

MARQUETTE CHARTER TOWNSHIP

ZONING ORDINANCE



PREPARED FOR:

THE MARQUETTE TOWNSHIP BOARD OF TRUSTEES, MARQUETTE TOWNSHIP,
MARQUETTE MICHIGAN 49855, UNDER THE DIRECTION OF:

THE MARQUETTE TOWNSHIP PLANNING COMMISSION, MARQUETTE TOWNSHIP, MARQUETTE MICHIGAN 49855

IN PARTNERSHIP WITH THE FOLLOWING REGULATORY AGENCIES:



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ZONING ORDINANCE**

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GENERAL PROVISIONS

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ENACTING CLAUSE

The Charter Township of Marquette Ordains:

ARTICLE I: GENERAL PROVISIONS

SECTION 1.01: SHORT TITLE

This Ordinance shall be known as the “**Charter Township of Marquette Zoning Ordinance.**”

SECTION: 1.02: REPEAL OF PRIOR ORDINANCE

The Zoning Ordinance of the Charter Township of Marquette, enacted May 13, 1966, and all amendments thereto, are hereby repealed in full. The adoption of this Ordinance, however, shall not affect nor prevent any pending or future prosecution of, or action to abate, any existing violation of the repealed Ordinance if the violation is also a violation of the provisions of this Ordinance.

SECTION 1.03: PURPOSE

- A. This Ordinance is based upon the detailed consideration and mapping of the Township’s resource base, public infrastructure, land and water uses, and anticipated trends presented in the *Master Plan for Marquette Township*. The intent of this Ordinance is to divide the Charter Township of Marquette into basic zoning districts and to utilize performance standards to provide flexibility for development while assuring the health, safety, and general welfare for the present and future residents of the Township. The general purpose of this Ordinance is to:
1. Promote compatibility of land uses to protect neighboring landowners from adverse effects of adjoining development and to preserve property values.
 2. Protect and preserve natural resource systems for continued and appropriate sustained productivity and benefit.
 3. Control and regulate growth, concentrating development in suitable areas where the necessary infrastructure presently exists or where it can be feasibly provided.
 4. Assure the most practical balance between natural and man-made systems for the continued benefit of the Township.

SECTION 1.04: INTENT

The goals and objectives of individual land owners and residents of the Township may at times conflict or compete; therefore, the primary intent of this performance oriented zoning ordinance is to minimize land use conflicts between landowners and the public interest by devising performance standards to eliminate or minimize potential negative impacts of varying uses on

adjacent lands. The performance standards are designed to protect the health, safety, and general welfare of the residents as well as to encourage creativity in the design of future land developments within the Township. Zoning districts designations are few in number; however, each district has a specific purpose and the distinction between districts is significant. The districts have been located and sized to accommodate the long range objectives based upon the *Master Plan for Marquette Township*.

SECTION 1.05: DESIGNATED AUTHORITY

The Charter Township of Marquette Planning Commission is hereby designated the “Planning Commission” as specified in *Section 1, The Township Planning Act, P.A. 168 of 1959, as amended*. In accordance with the requirements of this Act, it shall be the duty and responsibility of the Planning Commission to advise the Township Board on all planning matters. In addition, the Planning Commission shall also assume the duties and responsibilities of the Zoning Board in accordance with the requirements as set forth in *Act 110 of the Public Acts of 2006, as amended (being the Michigan Zoning Enabling Act), in MCL 125.3102, Section 102(u).(Amend. 08-02-10)*

SECTION 1.06: APPLICATION

Except as otherwise provided for by preemptive law having authority over township zoning or as provided for in this Ordinance, no building, structure, development, or land use shall be commenced, altered, expanded, continued, used, or occupied unless it is in compliance with the applicable regulations and requirements of this Ordinance and in accordance with permits and stated conditions, issued hereunder.

SECTION 1.07 VESTED RIGHT

Nothing in this Ordinance shall be interpreted or construed to give rise to permanent vested rights in the continuation of any particular use, district, zoning classification, or any permissible activities therein. Any part of this Ordinance may be amended when deemed reasonable for the preservation of the public health, safety, and general welfare.

SECTION 1.08 SEVERANCE

This Ordinance and the various parts, sections, subsections, provisions, sentences and clauses are severable. If any part of this Ordinance is found to be unconstitutional or invalid it is declared that the remainder of the Ordinance shall not be affected thereby.

SECTION 1.09: RELATIONSHIP TO OTHER LAWS

Whenever regulations or requirements imposed by this Ordinance are either more or less restrictive than regulations imposed by any other governmental authority through legislation, rule, or regulation, the most restrictive, which impose the highest standards, shall govern. Regardless of any other provision of this Ordinance, no land shall be used nor structure erected or maintained in violation of any federal, state, or county pollution control, health, or environmental protection law or regulation.

SECTION 1.10: RELATIONSHIP TO TEXT AND ATTACHMENTS

In the case of a difference of meaning or implication between the text of this Ordinance and any caption, illustration, or table, the text shall control.

SECTION 1.11: ADMINISTRATIVE PROCEDURAL GUIDES

For the benefit of residents, landowners, developers, and other interested parties, guides may be developed explaining the various requirements and procedures established in this Ordinance. In the event of any discrepancy between this Ordinance and any guide, the Ordinance shall be the controlling document. The guides are intended to be an aid to understanding and are not supplements or additions to this Ordinance.

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DEFINITIONS

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ARTICLE 2: DEFINITIONS

SECTION 2.01: CONSTRUCTION

- A. The following rules of construction shall apply to any interpretation of this Ordinance except when the context clearly requires otherwise:
1. All words and phrases shall be construed and understood according to the common and approved usage of the language. Technical words and phrases having a peculiar and appropriate meaning in the law shall be so construed and understood accordingly.
 2. The particular shall control the general.
 3. The text of this Ordinance shall control over any differences in a caption or illustration.
 4. Words used or defined in one tense or form shall include other tenses and derivative forms.
 5. Words used in a singular number shall include the plural, and the plural the singular, unless the context clearly indicated the contrary.
 6. The word “shall” is always mandatory and not discretionary. The word “may” is permissive.
 7. The word “person” includes any individual, corporation, partnership, trust, association, or any other similar legal entity.
 8. In computing a period of days, the first day is excluded and the last day is included. If 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 2.02: DEFINITIONS

- A. As used in this Ordinance, the following terms shall have the meanings as ascribed to them:

AASHTO – Abbreviation of the American Association of State Highway and Transportation Officials, which conducts research and publishes many national road and non-motorized standards.

Acceleration Lane – A speed-changing land, including taper, for the purpose of enabling a vehicle entering the roadway to increase its speed to a rate at which it can safely merge with through traffic.

Access – A way or means of approach to provide vehicular or pedestrian entrance or exit to a property from an abutting property or a public roadway.

ARTICLE 2 – DEFINITIONS

SECTION 2.02: DEFINITIONS – (Cont.)

Access Connection – Any driveway, street, road turnout or other means of providing for the movement of vehicles to or from the public road system or between abutting sites.

Access Management – The process of providing and managing reasonable access to land development while preserving the flow of traffic in terms of safety, capacity, and speed on the abutting roadway system.

Access Management Plan – A plan establishing the preferred location and design of access for properties along a roadway or the roadways in a community. It may be a freestanding document, or a part of a community master or comprehensive plan, or a part of a corridor management plan.

Access Point – a.) The connection of a driveway at the right-of-way line to a road. b.) A new road, driveway, shared access or service drive.

Accessory - A use, activity, structure, or part of a structure that is subordinate and incidental to the main activity or structure on the site. (Amend. 08-02-10)

Accessory Building or Structure - A use or structure subordinate to the principal use of a lot, or of a principal building on the same lot, and serving a purpose clearly incidental to a permitted principal use of the lot or of the building and which accessory use or structure is compatible with the principal permitted uses or structures authorized under the district zoning regulations applicable to the property. (Amend. 08-02-10)

Accessory Structure, Non-Residential - A structure or combination of structures that: (1) are located on the same lot, tract, or development parcel as the primary non-residential building; (2) are clearly incidental to and customarily found in connection with a primary building or use; (3) are subordinate too, and serving a primary building or use. (Amend. 08-02-10)

Accessory Use - A use that is incidental and subordinate to that of the main building or use of the land and that is located on the same lot or parcel and held under the same ownership in all respects. (Amend. 08-02-10)

Acre (Ac.) – A measure of land area containing 43,560 square feet.

ADT – The annual average two-way daily traffic volume. It represents the total annual traffic for the year, divided by 365. (Where annual data is not available, data from a shorter period may sometimes be used).

Adult Book Store – See “Sexually Explicit Nude Entertainment.”

Adult Foster Care Facility – See *Section 15.09, Care Facilities – Residential*.

Agriculture – The art or science of cultivating the ground, including the harvesting of crops and by extension, the rearing, reproducing and managing of livestock and poultry or other animals upon the ground in fields or pastures or pens. Agricultural activity shall be further identified on the basis of intensity as:

ARTICLE 2 – DEFINITIONS

SECTION 2.02: DEFINITIONS – (Cont.)

Light Agricultural Activity: The cultivation of more than a garden but less than a farm, where the primary land use is residential and the production of crops and husbandry of domesticated animals is primarily for the consumption, enjoyment and/or use of the occupants. The maximum number of domestic animals or poultry species permitted shall not exceed one (1) animal unit per acre of land. See *Animal Unit, Article II, Definitions, and Article XV, Detailed Use Regulations, Section 15.04, B, Private Stables.*

Traditional Agricultural Activities: One or more plots of land comprising a farm devoted to the raising of domestic animals and/or the cultivation of crops in quantity for the primary purpose of producing income, and which is operated in accordance with *The Michigan Right to Farm Act, Public Act P.A. 93 of 1981, as amended.* The maximum number of domestic animals or poultry species permitted shall not exceed two (2) animal units per acre of land. See *Animal Unit, Article II, Definitions.*

Intensive Agriculture Activity: The keeping of animal or poultry species, either in pens or buildings where the number of animal or poultry species, equivalent to one (1) animal unit, exceeds one (1) animal unit per acre, and where the following conditions exist:

1. Animals have been, are, or will be, stabled or confined and fed or maintained for a total of forty-five (45) days, or more, in any twelve (12) month period.
2. Crops, vegetation, forage growth or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility. See *Animal Unit, Article II, Definitions.*

Agricultural Produce Stand – A structure which is used seasonally for display and sale of agricultural produce.

Alley – A service way providing a secondary means of public access to abutting property and not intended for general traffic circulation.

Alternative Means of Access – A shared driveway, frontage road, rear service drive or connected parking lot.

Animal Unit – A unit of measurement for determining the number of domestic animals or poultry permitted in a Zoning District and calculated by multiplying the actual number of animals or poultry by their applicable animal equivalent unit(s) as shown in the table below. Generally, animal units shall not exceed 1.0 per acre of land directly devoted to the raising and keeping of the animals. For the purposes of this Ordinance, the following equivalent animal units shall be used.

Animal or Poultry Type (1 Each of These)	Animal Unit (A.U.) Per 1 Animal
Slaughter and Feed Cattle	1.00
Mature Dairy Cattle	1.40
Swine Weighing >55 lb.	0.60
Horses	2.00

ARTICLE 2 – DEFINITIONS

SECTION 2.02: DEFINITIONS – (Cont.)

Sheep or Goats	0.10
Turkeys	0.02
Chickens W/Overflow Watering	0.01
Chickens W/Liquid Manure System	0.03
Ducks	0.20

Apartment House – A structure containing three (3) or more apartment units. See “*Dwelling, Multifamily*”.

Apartment Unit – One or more room(s) with private bath and kitchen facilities comprising an independent self-contained dwelling unit in a building containing more than two dwelling units.

Approved Plan – A plan which has been granted final approval by the appropriate approving authority.

Approving Authority – The agency, board, commission, group, or other legally designated individual or authority which has been charged with review and approval of plans and applications.

Arterial – See Road Classification.

Aquifer Recharge/Discharge Areas – Wetlands, lakes, and ponds which serve as retainers and suppliers for the groundwater supply.

