATE**

Section 1201 Interpretation and Conflict

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, prosperity and general welfare. Unless specifically provided for, it is not intended by the Ordinance to repeal, abrogate, annul or in any way impair or interfere with the existing and unrepealed provision of law or ordinance or any rules, regulations, or permits previously adopted or issued pursuant to law relating to the use of building or land, provided, however, that where this Ordinance imposes a greater restriction upon the courtyards or other open spaces that are imposed or required by such existing provisions of law or ordinance or by such rules, regulations or permits, the provisions of this Ordinance shall control.

Section 1202 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 the 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 structure, it is hereby provided that the application of such portion of the Ordinance to other property, buildings or structures shall not be affected thereby. Whenever any condition or limitation is included in an order authorizing any conditional use permit, variance, 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 1203 Vested Right

Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; and, they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety, and welfare.

Section 1204 Penalties and Remedies

(A) Civil Law: Any building, structure, or use constructed, altered, moved or maintained in violation of the provisions of this Ordinance is hereby declared to be a nuisance per se.

- (B) Criminal Law: Violations of the provisions of this Ordinance or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with variances and conditional uses and violations of approved site plans, shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than five hundred (\$500) dollars and imprisoned for not more than ninety (90) days, or both, and in addition, shall pay costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.
- (C) Remedies: The City Manager may also institute proceedings for injunction, mandamus, abatement or other appropriate remedies to prevent, enjoin, abate or remove any violations of this Ordinance. The rights and remedies provided herein are both civil and criminal in nature. The imposition of any fine or jail sentence of both shall not exempt the violator from compliance with the provisions of this Ordinance.

Section 1205 Repealing Clause

The City of Manistique Zoning Ordinance, Ordinance 253 of 2000, and subsequent amendments, is hereby repealed.

Section 1206 Effective Dates

This Ordinance shall become effective upon publication of the notice of adoption in the Pioneer Tribune.

APPENDIX A
CONDITIONAL REZONING AGREEMENTS

1. October 1, 2009: mBANK and City of Manistique.....Pages 1-9

CONDITIONAL REZONING AGREEMENT

AGREEMENT dated October 1, 2009, by and between mBank, a Michigan banking corporation, with mailing address of 130 S. Cedar Street, Manistique, Michigan 49854 (herein called "Property Owner"); and the City of Manistique, a Michigan municipal corporation, with mailing address of 300 North Maple Street, Manistique, Michigan 49854 (herein called "the City"), AS FOLLOWS:

RECITALS

Property Owner is the present owner of certain premises in the City of Manistique, Schoolcraft County, Michigan, being legally described as follows:

That part of Government Lot 2, Section 14, Township 41 North, Range 16 West, described as follows:

Commencing at the North Quarter Corner of Section 14, Town 41 North, Range 16 West; thence East along the North line of said Section 14, 1324.59 feet to the East one-sixteenth corner between Section 11 and Section 14; thence S 00°00'30" E along the East one-sixteenth line of said Section 14, 2416.35 feet to the North right of way line of Highway US-2 (200 foot wide right of way); thence S 72°18'03" W along said North right of way line, 150.00 feet to the Point of Beginning; thence continuing S 72°18'03" W along said North right of way line, 939.60 feet; thence N 17°41'57" W, 386.13 feet; thence N 71°07'33" E, 300.06 feet; thence N 85°29'35" E, 386.13 feet; thence S 17°41'57" E, 242.35 feet to the North right of way line of Highway US-2 and the Point of Beginning.

A drawing depicting said premises is attached hereto as Exhibit "A".

Until recently, said premises were zoned R-1 ("Single Family Residential") under the City of Manistique Zoning Ordinance No. 253 of 2000, as amended ("the Ordinance"). At the request of Property Owner and upon the recommendation of the City Planning Commission, the City Council has now amended the Ordinance to rezone the described premises from R-1 ("Single Family Residential") to M-1 ("Mixed Use") with conditions; as permitted under MCL 125.3405. The purpose of this Agreement is to delineate said conditions in recordable form. Accordingly, and in consideration of the City having rezoned said premises as requested, Property owner agrees as follows with respect to said described premises:

AGREED

1. The development proposed by the developer, Dr. Shelly Baker, on part of said premises as described and depicted in Exhibit B (being a preliminary sketch of the medical office building of Dr. Baker), will be completed within two (2) years following approval of this Agreement by the City Council; including, at developer's expense, all necessary curb cuts, parking, water and sewage, electricity, and other public facilities or services required and necessary for an occupation permit and use of the building. The above time requirement is subject to possible extension under MCL 125.3405 (4).

2. Contemporaneous with grant of the conditional rezoning and execution of this Agreement, the City Zoning Administrator shall issue a conditional use permit allowing the following conditional uses by number in the area rezoned as M-1: No. 16 - Health Care Facilities, In-patient; 17 - Health Care Facilities, Out-patient; 18 - Long-Term Care Facilities; 19 - Medical and Dental Offices; 22 - Office Buildings and 23 - Office Parks; as provided under Section 313(D) of the Ordinance, Property owner agrees to exclude from application and

grant of permit the following conditional uses by number under Section 313(D) of the Ordinance:

- 5 - Cellular Communication sites
- 12 - Flea Market,
- 13 - Funeral Homes,
- 15 - Golf Courses,
- 20 - Mobile Home Parks,
- 21 - Motels, hotels, cabins and resorts,
- 24 - Parks and Recreation Facilities, overnight use.
- 30 - Restaurant w/Drive Thru
- 31 - Restaurant without Drive Thru
- 32 - Retail Outlet Stores
- 33 - Retail Sales Establishments
- 34 - Roadside Stands
- 35 - Shopping Centers
- 36 - Sidewalk Cafes
- 37 - Supermarkets
- 38 - Taverns
- 39 - Temporary Outdoor Activities
- 40 - Theaters, Assembly Halls & Gaming Establishments
- 41 - Utility Substations
- 42 - Veterinary Clinics
- 43 - Warehouse, Self Storage and
- 44 - Wholesale & Warehousing

3. Property Owner agrees to exclude from use or development of said premises, the following permitted principal uses under Section 313 (B) of the Ordinance, while retaining the remainder not listed:

- 9 - Laundromats,
- 10 - Parks and Recreation Facilities, day use only,
- 11 - Plumbers, electricians, decorators, etc. offices and showrooms,
- 12 - Public libraries, other public buildings (subject to governmental condemnation or eminent domain),
- 13 - Schools, elementary (K-6) (subject to condemnation or eminent domain) and
- 14 - Schools, middle and high (7-12) (subject to condemnation or eminent domain).

4. Conditional rezoning does not apply to the easterly and westerly parcels respectively designated on Exhibit "A" as Parcels B and A, which shall remain zoned R-1.

5. Any conditional use permit approved by the City Planning Commission shall be perpetual and run with the land for any portion of the development that meets the conditions agreed upon, subject only to revocation for violation as provided by the Ordinance.

6. No conditional use permit granted shall lapse or be extinguished for that portion of the parcel undeveloped or partially developed, except for a violation subject to revocation as provided by the Ordinance.

7. No portion of this Agreement shall be waived, altered or varied by the City's Zoning Board of Appeals, except for those items expressly authorized for application for variance by this Agreement.

8. Any failure to meet any of the listed conditions in undeveloped areas of the rezoned premises after two (2) years from the City Council approval shall not cause a revision to R-1 zoning in any developed area that meets all conditions.

9. Should the City or any enforcement officer for the City, including the Zoning Administrator, conclude that there is a violation with respect to any conditions listed, no legal action nor reversion to R-1 zoning shall take place until notification of the specific violation is served on Property Owner, who shall then have thirty (30) days from the date of such notice to correct or meet the condition and thus absolve any violation.

10. This Agreement does not grant or convey to the City or any other party any right of property ownership, possession or use of the described premises.