As-Built Site Plan – The site plan to be submitted to the Township Zoning Administrator upon substantial completion of any project at least one week before anticipated occupancy in order for review, final inspection, and issuance of a certificate of occupancy.

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.

Beach – The strip of land between the water level of a lake or pond and the line of partially stabilized vegetated soils which are not affected by wave action; or between that same water level and the toe of a bluff.

Bed & Breakfast Establishment – As defined in Act. No. 112, Public Acts of 1987, being Section 4b(4), and incorporated herein, “Bed and Breakfast” means a single family residence structure that meets all of the following criteria:

1. Has 8 or fewer sleeping rooms, including sleeping rooms occupied by the innkeeper, 1 or more of which are available for rent to transient tenants.
2. Serves breakfast at no extra cost to its transient tenants.
3. Has a smoke detector in proper working order in every sleeping room and a fire extinguisher in proper working order on every floor.

ARTICLE 2 – DEFINITIONS

SECTION 2.02: DEFINITIONS – (Cont.)

Bed & Breakfast Establishment – Small – A single family residence structure that meets all of the following criteria:

1. Has 3 or fewer sleeping rooms, excluding rooms occupied by the innkeeper, 1 or more of which are available for rent to not more than 6 transient tenants over the age of 6 years.
2. Serves breakfast at no extra cost to its transient tenants.
3. Has a smoke detector in proper working order in every sleeping room and a fire extinguisher in proper working order on every floor.

Block – A unit of land bounded by streets or by a combination of streets and public land, railroad rights-of-way, waterways, or any other barrier to the continuity to development.

Bluff – A land form that has a slope in excess of thirty (30) percent.

Boulevard – See Divided Driveway.

Bufferyard – A strip of land, including any specified type and amount of planting or structures which may be required to protect one type of land use from another, or minimize or eliminate conflicts between them.

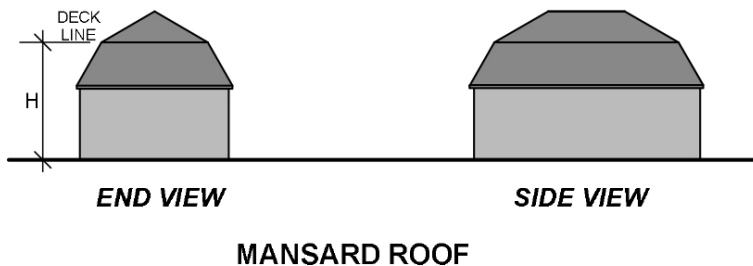
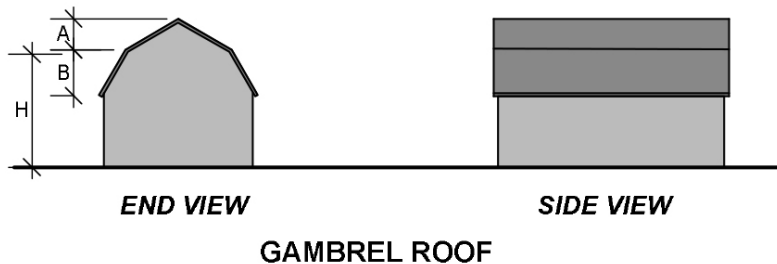
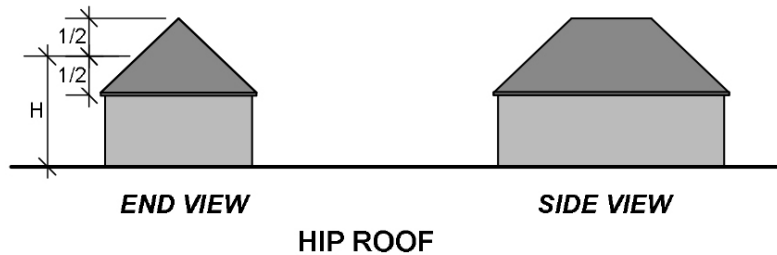
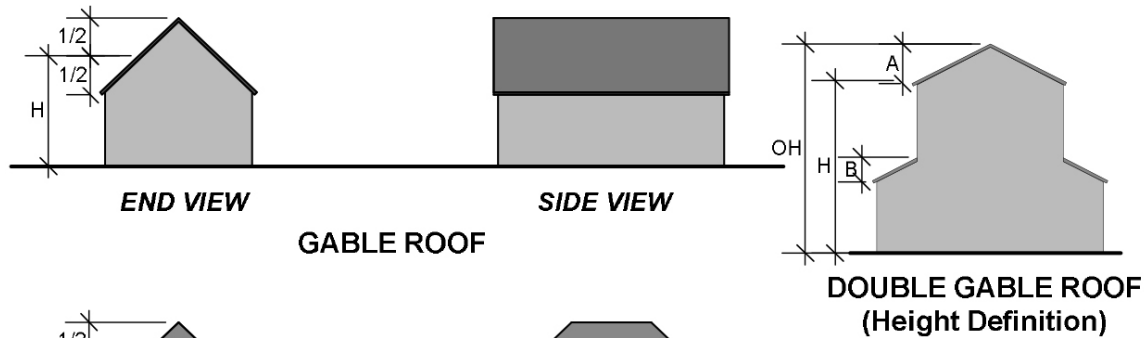
Buildable Area – The area of a lot remaining after the minimum yard, open space, and bufferyard requirements of the zoning ordinance have been met.

Building – Structure designed for habitation, shelter, storage, trade, manufacture, religion, business, education, and the like. A structure or edifice usually but not necessarily covered with a roof.

Building Coverage – The horizontal area measured within the outside of the exterior walls of the ground floor of all principal and accessory buildings on a lot.

Building Height – The vertical distance measured from established grade to the highest point of the roof surface for flat roofs, to the deck line of mansard roofs; to the average height between eaves and ridge for gable, hip, and gambrel roofs. Where a building is located on a sloping terrain, the height may be measured from the average ground level of the grade at the building walls. (For examples see below)

ARTICLE 2 – DEFINITIONS



EXAMPLE:

Measure A and B, and divide by 2 and subtract from the overall height OH of the building to get the Average Roof Height.

If measurement A is 3' and B is 2', take the total width of 5', divide by 2 which equals 2.5'. If the overall building height is 16' subtract 2.5' from 16' for average roof height of 13.5'.

AVERAGE BUILDING HEIGHT (H):

Is the vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between the eaves and ridge for gable, hip and gambrel roofs.

Building Line – A line parallel to the street line at a distance therefrom equal to the depth of the front yard required for the zoning district in which the lot is located.

Building Permit – Written permission issued by the proper municipal authority for the construction, repair, alteration, or addition to a structure.

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

Camper – A structure which may be referred to as a pick-up camper, travel trailer, 5th wheel, RV, or motorhome, designed and manufactured to be transported; whether carried upon, towed by a vehicle, or self-propelled, to a semi-permanent site.

ARTICLE 2 – DEFINITIONS

SECTION 2.02: DEFINITIONS – (Cont.)

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

Channelized or Channelizing Island – An area within the roadway or a driveway not for vehicular movement; designed to control and direct specific movements of traffic to definite channels. The island may be defined by paint, raised bars, curbs, or other devices.

Cargo Container – See: *Shipping Container*

Child Care or Day Care Center – See *Section 15.09: Care Facilities.*

Circulation Systems – Structures and physical improvements for the movement of people, goods, water, air, sewage, or power by such means as streets, highways, railways, waterways, towers, airways, pipes and conduits, and the handling of people and goods by such means as terminals, stations, warehouses, and other storage buildings or trans-shipment points.

Classification of Roads – See *Road Classification.*

Collector – See *Road Classification.*

Comprehensive Development Plan – A comprehensive long-range plan intended to guide the growth and development of a community or region and one that includes but is not limited to the analysis, recommendation, and proposals for the community's population, economy, housing, transportation, community facilities, and land use.

Conditional Land Use – See *"Special Land Use."*

Conflict – A traffic event that causes evasive action by a driver to avoid collision with another vehicle, bicycle or pedestrian.

Conflict Point – An area where intersecting traffic either merges, diverges, or crosses.

Connected Parking Lot – Two or more parking lots that are connected by cross access.

Conflict Point – An area where intersecting traffic either merges, diverges, or crosses.

Connected Parking Lot – Two or more parking lots that are connected by cross access.

Corner Clearance – The distance from an intersection of a public or private road or street to the nearest access connection, measured from the closest edge of the driveway pavement to the closest edge of the road pavement.

Construction Permit – A permit required for the erection, alteration, or extension of a structure.

Conventional Energy System – Any energy system, including supply elements, furnaces, burners, tanks, boilers, related controls, and energy distribution components, which uses any source(s) of energy other than solar energy or wind energy.

ARTICLE 2 – DEFINITIONS

SECTION 2.02: DEFINITIONS – (Cont.)

Corridor Overlay Zone – A zoning district that provides special requirements that apply to property in addition to those of the underlying district regulations along portions of a public roadway.

County Road System, Local – *Under Section 4 of Act 51 of Public Acts of 1951, as amended*, all county roads not included in the County Primary System constitute the County Local Road System. Through the McNitt Act, maintenance of local roads became the responsibility of the County Road Commission in the early 1930's, and while up to 50% of Michigan Transportation Funds can be used to maintain the County Local Road System, major township contributions are often required. Unlike the County Primary Road System which involves three digit numbered roads, County local roads are coded with two or three letters.

County Road System, Primary – The County Primary Road System is composed of roads of "... the greatest general importance to the County" under the provisions of the *Michigan Highway Law, Section 2 of Act 51, Public Acts of 1951, as amended*. Primary roads connect principal traffic generating centers, provide collector/distributor routes, and to supplement the state truck line system. Primary roads are financed by federal, state, and local resources and are maintained by the County Road Commission using funds from the Michigan Transportation Fund.

County Road System, Seasonal – This system may be made up of either parts of the County Local, County Primary, or both road systems. The County Road Commission is not required to keep seasonal roads cleared of snow between November 1 and April 30 of any year. Seasonal roads are not permitted to serve as the primary access to any year round (i.e., non-seasonal) principal use involving a structure.

Critical Area – An area with one (1) or more of the following characteristics:

1. Slopes in excess or twenty (20) percent.
2. Floodplains.
3. Soils classified as having a high-water table.
4. Soils classified as highly erodible.
5. Soils subject to erosion.
6. Highly acidic soils.
7. Soils with inadequate percolation.
8. Land formerly used for landfill operations.
9. Former hazardous industrial land use areas.
10. Fault areas.
11. Stream Corridors.

ARTICLE 2 – DEFINITIONS

SECTION 2.02: DEFINITIONS – (Cont.)

12. Estuaries.
13. Mature stands of native vegetation.
14. Aquifer recharge and discharge areas.

Cross Access – A service road or driveway providing vehicular access between two or more contiguous sites so the driver need not enter the public road system.

Cross Street – The adjacent intersecting street or road.

Dark Sky – Ability to visually identify, without aid, zodiacal light, a prominently bright defined Milky Way, bright star clusters in our galaxy and bright galaxies.

Day Care Center/Facility – See Section 15.09: *Care Facilities*.

Deceleration Lane – A speed-change lane, including taper, for the purpose of enabling a vehicle to leave the through traffic lane at a speed equal to or slightly less than the speed of the traffic in the through lane and to decelerate to a stop or to execute a slow speed turn.

Decibel (dB) – A unit of sound pressure level for expressing the relative intensity of sounds on a scale of 0 – 130.

Density – The number of families, individuals, dwelling units, or housing structures per unit of land.

Density, Gross – The quotient of the total number of dwelling units divided by the site area of a site.

District – A part, zone, or geographic area within the municipality within which certain zoning or development regulations apply.

Divided Driveway – A driveway with a raised median between ingress and egress lanes.

Double Wide Unit – See “*Manufactured Housing*.”

Drainage – (1) surface water runoff; (2) the removal of surface water or groundwater from land by drains, grading or other means which include runoff controls to minimize erosion and sedimentation during and after construction or development, the means for preserving the water supply and the prevention or alleviation of flooding.

Driveway – Any entrance or exit used by vehicular traffic to or from land or buildings abutting a road.

Driveway Flare – A triangular pavement surface at the intersection of a driveway with a public street or road that facilitates turning movements and is used to replicate the turning radius in areas with curb and gutter construction.