11. The terms and provisions of this Agreement shall run with the land; and shall be binding upon and inure to the benefit of the parties hereto, and their respective successors and assigns. This agreement sets forth the entire agreement between the parties with regard to the subject matter, and may be modified or amended only by subsequent written agreement(s) duly authorized and executed by both the City and Property Owner (or Property Owner's successor(s) in title to all or portions of the described rezoned premises).

12. This Agreement is to be recorded in the Office of the Schoolcraft County Register of Deeds within ten days after proper execution by both parties; and all subsequent deeds, mortgages, land contracts and other instruments of conveyance of all or any portion of said premises shall reference the existence of this Agreement.

IN WITNESS WHEREOF, the parties have duly executed this Agreement on the date(s) indicated below.

"The City"

Dated: October 1, 2009

By: [Signature]
The City of Manistique
DAVID C. PETERSON
Its: Mayor

And

Dated: October 1, 2009

By: [Signature]
DEBORAH A. DOUGOVITZ
Its: Clerk

"Property Owner"

mBank

Dated: October 1, 2009

By: [Signature]
Tamara R. McDowell
Its: Senior Vice President

STATE OF MICHIGAN
COUNTY OF SCHOOLCRAFT 55.

The foregoing instrument was acknowledged before me on behalf of the City of Manistique a ~~Michigan Municipal Corp.~~ in Schoolcraft County, Michigan, this 1st day of October, 2009, by DAVID C. PETERSON, its Mayor and Deborah A. Dougovitz, its Clerk

Signature: [Signature]
Print Name: JOHN R. WOOD Notary Public
Schoolcraft County, Michigan
My commission expires: 1-20-2012

STATE OF MICHIGAN
COUNTY OF SCHOOLCRAFT ss.

The foregoing instrument was acknowledged before me on behalf of mBank a Michigan banking corporation, in Schoolcraft County, Michigan, this 15th day of October, 2009, by Tamara R. McDowell, its senior Vice-President.

Signature: John R. Wood
Print Name: JOHN R. WOOD Notary Public
SCHOOLCRAFT County, Michigan
My commission expires: 1-20-2012

Prepared By:

Herbert & Wood
John R. Wood (P33471)
102 South Maple Street
Manistique, Michigan 49854

Redi Grader Dome
Section 15
R111-2156

DATE PLOT 12/24/58
North Line of Section 14

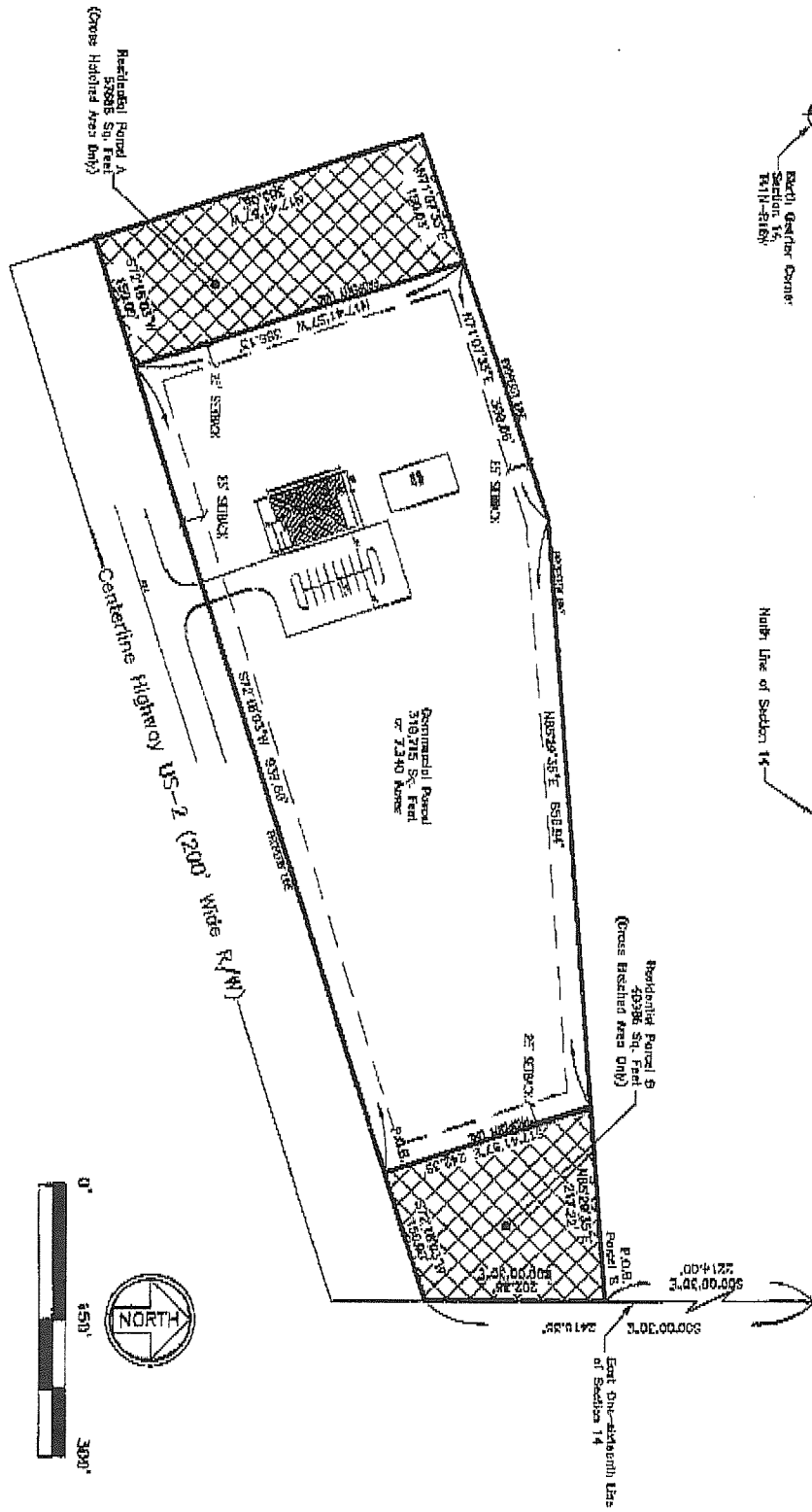
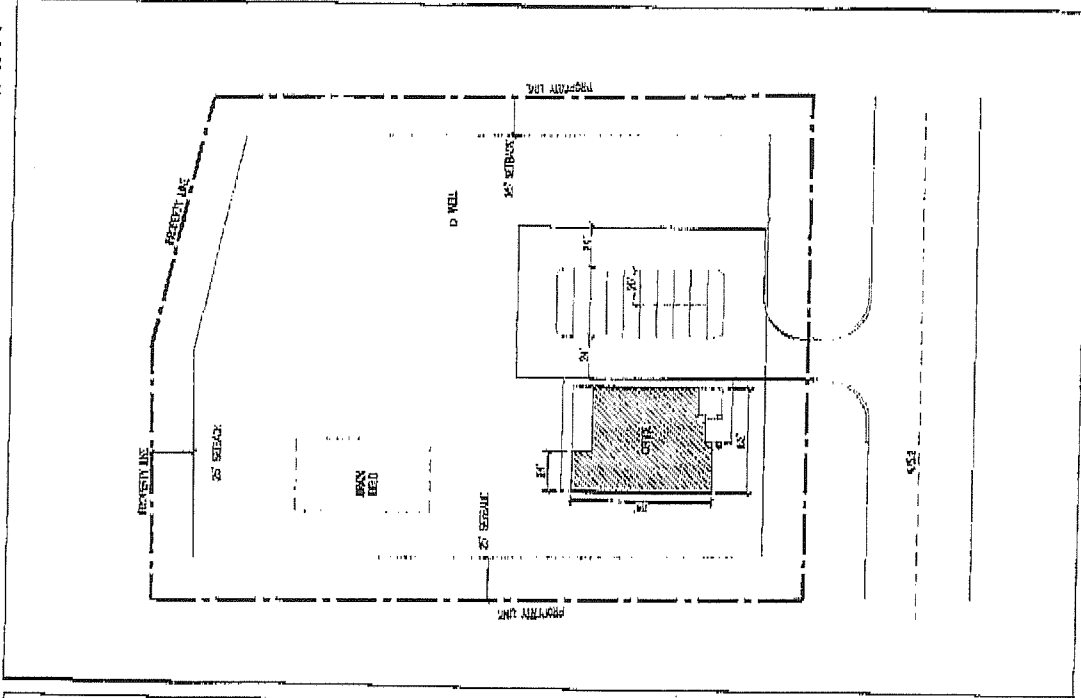
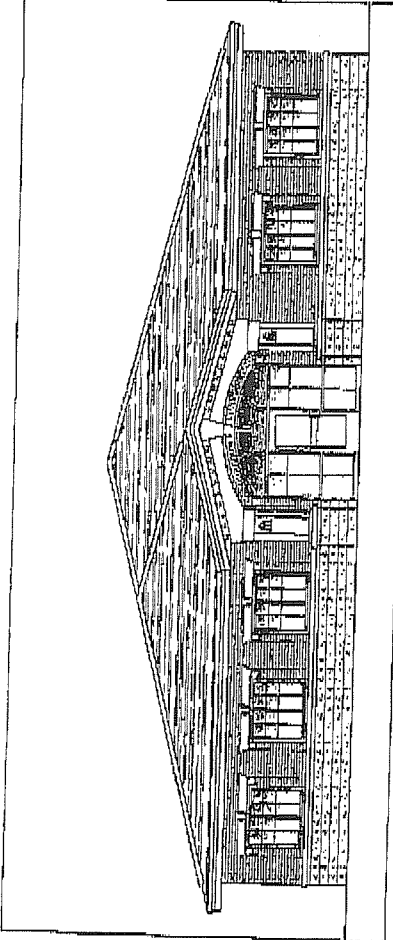