ARTICLE 2 – DEFINITIONS

SECTION 2.02: DEFINITIONS – (Cont.)

Driveway Offset – The distance between the inside edges of two driveways opposite sides of an undivided roadway.

Driveway Return Radius – A circular pavement transition at the intersection of a driveway with a street or road that facilitates turning movements to and from the driveway.

Driveway Shared – A driveway connecting two or more contiguous properties to the public road system.

Driveway Spacing – The distance between driveways as measured from the centerline of one driveway to the centerline of the second driveway along the same side of the street or road.

Driveway Width – Narrowest width of driveway measured perpendicular to the centerline of the driveway.

Dump – A land site used primarily for the disposal by dumping, burial, burning, or other means and for whatever purpose, garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, and other waste, scrap, or discarded material of any kind.

Dune – A natural topographic feature composed primarily of sand, whether of windblown or other origin, which lies within two (2) miles of the ordinary high water mark of Lake Superior.

Duplex – A dwelling 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.

Dwelling – A structure or portion thereof which is used exclusively for human habitation.

Dwelling, Attached – A single-family dwelling attached to one or more other single-family dwellings by common vertical walls

Dwelling, Detached – A dwelling which is not attached to any other dwelling by any means.

Dwelling, Multi-Family – A dwelling containing more than two dwelling units.

Dwelling, Principal – A primary or predominant dwelling which is used exclusively for human habitation, i.e., versus caretaker residence, etc.

Dwelling, Single-Family – A building containing one dwelling unit.

Dwelling, Single-Family Detached – A dwelling which is designed for and occupied by not more than one family and surrounded by open space or a yard and which is not attached to any other dwelling by any means.

ARTICLE 2 – DEFINITIONS

SECTION 2.02: DEFINITIONS – (Cont.)

Dwelling Unit (DU) – One or more rooms, designed, occupied, or intended for occupancy as separate living quarters with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.

Easement – A grant of one or more of the property rights by the property owner to and/or for the use by the public, a corporation, or another person or entity.

Egress – The exit of vehicular traffic from abutting properties to a street or road.

Emergency Service Center – Facilities, including improved land and any buildings and structures, designed to accommodate police, fire, ambulance and other emergency services.

Environmental Impact Assessment (EIA) – A term applied to a less extensive environmental review than an Environmental Impact Statement (EIS), which attempts to describe the probable impact of a proposed action on the environment and which is utilized by various agencies to determine whether or not an Environmental Impact Statement will be required.

Environmental Impact Statement (EIS) – An extensive report prepared by the developer or on behalf of the developer detailing the consequences of a proposed action by answering the following seven (7) major questions:

1. The probable impact of the proposed action.
2. Any adverse environmental effects which cannot be avoided should the proposed action be implemented.
3. The probable impact of the proposed action.
4. Any adverse environmental effects which cannot be avoided should the proposed action be implemented.
5. Alternatives to the proposed action.
6. The relationship between local short term uses of man's environment and the maintenance and enhancement of long term productivity.
7. Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be incorporated.

Erosion – The detachment and movement of soil or rock fragments by water, wind, ice, and/or gravity.

Erosion Hazard Area – An area of the shoreland determined by the Department of Natural Resources Water Resources Commission to be a “high risk area” or any other area determined to be subject to erosion.

Essential Services – The erection, construction, alteration, or maintenance of underground, surface or overhead electrical, gas, steam, water and sewage transmission and collection systems, and the

ARTICLE 2 – DEFINITIONS

SECTION 2.02: DEFINITIONS – (Cont.)

equipment and appurtenances necessary for such systems to furnish an adequate level of public service.

Factory-Built House – See “*Manufactured Housing*.”

Family – A collective number of individuals domiciled together in one dwelling unit, whose relationship is of a continuing, nontransient domestic character and who are cooking and living as a single non-profit, domestic housekeeping unit in a dwelling unit. This definition includes an individual or a group of two or more persons, whether or not related by blood, marriage or adoption, but does not include any society, club, fraternity, sorority, association, lodge, organization or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms or other similar determinable period.

Family Day Care Home – See Section 15.09: *Care Facilities*.

Farm – A parcel of land of at least forty (40) acres devoted to raising crops or animals as a source of income.

Farm Residence – A residence used in junction with any agricultural land use.

Fence – An artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

Fill – Sand, gravel, earth, or other materials of any composition whatsoever placed or deposited by humans.

Final Approval – The last official action of the Planning Commission or Charter Township Board taken on a development plan which has been given preliminary approval after all conditions and requirements have been met, and the required improvements have been installed or guarantees properly posted for their installation, or approval conditioned upon the posting of such guarantees.

Flood Plain – The channel and the relatively flat area adjoining the channel of a natural stream or river which has been or may be covered by floodwater.

Floor Area – The sum of the horizontal areas of each floor of a building, measured from the exterior walls or from the centerline of walls separating two buildings. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, or space used for off-street parking or loading, breeze ways, enclosed and un-enclosed porches, elevator or stair bulkheads, and necessary structures.

Floor Area, Gross – The sum of the gross horizontal area of the several floors of a building, measured from the exterior faces of the exterior walls or from the center of the common walls of attached buildings. Gross floor area includes basement floors, attic floor space, walls, closets, stairwells, space denoted to mechanical equipment, and enclosed porches. (Amend. 08-02-10)

ARTICLE 2 – DEFINITIONS

SECTION 2.02: DEFINITIONS – (Cont.)

Forest – Areas or stands of trees which are stocked with forest products of merchantable type and size covering an area greater than one acre; or groves of mature trees regardless of area that consist of substantial numbers of individual specimens.

Forest, Commercial – A tract of land containing no material natural resources other than forest growth, no portion of which is used for agricultural, mineral extraction, grazing, industrial, developed recreational, or resort purposes, and upon which the owner proposes to develop, maintain, and actively manage a forest through planting, natural reproduction, or other forest practices pursuant to *The Commercial Forest Act, Public Act 94 of 1925, as amended*.

Forest, Non-Commercial – A tract of land containing no material natural resources other than forest growth, no portion of which is used for agricultural, mineral extraction, grazing, industrial, developed recreational, or resort purposes not developed, maintained or actively managed pursuant to *The Commercial Forest Act, Public Act 94 of 1925, as amended*.

Forestry – The science and art of cultivating, maintaining and developing timber tracts, tree farms, forest nurseries and the harvesting of forest products.

Frontage Road or Front Service Drive – A local street/road or private road typically located in front of principal buildings and parallel to an arterial for service to abutting properties for the purpose of controlling access to the arterial.

Functional Classification – A system used to group public roads into classes according to their purpose in moving vehicles and providing access to abutting properties. See Road Classification.

Grade (Road) – The rate or percent of change in slope, in either ascending or descending, from or along the roadway. It is to be measured along the centerline of the roadway or access.

Gravel Pit – An open land area where sand, gravel, and/or rock fragments are mined or excavated for sale or off-tract use.

Green Area – Land shown on a development plan, master plan, or official map for preservation, recreation, landscaping, or park.

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

Group Day Care Home – See “Section 15.09: Care Facilities.”

High Risk Area – An area of the shoreland which is determined to be subject to erosion on the basis of studies and surveys by the Department of Natural Resources Water Resources Commission.

Home for the Aged – A supervised care facility, other than a hotel, adult foster care facility, hospital, nursing home, or county medical care facility, that provides room, board, and supervised personal care to seven (7) or more unrelated, nontransient, individuals sixty-two (62) years of age or older.

ARTICLE 2 – DEFINITIONS

SECTION 2.02: DEFINITIONS – (Cont.)

Home Occupation – Any activity which is carried out for gain by a resident in his or her dwelling unit.

Home Professional Office – A home occupation consisting of the office of a practitioner of a recognized profession.

Hospital – A facility offering inpatient, overnight care, and services for observation, diagnosis, and active treatment of an individual with a medical, surgical, obstetric, chronic, or rehabilitative condition requiring the daily direction or supervision of a physician.

Impervious Surface Ratio (ISR) – A measurement of the intensity of land use which is determined by dividing the total area of all impervious surfaces on a site by base site area, in the case of residential uses, or by net buildable site area in the case of nonresidential uses.

Individual Sewage Disposal System – A system for the disposal of sanitary sewage in the ground, which is so designed and constructed as to treat sewage in a manner that will retain most of the settleable solids in a septic tank and discharge the liquid portion to an adequate disposal field.

Infrastructure – Facilities, utilities, and services needed to sustain industrial, residential, and commercial activities.

Ingress – The entrance of vehicular traffic to abutting properties from a roadway.

Institutional Use – A nonprofit or quasi-public use or institution such as a church, library, public or private school, hospital, municipally owned or operated building, structure, or land used for public purpose.

Interchange – A facility that grade separates intersecting roadways and provides directional ramps for access movements between the roadways. The structure, ramps and right-of-way are considered part of the interchange.

International Dark Sky Association (IDA) – Established in 1988 as an educational, environmental 501(c) (3) nonprofit dedicated to protecting and preserving the nighttime environment and the heritage of dark skies through quality outdoor lighting. With thousands of members in more than 70 countries, IDA is the leading authority regarding problems and solutions related to light pollution.

Intersection – The location where two or more roadways cross at grade without a bridge.

Intersection Sight Distance – The sight distance provided at intersections to allow the drivers of stopped vehicles a sufficient view of the intersecting roadways to decide when to enter the intersecting roadway or to cross it. The time required is the sum of the perception reaction time plus the time to accelerate and cross or enter the major roadway traffic stream.

ITE – Abbreviation of the Institute of Transportation Engineers, which conducts research and publishes many national road standards.

ARTICLE 2 – DEFINITIONS

SECTION 2.02: DEFINITIONS – (Cont.)

Junk – Any scrap, waste, reclaimable material, or debris, whether or not stored or used in conjunction with dismantling, processing, salvage, storage, bailing, disposal, or other use or disposition.

Junkyard – Any area, lot, land, parcel, building, structure or part thereof used for the storage, collection, processing, purchase, sale, or abandonment of wastepaper, rags, scrap metal, or discarded goods, materials, machinery, or two or more unregistered inoperable motor vehicles, or other type of junk.

Kennel, Commercial – A licensed establishment in which dogs or other domesticated animals over six (6) months old are housed, groomed, bred, boarded, trained, or sold. The keeping of five (5) or more animals over six (6) months old shall be considered a commercial kennel regardless of ownership or species of animals.

Lake – A body of water two (2) or more acres in area that retains water year round. It may be naturally or artificially created.

Land Use Intensity (LUI) – A measure of the magnitude and negative impact of a land use on the environment and neighboring land uses. *See Also Article XIV, Principal Uses Permitted in Districts, Sections 14.02, Land Use Intensity.*

Land Use Plan – A plan showing the existing and proposed location, extent, and intensity of land development to be used in the future for varying types of residential, commercial, industrial, agricultural, recreational, educational, and other public and private purposes or combination of purposes.

Landscape – (1) An expanse of natural scenery; (2) the addition of lawns, trees, plants, and other natural and decorative features to land.

Lane – The portion of a roadway for the movement of a single line of vehicles which does not include the gutter or shoulder of the roadway.

Light, Direct – Visible light emitted directly from the lamp, off of the reflector or reflector diffuser, or through the refractor or diffuser lens, of a luminaire.

Light Fixture, Full Cut-Off Type – A luminaire or light fixture that, by design of the housing, does not allow any light dispersion or direct glare to shine above a 90-degree horizontal plane from the base of the luminaire.

Light, Fully Shielded – Fully shielded luminaire light fixture which can control the glare in any direction.

Light, Indirect – Direct light that has been reflected or has scattered off of surfaces other than those associated with the light fixture.

ARTICLE 2 – DEFINITIONS

SECTION 2.02: DEFINITIONS – (Cont.)

Light Pollution – Reflected light that is emitted into the atmosphere above the 90-degree horizontal plane from the luminaire, and which can or does cause unwanted sky glow or which can be or is seen from an abutting property.

Light Trespass – When spill light from a light fixture, street light or flood light enters a window and illuminates an indoor area.

Lighting, Outdoor – The nighttime illumination of an outside area or object by any manufactured device located outdoors that produces light by any means.

Lighting, Street – Lighting provided for highway, major, collector, and local roads where pedestrians and cyclists are generally present. The primary purpose of street lighting is to help the motorist identify obstacles, provide adequate visibility of pedestrians and cyclists, and assist in visual search tasks, both on and adjacent to the roadway.

Local Road or Street – See Road Classification.

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

Lot, Corner – A lot or parcel of land abutting upon two (2) or more streets at their intersection, or upon two (2) parts of the same street forming an interior angle of less than 135 degrees.

Lot, Flag – A large lot with minimal frontage and where access to the public road is by a narrow, private right-of-way or driveway. (Amend. 06-20-00)

Lot, Minimum Area of – The smallest lot area established by the zoning ordinance on which a use or structure may be located in a particular district.

Lot Area – The total area within the lot lines of a lot, excluding any street rights-of-way.

Lot Depth – The mean horizontal distance from the front lot line to the rear lot line or in the case of a water front lot, from the lake frontage line to the street frontage line. Five evenly separated lines drawn from the front to the rear lot lines, or lake frontage line, shall be utilized in determining the mean horizontal distance. Two of these five (5) lines shall be the side lot lines. (Amend. 06-20-00)

Lot Line – Any line dividing one lot from another or from a right-of-way and thus constitutes the property lines bounding a lot. Irregular lots that do not fit the definitions listed below, may have an application to be determined at the discretion of the Zoning Administrator. (Amend. 06-20-00)

Lot Line, Front – Is the line which creates the abutting street right-of-way line. In the case of a flag lot, for determining setback, width and depth requirements, the front lot line shall be the line adjacent to the parcel or parcels in front of said flag lot. This front line for flag lots will be parallel or nearly parallel to the right-of-way line. (Amend. 06-20-00)

ARTICLE 2 – DEFINITIONS

SECTION 2.02: **DEFINITIONS** – (Cont.)

Lot Line, Rear – The lot line opposite and most distant from the front lot line; or in the case of triangular or otherwise irregularly shaped lots, a line ten (10) feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.

Lot Line, Side – Any lot line other than the front lot line or the rear lot line.
(Amend. 06-20-00)

Lot Width – The required horizontal distance between the side lot lines measured at the two points where the required front setback line intersects the side lot lines.
(Amend. 06-20-00)

Lot of Record – A lot which exists as shown or described on a plat or deed in the records of the local register of deeds.

Luminaire – A complete lighting system, including a light source component (lamp or lamps that produce the actual light) and a fixture.

Luminaire, Height of – The vertical distance from the ground directly below the centerline of the luminaire to the lowest direct-light-emitting part of the luminaire.

Mall – See “Shopping Center.”

Manufactured Housing –

Mobile/Manufactured Houses – Residential structures built on a steel undercarriage with necessary wheel assembly to be transported to a permanent or semi-permanent site. The wheel assembly can be removed when placed on a permanent foundation, but the steel undercarriage remains intact, as necessary structural component.

Modular/Manufactured Houses – Residential structures that can be transported on a steel undercarriage, but the undercarriage is not a permanent and necessary structural component, and is usually removed when placed on a foundation. Modular housing will meet most local building codes and is subject to standard regional or state building codes for modular construction.

Panelized or Prefabricated Houses – Residential structures that consist of packaged, factory-built components and are site-assembled. All must conform with local and state or regional building codes for site-built construction (Source: 1986 – Marshall & Swift).

Marijuana Facilities and Establishments – All definitions relating to the placement, use, regulation of Medical Marijuana Facilities and Adult Use (Recreational) Marijuana Establishments contained in the Marquette Township Medical Marijuana Facilities and Adult Use (Recreational) Marijuana Establishments Licensing and Regulatory Ordinance, Ordinance Number 011921, as may periodically be amended, are incorporated by reference, verbatim, as if restated herein in their entirety. The terms “Marihuana”, as sometimes spelled by the State of Michigan and “Marijuana” are synonymous and may be used interchangeably without difference or distinction. If any definition in this Ordinance, or in the Medical Marijuana Facilities and Adult Use (Recreational) Marijuana Establishments Licensing and Regulatory Ordinance conflicts with a definition contained within the Michigan Medical Marihuana Act, MCL 333.26421, et seq.; the

ARTICLE 2 – DEFINITIONS

SECTION 2.02: **DEFINITIONS – (Cont.)**

Medical Marihuana Facilities Licensing Act, MCL 333.27101, et seq.; the Marihuana Tracking Act, MCL 333.27901, et seq.; or the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951, et seq.; the statutory definition shall control. Land use intensities and permissive Zoning Districts for each category of Marijuana Facilities and Marijuana Establishments are further set forth in Article 15 of this Zoning Ordinance.

Median – The portion of a divided roadway or divided entrance separating the traveled ways from opposing traffic. Medians may be depressed, painted or raised with a physical barrier or may be landscaped.

Median Opening – A gap in a median provided for crossing and turning traffic.

Mine – (1) A cavity in the earth from which minerals and ores are extracted; (2) The act of removing minerals and ores.

Mineral – An organic or inorganic substance in the earth having a consistent and distinctive set of physical properties and composition that can be expressed by a chemical formula including, but not limited to, iron ore, copper, sand, gravel, stone, gypsum, peat, topsoil, silver, gold, diamonds and other precious and semi-precious stones, and uranium.

Mining – The extraction of minerals including solids, such as coal and ores; liquids, such as crude petroleum; and gases, such as natural gases. The term also includes quarrying; well operation; milling, such as crushing, screening, washing, and floatation; and other preparation customarily done at the mine site or as part of a mining activity.

Mobile Food Truck – Shall mean a motorized vehicle or vehicle-towed trailer in which food is cooked and/or prepared to order and is served to walk-up customers.

Mobile Home – See “*Manufactured Housing*.”

Mobile Home Park – A site with required improvements and utilities for the long-term parking of mobile homes which may include services and facilities for the residents.

Mobile Home Space – A plot of land for placement of a single mobile home within a mobile home park.

Nonconforming Access – Features of the access system of a property that existed prior to the effective date of *Article II* and *Article XIII*, as amended, for access management and that do not conform with the requirements of this Ordinance; or in some cases, elements of approved access that are allowed by means of a temporary permit or on a conditional basis, until alternative access meeting the terms of this ordinance becomes available.

Nonconforming Lot – A lot whose area, dimensions, or location were conforming or lawful prior to the adoption, revision, or amendment of the Zoning Ordinance, but which fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

ARTICLE 2 – DEFINITIONS

SECTION 2.02: DEFINITIONS – (Cont.)

Nonconforming Sign – Any sign lawfully existing on the effective date of an ordinance, which due to an amendment thereto renders such sign nonconforming because it does not conform to all the standards and regulations of the newly adopted or amended ordinance.

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 a zoning ordinance, but which fails by reason of such adoption, revision or amendment, to conform to the present requirements of the Zoning Ordinance. See *Article XXII: Nonconformities, Section 22.02: Definitions*.

Nonconforming Use – A use or activity which was lawful prior to the adoption, revision, or amendment of a zoning ordinance, but which fails, by reason of such adoption, revision, or amendment, to conform to the present requirements of the zoning district. See *Also Article XXII: Nonconformities, Section 22.02, Definitions*.

Nuisance Element – Any environmental pollutant, such as smoke, odors, liquid wastes, solid wastes, radiation, noise, vibration, glare, or heat.

Nursery – Land or greenhouses used to raise flowers, shrubs, and plants for sale.

Nursing Home – A nursing care facility, including a county medical care facility, but excluding a hospital or a facility created by *Act No. 152 of the Public Acts of 1885, as amended, being Section 36.1 to 36.12 of the Michigan Compiled Laws*, which provides organized nursing care and medical treatment to 7 or more unrelated individuals suffering or recovering from illness, injury, or infirmity.

Occupant – An individual(s) or entity in actual possession of a premise. (Amend. 04-21-09)

Official Soil Map – Maps which delineate soil types and are part of a *United States Department of Agriculture Soil Conservation Service Soil Survey*.

Off Street Parking – A temporary storage area for a motor vehicle that is directly accessible to an access aisle, and which is not located on a dedicated street right-of-way.

Open Space – Any parcel or area of land or water essentially unimproved or with landscaped improvements, and set aside, dedicated, designated, or reserved for public or private use or enjoyment, or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space.

Open Space Ratio (OSR) – Total area of on-site (lot) open space divided by the total of impervious surfaced site improvements expressed as a ratio.

Outbuilding – A separate accessory building or structure not physically connected to the principal building.

Park & Ride – An off-street parking facility that allows commuters and other users wishing to travel into other areas of the community the ability to leave their vehicles and transfer to a bus, public transportation or other commuter vehicles for the remainder of their trip.

ARTICLE 2 – DEFINITIONS

SECTION 2.02: DEFINITIONS – (Cont.)

Passing Sight Distance – The length of roadway ahead necessary for one vehicle to pass another before meeting an opposing vehicle which might appear after the passing maneuver began. (This type of sight distance is not an issue in access management).

Peak Hour Trips (PHT) – A weighted average vehicle trip generation rate during the hour of highest volume of traffic entering and exiting the site in the morning (a.m.) or the afternoon (p.m.).

Performance Guarantee – Any security that may be accepted by a municipality as a guarantee that improvements required as part of an application for development are satisfactorily completed.

Performance Standards – A set of criteria or limits relating to nuisance elements which a particular use or process may not exceed.

Permit – Written governmental permission issued by an authorized official, empowering the holder thereof to do some act not forbidden by law, but not allowed without such authorization.

Permitted Use – Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district and the other provisions of the ordinance.

Person – Includes any individual, corporation, partnership, trust, association or any other similar legal entity.

Planning Commission – The duly designated planning commission of the municipality, county, or region.

Plot – (1) A single unit parcel of land; (2) a parcel of land that can be identified and referenced to a recorded plat or map.

Plot Plan – The development plan for uses designated in this Ordinance on which is shown the existing and proposed conditions of the lot including: significant natural features, utilities, structures, driveways, and other information that reasonably may be required in order that an informed decision can be made by the approving authority.

Pond – A body of water less than two (2) acres in area that retains water year-round. It may be naturally or artificially created.

Potable Water – Water suitable for drinking or cooking purposes.

Poultry Farm, Commercial – The place of confined keeping, raising or breeding of more than twenty (20) fowl for the production of eggs or meat for commercial purposes.

Principal Use – The primary or predominant use of any lot.

Public Areas – Public parks, playgrounds, trails, paths, and other recreational areas and other public open spaces; scenic and historic sites; schools and other public buildings and structures.

Public Hearing – A meeting announced and advertised in advance and open to the public, where the public is given an opportunity to participate.

ARTICLE 2 – DEFINITIONS

SECTION 2.02: DEFINITIONS – (Cont.)

Public Notice – The advertisement of a public hearing in a paper of general circulation in the area, and through other media sources, indicating the time, place, and nature of the public hearing.

Public Utility – See “*Utility*.”

Quarry – A place where rock, ore, stone, and similar materials are excavated for sale or for off-tract use. See “*Gravel Pit; Sand Pit*.”

Quasi-Public – A use owned or operated by non-profit, religious or charitable institution and providing educational, cultural, recreational, religious, or similar types of public programs.

Quorum – A majority of the full authorized membership of a board or agency.

Ravine – A small narrow steep sided valley which adjoins a perennial or intermittent watercourse. It includes the bottom lands of the ravine and the ravine side walls to a point where the slope is less than fifteen (15) percent.

Ravine Buffer – The area extending one hundred and fifty (150) feet beyond the top of the ravine wall.

Rear Service Drive – A local street/road or private road typically located behind principal buildings and parallel to an arterial for service to abutting properties for the purpose of controlling access to the arterial.

Rear Yard – See “*Yards*.”

Reasonable Access – The minimum number of access connections, direct or indirect, necessary to provide safe access to and from a public road consistent with the purpose and intent of this Ordinance, with any other applicable plans of Marquette Township, with Act 200 of 1969, or with other applicable law of the State of Michigan. Reasonable access does not necessarily mean direct access.

Recreation, Active – Leisure time activities, usually of a more formal nature and performed with others, often requiring equipment and taking place at prescribed places, sites, or fields.