EXHIBIT "A"

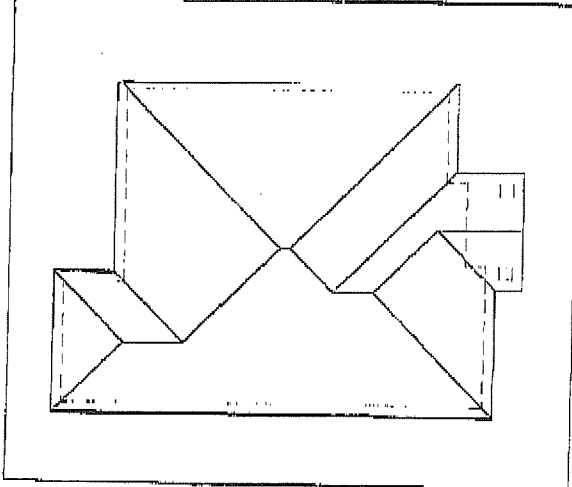
PRELIMINARY



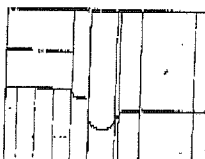
SITE PLAN
NO SCALE



FRONT ELEVATION
SCALE: 1/4" = 1' 0"



ROOF PLAN
SCALE: 3/32" = 1' 0"



PRECAST DETAIL
SCALE: 1-1/2" = 1' 0"