Recreation Facility – A place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities.

Recreation Facility, Commercial – A recreation facility operated as a business and open to the public for a fee.

Recreation Facility, Personal – A recreation facility provided as an accessory use on the same lot as the principal permitted use and designed to be used primarily by the occupants of the principal use and their guests.

ARTICLE 2 – DEFINITIONS

SECTION 2.02: DEFINITIONS – (Cont.)

Recreation Facility, Private – A recreation facility operated by a non-profit organization, and open only to bona fide members and guests of such non-profit organization.

Recreation Facility, Public – A recreation facility operated by a governmental agency and open to the general public.

Recreation, Passive – Any leisure time activity not considered active.

Recreational Development – A residential development planned, maintained, operated, and integrated with a major recreational facility.

Recreational Vehicle – A vehicular type portable structure without permanent foundation, which can be towed, hauled, or driven and primarily designed as 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 – See “Campground.”

Regional Arterial – A major arterial. See Road Classification.

Residence – A home, abode, or place where an individual is actually living at a specific point in time.

Residential Unit – See “Household.”

Resort – A facility for transient guests where the primary attraction is generally recreational facilities or activities.

Restaurant – An establishment where food and drink is prepared, sold, served, and consumed primarily within the principal building.

Fast Food Restaurant – Establishment with a drive-through window intended for off-site or both on and off-site sale and consumption of food and drink.

Sit-Down Restaurant – Establishment primarily intended for on-site sale and consumption of food and drink.

Restriction – A limitation on property which may be created in a property deed, lease, mortgage, through certain zoning or subdivision regulations, or as a condition of approval of an application for development.

Retail Food Establishment – Any fixed or mobile place or facility at or in which food or drink is offered or prepared for retail sale or for service with charge on or off the premises.

Retail Services – Establishments providing services or entertainment, as opposed to products, to the general public, including eating and drinking places, hotels and motels, finance, real estate

ARTICLE 2 – DEFINITIONS

SECTION 2.02: **DEFINITIONS** – (Cont.)

and insurance, personal services, motion pictures, amusement and recreational services, health and social services, educational services, museums and galleries.

Retail Trade – 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.

Rezone – To change the zoning classification of particular lots or parcels of land.

Ridge Line – The intersection of two roof surfaces forming the highest horizontal line of the roof.

Right-of-Way – A general term denoting land, property or interest therein, usually in a strip, acquired for or devoted to transportation purposes.

Road – A way for vehicular traffic, whether designated as a “street”, “highway”, “thoroughfare”, “parkway”, “through-way”, “avenue”, “boulevard”, “lane”, “cul-de-sac”, “place”, or otherwise designated, and includes the entire area within the right-of-way.

Road or Street, Cul-de-sac – A street with a single common ingress and egress and with a turnaround at the end.

Road or Street, Dual – A street with opposing lanes separated by a median strip, center island, or other form of barrier, which cannot be crossed except at designated locations.

Road or Street, Loop – A local street which has its only ingress and egress at two (2) points on the same collector street.

Road or Street, Private – A privately owned and maintained road or street characterized by a joint operating agreement that runs with the land and binds the benefited parcels and which is not under the jurisdiction of the Marquette County Road Commission.

Road or Street, Seasonal – A County Road, or a portion thereof, which is not normally maintained or snowplowed by the Marquette County Road Commission during the months of November through April.

Road or Street, State Trunkline Highways – Highways planned, designed, and constructed, and maintained by the state. With funds provided by the Michigan Department of Transportation, road maintenance is contracted to the County Road Commission. Road construction is contracted to private contractors.

Road Classification – Roadways are classified by the following categories.

Collector – A roadway that provides for traffic movement between arterials and local streets and carries moderate traffic volumes over moderate distances. Collectors may also provide direct access to abutting properties.

Local Street – A street or road intended to provide access to abutting properties, which tends to accommodate lower traffic volumes and serves to provide mobility within that neighborhood.

ARTICLE 2 – DEFINITIONS

Major Arterial – Arterials are roadways of regional importance intended to serve moderate to high volumes of traffic traveling relatively long distances. A major arterial is intended primarily to serve through traffic where access is carefully controlled. Some major arterials are referred to as “regional arterials”.

Minor Arterial – A roadway that is similar in function to major arterials, but operates under lower traffic volumes, over shorter distances, and provides a higher degree of property access than major arterials.

Roadway – That portion of a street, road or highway improved, designed or ordinarily used for vehicular travel exclusive of the berm or shoulder. In the event a highway includes two or more separate roadways, “roadway” refers to any such roadway separately, but not to all such roadways collectively.

Roof – The outside top covering of a building.

Roof –

Flat – A roof which is not pitched and the surface of which is parallel to the ground.

Gable – A roof sloping downward in two (2) parts at an angle from a central ridge.

Gambrel – A gabled roof with two (2) slopes on each side, the lower steeper than the upper.

Hip – A roof with sloping ends and sides.

Mansard – A roof with two (2) slopes on each of four (4) sides, the lower steeper than the upper.

Shed – A roof with one (1) slope.

Rooming House – A dwelling or part thereof, in which lodging is provided by the owner or operator to more than three boarders living in rooming units, none of which are dwelling units.

Salvage – The utilization of waste materials.

Salvage Yard/Recycling Center – Any area, lot, land, parcel, building, structure, or part thereof used to salvage, recycle, or prepare for recycling any waste materials.

Sand Pit – A surface mine or excavation used for the removal of sand, gravel, or fill dirt for sale or for use off-tract. See “Gravel Pit.”

Sanitary Landfill – A site for solid waste disposal.

Scrap – Discarded or rejected materials that result from manufacturing or fabrication operations.

Scrap Yard – Any area, lot, land, parcel, building, structure, or part thereof used for the storage of scrap.

ARTICLE 2 – DEFINITIONS

SECTION 2.02: DEFINITIONS – (Cont.)

Seasonal Dwelling Unit – A dwelling unit that lacks one (1) or more of the basic amenities or utilities required for all year or all-weather occupancy.

Seasonal Use – A use carried on for only a part of the year such as outdoor swimming during the summer months or skiing during the winter months.

Secondary Street or Side Street – A street or road with a lower functional classification than the intersecting street or road (e.g. a local street is a side or secondary street when intersecting with a collector or arterial).

Service Drive – See Frontage Road or Rear Service Drive.

Shared Driveway or Common Driveway – See Driveway, Shared.

Shipping Container – A container with strength suitable to withstand shipment, storage, and handling. Shipping containers range from large reusable steel boxes used for intermodal shipments to the ubiquitous corrugated boxes.

Shoulder – The portion of a public road contiguous to the traveled way for the accommodation of disabled vehicles and for emergency use.

Setback, Minimum Yard – All setbacks are measured from the building or wall foundation to the most restrictive of the following: the property line, the right-of-way line, the line of any easement used for present or future public or private roads, or a line fifteen feet back from the surface edge of the road and which line is parallel or nearly parallel to any access road, service road, or easement which serves more than one building and functions as a public or private road. (Amend. 06-02-98)

Sexually Explicit Nude Entertainment – The offering for observation by patrons or members of the public, whether or not a fee, compensation or other goods and services are sold or offered in conjunction therewith, of entertainment which is distinguished or characterized by an emphasis on acts depicting, suggesting, describing, displaying, or relating to “specified sexual activities” or “specified anatomical areas” as defined in *Section 15.08*.

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 consideration, and protection from the elements.

Shoreland – An area within one hundred (100) feet of the average high water mark of a lake or pond and all area in close proximity to the shoreline.

Shoreline – That area of the shorelands where land and water meet.

Sight Distance – The distance of unobstructed view for the driver of a vehicle, as measured along the normal travel path of a roadway to a specified height above the roadway.

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

ARTICLE 2 – DEFINITIONS

SECTION 2.02: DEFINITIONS – (Cont.)

organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images. See also *Article XXI, Signs, Section 21.03, Definitions*.

Site – Any plot or parcel of land or combination of contiguous lots or parcels of land.

Site Area – The total area within the plot or parcel (i.e., lot) lines, or lines of contiguous lots or parcels of land.

Site Plan – The development plan for one (1) or more lots on which is shown the existing and proposed conditions of the lot including: topography, vegetation, drainage, floodplains, and waterways; open spaces, walkways, means of ingress and egress, utility services, landscaping, structures and signs, lighting, and screening devices; any other information that reasonably may be required in order that an informed decision can be made by the approving authority.

Spill Light – Focused light sources that are not useful, e.g., producing lighting where it is not wanted.

Soil – All unconsolidated mineral and organic material of whatever origin that overlies bedrock and can be readily excavated.

Soil Conservation District – A government subdivision that provides advice to communities, agencies, and individuals within its jurisdiction relative to soils information.

Soil Erosion and Sediment Control Plan – A plan that indicates necessary land treatment measures, including a schedule for installation which will effectively minimize soil erosion and sedimentation.

Soil Map – A map prepared by the *United States Department of Agriculture Soil Conservation Service* or comparable agency, indicating the following soil characteristics; slope, depth to seasonal high water, depth to bedrock, permeability, natural drainage class, stoniness, and flood and stream overflow hazard.

Solar Energy System – A complete design or assembly consisting of a solar energy collector, an energy storage facility (where used), and components for the distribution of transformed energy.

Solid Waste – Unwanted or discarded material, including garbage with insufficient liquid content to be free flowing. Solid waste may be categorized as follows: (1) Agricultural – a solid waste that results from the raising and slaughtering of animals, and the processing of animal products and orchard and field crops; (2) Commercial – waste generated by stores, offices and other activities that do not actually turn out a product; (3) Industrial – waste that results from industrial processes and manufacturing; (4) Institutional – waste originating from educational, health care and research facilities; (5) Pesticide – the residue from the manufacturing, handling, or use of chemicals intended for killing microbial, plant or animal pests; (6) Residential – waste that normally originates in a residential environment, sometimes called domestic solid waste.

Special Land Use – A use permitted in a particular zoning district only upon showing that such use in a specified location will comply with all the conditions and standards for the location or

ARTICLE 2 – DEFINITIONS

SECTION 2.02: DEFINITIONS – (Cont.)

operation of such use as specified in a zoning ordinance and authorized by the appropriate approving authority.

Spot Zoning – Rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding uses and not for the purpose of implementing a comprehensive plan.

Stable, Commercial – An establishment where horses are boarded and cared for and where instruction in riding, jumping, and showing is offered and the general public may, for a fee, hire horses for riding.

Stable, Private – A structure and associated pasture or grazing area used for the shelter or care of horses or ponies.

Standard – A definite rule or measure establishing a minimum level of quantity or quality that must be complied with or satisfied in order to obtain development approval, such as (but not limited to) a height, setback, bulk, lot area, location or spacing requirement.

Stopping Sight Distance – The available sight distance should be sufficiently long to enable a vehicle traveling at or near the design speed to stop before reaching a stationary object in its path. Stopping sight distance is the sum of brake reaction distance and braking distance.

Street – See Road.

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, decks, free standing signs, fences, 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.

Subdivision – The division of a lot, tract, or parcel of land into five (5) or more lots, tracts, or parcels of land for the purpose, whether immediate or future, of sale, or of building development. The meaning of the term “subdivision” shall not, however, apply to the partitioning or dividing of land into tracts or parcels of land or more than ten (10) acres.

Subdivision, Conventional – A conventional subdivision consists of single family dwellings on individual lots with no provisions for clustering of dwelling units, reduction of lot sizes below the specified lot area, or required community or neighborhood open space. A conventional subdivision is characterized by division of the entire subject parcel into individual lots.

Taper – A triangular pavement surface that transitions the roadway pavement to accommodate an auxiliary lane.

Target Area – The location of the target area which is intended to be illuminated by the light source.

Temporary Access – Provision of direct access to a road until that time when adjacent properties develop in accordance with a joint access agreement, service road, or other shared access arrangement.

ARTICLE 2 – DEFINITIONS

SECTION 2.02: DEFINITIONS – (Cont.)

Temporary Structure – A structure without any foundation or footings and which 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 fix period of time with the intent to discontinue such use upon the expiration of the time period.

Tent Theater – A large tent used for plays and theatrical entertainment.

Thoroughfare – A public roadway, the principal use or function of which is to provide an arterial route for through traffic, with its secondary function the provision of access to abutting property and which is classified as a “major or minor arterial”.

Throat Length – The distance parallel to the centerline of a driveway to the first on-site location at which a driver can make a right-turn or a left-turn. On roadways with curb and gutter, the throat length shall be measured from the face of the curb. On roadways without a curb and gutter, the throat length shall be measured from the edge of the paved shoulder.

Throat Width – The distance edge-to-edge of a driveway measured at the right-of-way line.

Tiny Home – A manufactured or conveniently built structure, 450 square feet in size or less, which may be built on a steel undercarriage with the necessary wheel assembly to be transported to a permanent or semi-permanent site. Any wheels, and to the extent a steel undercarriage is not an integral structural component, shall be removed and the unit shall be placed upon and properly affixed to a permanent or semi-permanent foundation. A Tiny Home shall not include a Camper as defined in Section 2.02.

Traveled Way – The portion of the roadway for the movement of vehicles, exclusive of shoulders and auxiliary lanes.

TRB – Abbreviation of the Transportation Research Board, which conducts research and publishes transportation research, findings and policy.

Trip Generation – The estimated total number of vehicle trip ends produced by a specific land use or activity. A trip end is the total number of trips entering or leaving a specific land use or site over a designated period of time. Trip generation is estimated through the use of trip rates that are based upon the type and intensity of development.

Tours, Guided – Organized excursions for the purpose of sightseeing.

Trailer – A structure standing on wheels, towed, or hauled by another vehicle and used for short-term human occupancy, carrying materials, goods or objects, or as a temporary office.

Trails (snowmobile) – Any cleared way, path or area on any lot, parcel, land, right-of-way, or easement which is used by snowmobiles for seasonal use as defined by the State of Michigan. This is not to include automobiles, vans, trucks and motorcycles, dirt bikes, all terrain vehicles and

ARTICLE 2 – DEFINITIONS

SECTION 2.02: DEFINITIONS – (Cont.)

other motorized traffic. This definition does not include private land used for said activity solely by and for the landowner and his or her household. (Amend. 02-19-02)

Trails (non-motorized) - Any cleared way, path or area on any lot, parcel, land, right-of-way, or easement which is used by pedestrians, joggers, hikers, bicyclists, rollerbladers, skateboarders, cross country skiers, and similar types of recreation users but not by any snowmobiles, all terrain vehicles or other motorized vehicles. This definition does not include private land used for said activity solely by and for the landowner and his or her household nor does it include public sidewalks. (Amend. 02-19-02)

Trails (all terrain vehicles) – Any cleared way, path or area on any lot, parcel, land, right-of-way, or easement which is used by, off road vehicles, dirt bikes, and other motorized off road vehicles which are tagged and licensed by the State of Michigan. This is not to include snowmobiles. This definition does not include private land used for said activity solely by and for the landowner and his or her household. (Amend. 02-19-02)

Undivided Roadway – A roadway having access on both sides of the direction of travel, including roadways having center two-way left-turn lanes.

Uplighting – Any light source that distributes illumination above a 90-degree horizontal plane.

Utility, (Private or Public) – Any agency which, under public franchise or ownership, or under certificate of convenience and necessity, provides the public with electricity, gas, heat, steam, communication, rail transportation, water, sewage collection, or other similar service or a closely regulated private enterprise with a franchise for providing a public service. This definition shall not include Wireless Communication Facilities, Attached Wireless Communications Facilities, and Wireless Communication Support Structures. (Amend. 02-20-01)

Wireless Communication Facilities shall mean and include all structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio towers, television towers, telephone devices and exchanges, micro-wave relay towers, telephone transmission equipment building and commercial mobile radio service facilities. Not included within this definition are: citizen band facilities; short wave facilities; ham, amateur radio facilities; satellite dishes; and, governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority. For purposes of this Ordinance, the following additional terms are defined:

1. Attached Wireless Communications Facilities shall mean wireless communication facilities that are affixed to existing structures, such as existing buildings, towers, water tanks, utility poles, and the like. A wireless communication support structure proposed to be newly established shall not be included within this definition.
2. Wireless Communication Support Structures shall mean structures erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, light poles, wood poles and guyed

ARTICLE 2 – DEFINITIONS

SECTION 2.02: DEFINITIONS – (Cont.)

towers, or other structures which appear to be something other than a mere support structure.

3. Collocation shall mean the location by two or more wireless communication providers of wireless communication facilities on a common structure, tower, or building, with the view toward reducing the overall number of structures required to support wireless communication antennas within the community. (Amend. 02-20-01)

Utility, Facilities – The erection, construction, alteration, or maintenance by public utilities or municipal departments of underground, surface or overhead, gas, communication, telephone, electrical, steam, fuel or water transmission or distribution systems, collections, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories in connection therewith which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general public health, safety, convenience, or welfare, but not including service centers, office buildings, substations, towers, or structures which are enclosures or shelters for the service equipment or maintenance depots. Also see Article XV, Section 15.02, E., *Emergency Service Centers*.

Utility Facilities, Local or Minor – Those utility facilities primarily serving the Township or portion thereof.

Utility Facilities, Regional or Major – Those utility facilities primarily serving, or extending to serve, two or more municipalities in a county or region.

Utility Service Centers – Establishments engaged in the generation, transmission, and/or distribution of electricity, gas, or steam, including but not limited to water and irrigation systems and sanitary systems used for the collection and disposal of garbage, sewage, and other wastes by means of destroying or processing materials, and which may include office buildings, substations, towers or structures which are enclosures or shelters, for the service equipment or maintenance depots.

Variance, Use – A variance granted for a use that is not allowable in the zoning district in which such variance is granted; use variances are not legally issuable by townships in the State of Michigan.

Variance, Non-use – A variance granted from any provision of the Zoning Ordinance, other than use.

Wetland – Based upon *The Goemaere-Anderson Wetland Protection Act, P.A. 203, 1979, as amended*, a wetland area is characterized by the presence of water at a frequency and duration sufficient under normal circumstances to support wetland vegetation or aquatic life and is commonly referred to as a bog, swamp, or marsh and which is any of the following:

- a. Contiguous to the Great Lakes or Lake St. Clair, an inland lake or pond, or a river or stream.

ARTICLE 2 – DEFINITIONS

SECTION 2.02: DEFINITIONS – (Cont.)

- b. Not contiguous to the Great Lakes, an inland lake or pond, or a river or stream; and more than five (5) acres in size.
- c. Not contiguous to the Great Lakes, an inland lake or pond, or a river or stream; and five (5) acres or less in size if the Department of Natural Resources (DNR) determines that protection of the area is essential to the preservation of the natural resources of the state from pollution, impairment, or destruction and the DNR has so notified the owner.

Wood Yard – A parcel of land where pulp wood and other logs are gathered from various locations and stored for commercial sale.

Woodland, Young – An area of plant material covering at least five (5) contiguous acres with a density of fifty (50) or more trees per acre at least eight (8) inches D.B.H.

Yards –

Yard, Front – An open space extending the full width of the lot and lying between the front line of the lot and the nearest point of any building or structure.

Yard, Rear – An open space extending the full width of the lot and lying between the rear line of the lot and nearest line of any building or structure.

Yard, Side – An open space between the side line of the lot and nearest line of any building or structure and extending from the front yard to the rear yard.

Zone – A specifically delineated area of district in a municipality within which regulations and requirements uniformly govern the use, placement, spacing, and size of land and buildings.

Zoning – The dividing of a municipality into districts and the establishment of regulations governing the use, placement, spacing, and size of land and buildings.

Zoning Administrator – The township official designated to administer and enforce the Zoning Ordinance.

Zoning Map – The map and maps which are a part of the Zoning Ordinance and delineate the boundaries of zone districts.

Zoning Compliance Certificate – A document signed by the Zoning Administrator, 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, which acknowledges that such use, structure, or building complies with the provisions of the municipal zoning or authorized variance therefrom.

ARTICLE 2 – DEFINITIONS

SECTION 2.03: ABBREVIATIONS

The following abbreviations used within this Ordinance have the following meanings:

AC - Acre	GFA - Gross Floor Area
AU - Animal Unit	LF - Lineal Feet
DBH - Diameter at Breast Height	OSR - Open Space Ratio
DU/AC - Dwelling Units Per Acre	Sq. Ft. - Square Feet
EIA - Environmental Impact Assessment	EIS - Environmental Impact Statement
MET - Meteorological Tower	WES - Wind Energy System
SWES - Small Wind Energy System	MWES - Medium Wind Energy System
LWES - Large Wind Energy System	

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ZONING DISTRICTS AND MAP

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ARTICLE 3: THE ZONING DISTRICTS AND MAPS

SECTION 3.01: ESTABLISHMENT OF ZONING DISTRICTS

The zoning districts defined in this Article are hereby established for all land and water areas within the Charter Township of Marquette. The intended provisions and requirements for each specific zoning district are specified in this Ordinance. The seven (7) specific zoning districts are designated as follows:

(RR)	Rural Residential District
(SR)	Scenic Residential District
(UR)	Urban Residential District
(DD)	Development District
(GB)	General Business District
(SB)	Segregated Business District
(RP)	Resource Production District
(FR)	Forest Recreation District

SECTION 3.02: ZONING DISTRICT MAPS

The boundaries of the zoning districts are hereby established as shown on the Official Zoning Map, *Section 3.08*, which accompanies this Ordinance and which, with all notations, references, and other information thereon, shall be as much a part of this Ordinance as if fully described herein. The zoning map shall be certified as the official copy by the signature of the Township Supervisor, and attested to by the Township Clerk. The official map shall be kept in the Township Hall. Subsequent maps and descriptions accompanying enacted amendments shall be noted on the official copy until such time as the official copy is updated by the Zoning Administrator.

SECTION 3.03: INTERPRETATION OF THE ZONING DISTRICT MAPS

- A. Where, due to the scale, lack of detail, or illegibility of the zoning maps accompanying this Ordinance, there is an uncertainty, contradiction, or conflict as to the intended location of any zoning district boundary as shown thereon, interpretation concerning the exact location of the zoning district boundary line shall be determined by the Zoning Board of Appeals. The Board, in arriving at a decision on these matters, shall apply the following standards:
1. Zoning district boundary lines shown as following, or approximately following, the limits of any municipal corporation shall be construed to be the boundaries.
 2. 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 the zoning district boundary lines are fixed by dimensions as shown on the zoning map.

ARTICLE 3 – ZONING DISTRICTS AND MAP

SECTION 3.03: INTERPRETATION OF THE ZONING DISTRICT MAPS – (Cont.)

3. Zoning district boundary lines shown as following section lines, one-quarter section lines, or one-sixteenth lines shall be construed to establish such lines as the district boundaries.
4. Where zoning district boundaries are so indicated that they approximately follow lot lines, the lot lines shall be construed to be the boundaries
5. Where a zoning district boundary divides a lot, the location of any boundary, unless the location is indicated by dimensions shown on the zoning map, shall be determined by the use of the map scale shown.
6. Zoning district boundary lines shown as approximately following shorelines of any lakes shall be construed to follow the mean high waterlines. In the event of change in the mean high waterline, boundary lines shall be construed as moving with the actual mean high waterline.
7. Zoning district boundary lines shown as approximately following the centerline of streams, rivers, or other continuously flowing water courses shall be construed as following the channel center line of the water courses taken at the mean low water level, and in the event of a natural change in the location of streams, rivers, or other water courses, the zoning district boundary shall be construed as moving with the channel centerline.
8. If, after the application of the foregoing rules, uncertainty still exists as to the exact location of a zoning district boundary, the Zoning Board of Appeals shall determine and fix the location of any line.

SECTION 3.04: ZONING OF VACATED AREAS

Whenever any street, alley, or other public way within the Township shall have been vacated by official governmental action and when the land within the boundaries thereof attach to and become part of land adjoining a street, alley, or public way, the vacated land shall automatically be subject to the zoning regulations applicable to the land to which it attaches and becomes a part.