DR. BAKER OFFICE BUILDING

AUGUST 7, 2009

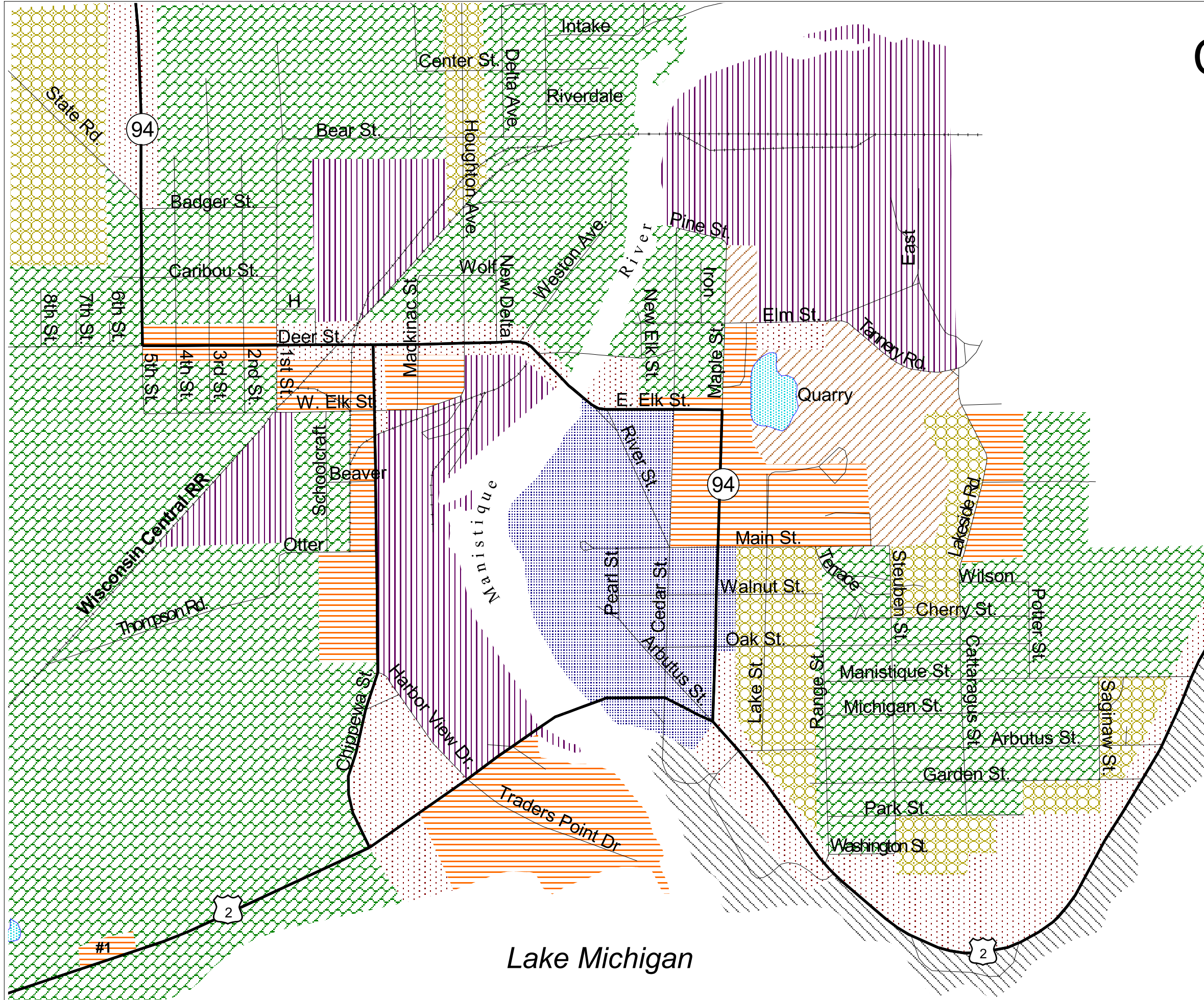


City of Manistique Zoning Map

Zoning Classification

-  B-1 = Restricted Business
-  B-2 = General Business
-  I = Industrial
-  M-1 = Mixed Use
-  OS-1 = Open Space 1
-  OS-2 = Open Space 2
-  R-1 = Residential 1
-  R-2 = Residential 2

0 1000 2000 3000
Feet



#1 - Conditional Rezoning Agreement
 Refer to City of Manistique Zoning Ordinance
 Appendix A: Conditional Rezoning Agreement
 Dated: October 1st, 2009

Lake Michigan