SECTION 3.05: ZONING OF FILLED LAND AREAS

Whenever any fill is placed in any lake or stream, the land created shall automatically and without further governmental action, acquire the same zoning district and regulations as the lands to which it shall attach.

ARTICLE 3 – ZONING DISTRICTS AND MAP

SECTION 3.06: APPLICATION OF ZONING DISTRICT REGULATIONS

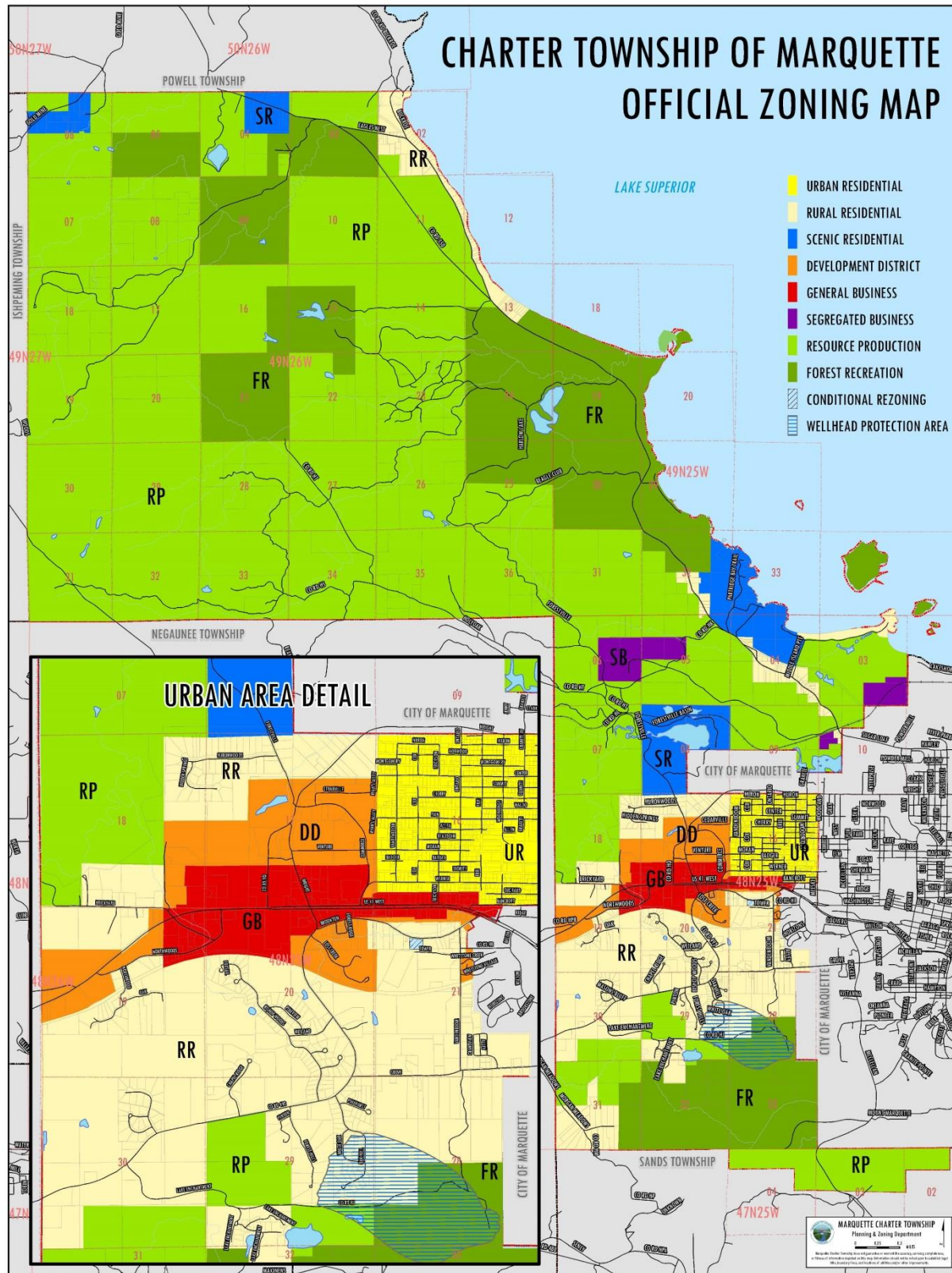
The regulations established within each zoning district shall be the minimum regulations for promoting the public health, safety, and general welfare. Where there are practical difficulties or unnecessary hardships in carrying out the strict letter of this Ordinance, the Zoning Board of Appeals shall have the power in passing upon appeals to vary or modify regulations and provisions of this Ordinance so that the intent and purposes shall be observed, public safety secured, and substantial justice done.

SECTION 3.07: SCOPE OF PROVISIONS

- A. Uses are permitted by right, Y, special use, S, temporary use, T, or specific temporary use, SK, in the various districts only if specifically listed in *Section 14.05, Principal Uses Permitted in Districts*. Where not specifically permitted by right, special use, temporary use or specific temporary use, uses are prohibited unless construed by the Zoning Board of Appeals to be similar to a use expressly permitted or allowable as a special use.
- B. Accessory uses are permitted within the various zoning districts if such uses are clearly incidental to a permitted principal use or uses in existence on the site.
- C. The uses permitted subject to special conditions are recognized as possessing characteristics of such unique and special nature relative to location, design, size, etc., as necessitating individual performance standards and conditions in order to safeguard the general health, safety, and welfare of the community.
- D. No part of a setback area, open space, or off-street parking or loading space required about or in connection with any use, building, or structure, for the purpose of complying with this Ordinance, shall be included as part of a setback area, open space, or off-street parking or loading space similarly required for any other use, building, or structure.
- E. 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.
- F. No portion of one (1) lot, once established and/or improved with a building or structure, shall be sold unless each lot resulting from each reduction, division, or sale conforms with all of the requirements established herein.

ARTICLE 3 – ZONING DISTRICTS AND MAP

SECTION 3.08: OFFICIAL ZONING MAP



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ARTICLE 4: RURAL RESIDENTIAL DISTRICT (RR)

SECTION 4.01: PURPOSE

The Rural Residential District is established to provide low-density, limited growth, residential areas. It is designed to accommodate residential development for those who desire low-density environments in somewhat remote locations and are willing to assume the costs of providing individual private utility systems and amenities. This District is established to protect and preserve the existing character of those areas within the Township which are presently rural in nature and contain scattered residential developments or other low-intensity uses. This District is generally characterized by lack of public sewer, water, and a well-developed road circulation system. Since it is the intent of the Township to concentrate its infrastructural resources in areas where more intense development is planned, existing developments within this District are likely to remain without public service facilities indefinitely. Future development of all sites permitted within this District will require County Health Department permits and approvals for individual site septic systems and potable water wells in addition to meeting the requirements and standards set forth in *Article 19, Performance Requirements, Section 19.14, Schedule of District Regulations and Minimum Performance Standards*, and as outlined within this Ordinance.

SECTION 4.02: PRINCIPAL USES PERMITTED BY RIGHT

A principal use listed in *Article 15, Principal Uses Permitted in Districts, Section 15.05, Table 15, Use vs. District Nomograph*, in any district denoted by the letter “Y”, is a use permitted by right, provided that all other requirements of federal, state, county, and local law and this Ordinance have been met, and further provided that a zoning compliance certificate has been issued in accordance with *Article 26, Administration and Enforcement, Section 26.03, Zoning Compliance Certificate*.

SECTION 4.03: ACCESSORY USES

An accessory use is a land use whose purpose is incidental and subordinate to the principal use of the land and is permitted by right within the individual districts. See also *Article 16, Detailed Use Regulations, Section 16.03, Accessory Uses and Section 16.04, Detailed Accessory Use Regulations*.

SECTION 4.04: SPECIAL USE PERMITS

A principal use listed in *Article 15, Principal Uses Permitted in Districts, Section 15.05, Table 15, Use vs. District Nomograph*, may be permitted as a Special Land Use in any district denoted by the letter “S”, provided that the requirements of *Article 17, Special Land Uses*, have also been met.

SECTION 4.05: TEMPORARY AND SPECIFIC TEMPORARY USE PERMITS

A principal use may be allowed under a temporary or specific temporary use permit as designated by the letter “T” or “SK” in *Article 15, Principal Uses Permitted in Districts, Section 15.05, Table 15, Use vs. District Nomograph*, and must conform to all requirements of this Ordinance as designated in *Article 16, Detailed Use Regulations*.

ARTICLE 4 – RURAL RESIDENTIAL DISTRICT

SECTION 4.06: PRINCIPAL USES NOT PERMITTED

A principal use specified in *Article 15, Principal Uses Permitted in Districts, Section 15.05, Table 15, Use vs. District Nomograph*, is not permitted if the “District” column remains blank.

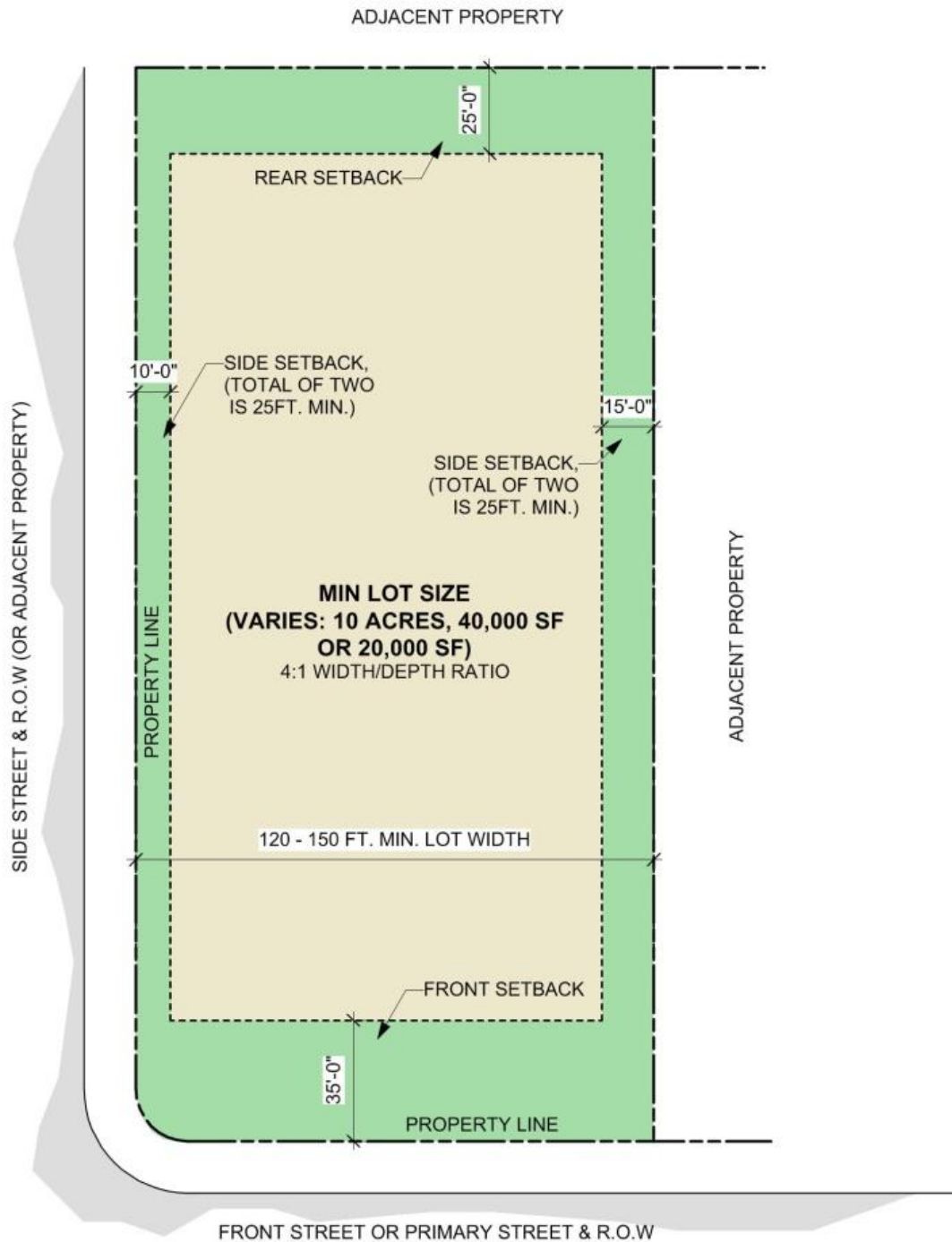
SECTION 4.07: RELATIONSHIP TO OTHER ARTICLES

Uses permitted by right, Y, under a special, S, temporary, T, or specific temporary, SK, land use permit shall be subject to all criteria and other regulations as are specified herein and in other articles of this Ordinance.

SECTION 4.08: SCHEDULE OF DISTRICT REGULATIONS AND MINIMUM PERFORMANCE STANDARDS

Article 19, Performance Requirements, Sections 19.14 and 19.20, Schedule of District Regulations and Minimum Performance Standards, outlines the minimum requirements applicable to the ***Rural Residential District*** and the land uses allowed within this District. The standards are minimum standards and shall be attained prior to approval and issuance of any permits and/or certificates.

ARTICLE 4 – RURAL RESIDENTIAL DISTRICT



RURAL RESIDENTIAL DISTRICT **[RR]** TYPICAL LOT LAYOUT DIAGRAM -

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SCENIC RESIDENTIAL DISTRICT (SR)

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ARTICLE 5: SCENIC RESIDENTIAL DISTRICT (SR)

SECTION 5.01: PURPOSE

The Scenic Rural District is established to preserve and protect large tracts of land in the Township and to provide for very low density residential development located on private roads.

In addition, future development of all sites within this District shall meet with the requirements and Standards set forth in *Article 19, Performance Requirements, Section 19.13, Schedule of District Regulations and Minimum Performance Standards*, and as outlined within this Ordinance.

SECTION 5.02: PRINCIPAL USES PERMITTED BY RIGHT

A principal use listed in *Article 15, Principal Uses Permitted in Districts, Section 15.05, Table 15, Use vs. District Nomograph*, in any district denoted by the letter "Y," is a use permitted by right, provided that all other requirements of federal, state, county, and local law and this Ordinance have been met and further provided that a zoning compliance certificate has been issued in accordance with *Article 26, Administration and Enforcement, Section 26.03, Zoning Compliance Certificate*.

SECTION 5.03: ACCESSORY USES

An Accessory Use is a land use whose purpose is incidental and subordinate to the principal use of the land and is permitted by right within the individual districts. See also *Article 16, Detailed Use Regulations, Section 16.03, Accessory Uses, and Section 16.04, Detailed Accessory Use Regulations*.

SECTION 5.04: SPECIAL USE PERMITS

A principal use listed in *Article 15, Principal Uses Permitted in Districts, Section 15.05, Table 15, Use vs. District Nomograph*, may be permitted as a Special Land Use in any district denoted by the letter "S," provided that the requirements of *Article 17, Special Land Uses* have also been met.

SECTION 5.05: TEMPORARY AND SPECIFIC TEMPORARY USE PERMITS

A principal use may be allowed under a temporary or specific temporary use permit as designated by the letter "T" or "SK" in *Article 15, Principal Uses Permitted in Districts, Section 15.05, Table 15, Use vs. District Nomograph*, and must conform to all requirements of this Ordinance as designated in *Article 16, Detailed Use Regulations*.

SECTION 5.06: PRINCIPAL USES NOT PERMITTED

A principal use specified in *Article 15, Principal Uses Permitted in Districts, Section 15.05, Table 15, Use vs. District Nomograph*, is not permitted if the "District" column remains blank.

SECTION 5.07: RELATIONSHIP TO OTHER ARTICLES

Uses permitted by right, Y, under a special, S, temporary, T, or specific temporary, SK, land use permit shall be subject to all criteria and other regulations as are specified herein and in other articles of this Ordinance.

ARTICLE 5 – SCENIC RESIDENTIAL DISTRICT

SECTION 5.08: SCHEDULE OF DISTRICT REGULATIONS AND MINIMUM PERFORMANCE STANDARDS

*Article 19, Performance Requirements, Section 19.13, Schedule of District Regulations and Minimum Performance Standards, outlines the minimum requirements applicable to the **Scenic Residential District** and the land uses allowed within this District. The standards are minimum standards and shall be attained prior to approval and issuance of any permits and/or certificates.*

ARTICLE 5 – SCENIC RESIDENTIAL DISTRICT



SCENIC
RESIDENTIAL
DISTRICT **[SR]** **TYPICAL LOT LAYOUT DIAGRAM -**

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ARTICLE 6: URBAN RESIDENTIAL DISTRICT (UR)

SECTION 6.01: PURPOSE

The Urban Residential District is established to provide higher density areas for single family housing developments and is intended to grow at a moderate intensity with an urban residential character. It is intended that this District be serviced with all of the facilities for urban living including community sanitary sewers and water supply systems. This District is generally located where a full range of public utilities presently exist or may soon be provided to compliment and encourage development of this intensity. In addition, future development of all sites within this District shall meet with the requirements and standards set forth in *Article 19, Performance Requirements, Section 19.15, Schedule of District Regulations and Minimum Performance Standards*, and as outlined within this Ordinance.

SECTION 6.02: PRINCIPAL USES PERMITTED BY RIGHT

A principal use listed in *Article 15, Principal Uses Permitted in Districts, Section 15.05, Table 15, Use vs. District Nomograph*, in any district denoted by the letter "Y," is a use permitted by right, provided that all other requirements of federal, state, county, and local law and this Ordinance have been met and further provided that a zoning compliance certificate has been issued in accordance with *Article 26, Administration and Enforcement, Section 26.03, Zoning Compliance Certificate*.

SECTION 6.03: ACCESSORY USES

An Accessory Use is a land use whose purpose is incidental and subordinate to the principal use of the land and is permitted by right within the individual districts. See also *Article 16, Detailed Use Regulations, Section 16.03, Accessory Uses, and Section 16.04, Detailed Accessory Use Regulations*.

SECTION 6.04: SPECIAL USE PERMITS

A principal use listed in *Article 15, Principal Uses Permitted in Districts, Section 15.05, Table 15, Use vs. District Nomograph*, may be permitted as a Special Land Use in any district denoted by the letter "S," provided that the requirements of *Article 17, Special Land Uses* have also been met.

SECTION 6.05: TEMPORARY AND SPECIFIC TEMPORARY USE PERMITS

A principal use may be allowed under a temporary or specific temporary use permit as designated by the letter "T" or "SK" in *Article 15, Principal Uses Permitted in Districts, Section 15.05, Table 15, Use vs. District Nomograph*, and must conform to all requirements of this Ordinance as designated in *Article 16, Detailed Use Regulations*.

SECTION 6.06: PRINCIPAL USES NOT PERMITTED

A principal use specified in *Article 15, Principal Uses Permitted in Districts, Section 15.05, Table 15, Use vs. District Nomograph*, is not permitted if the "District" column remains blank.

ARTICLE 6 – URBAN RESIDENTIAL DISTRICT

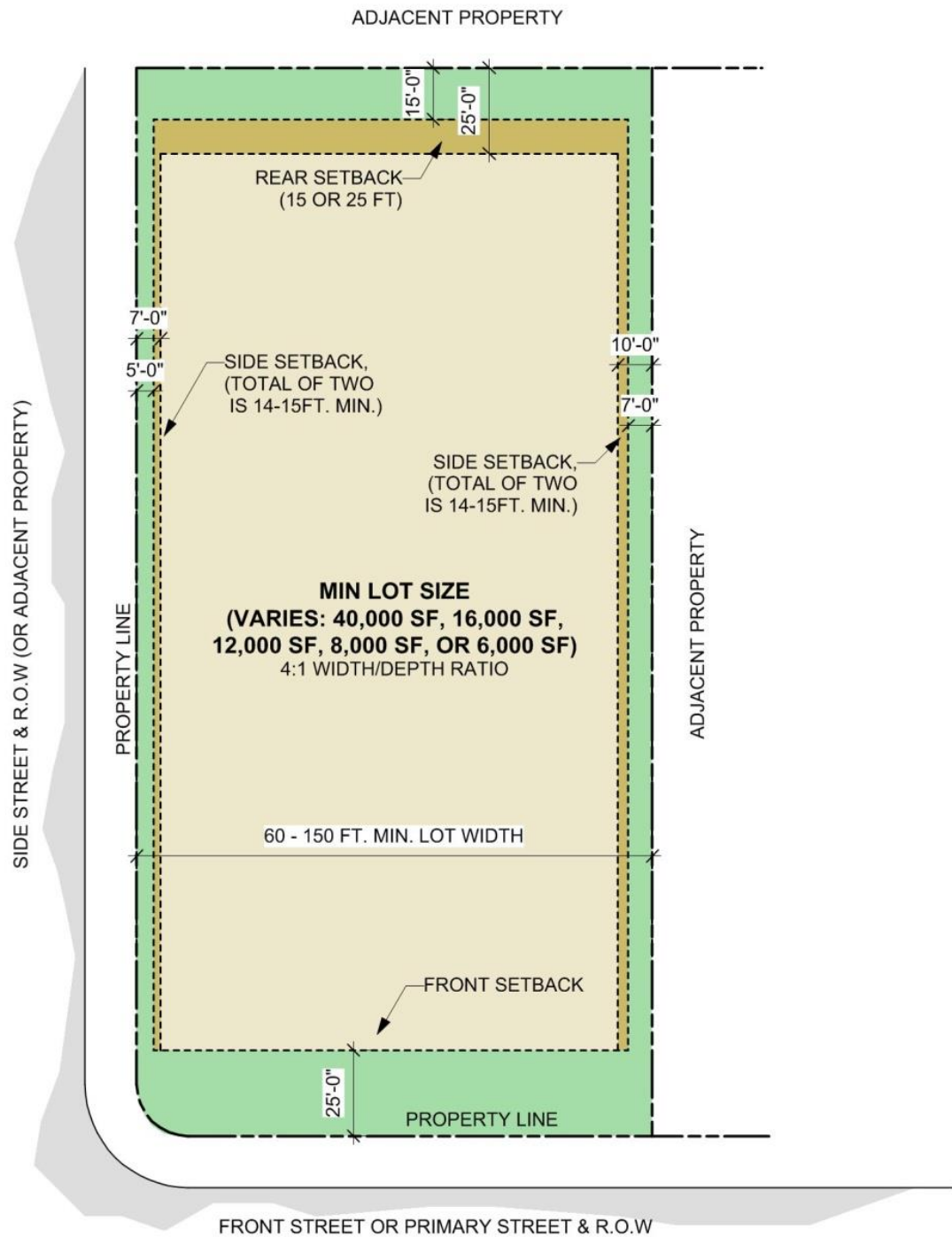
SECTION 6.07: RELATIONSHIP TO OTHER ARTICLES

Uses permitted by right, Y, under a special, S, temporary, T, or specific temporary, SK, land use permit shall be subject to all criteria and other regulations as are specified herein and in other articles of this Ordinance.

SECTION 6.08: SCHEDULE OF DISTRICT REGULATIONS AND MINIMUM PERFORMANCE STANDARDS

*Article 19, Performance Requirements, Section 19.15, Schedule of District Regulations and Minimum Performance Standards, outlines the minimum requirements applicable to the **Urban Residential District** and the land uses allowed within this District. The standards are minimum standards and shall be attained prior to approval and issuance of any permits and/or certificates.*

ARTICLE 6 – URBAN RESIDENTIAL DISTRICT



URBAN
RESIDENTIAL
DISTRICT **[UR]** TYPICAL LOT LAYOUT DIAGRAM -

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DEVELOPMENT DISTRICT (DD)

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7.03:	ACCESSORY USES	2
7.04:	SPECIAL USE PERMITS	2
7.05:	TEMPORARY AND SPECIFIC TEMPORARY USE PERMITS	2
7.06:	PRINCIPAL USES NOT PERMITTED	3
7.07:	RELATIONSHIP TO OTHER ARTICLES	3
7.08:	SCHEDULE OF DISTRICT REGULATIONS AND MINIMUM PERFORMANCE STANDARDS	3
7.09:	BUILDING MATERIALS & DESIGN	3
7.10	PEDESTRIAN CONNECTIVITY	3

ARTICLE 7: DEVELOPMENT DISTRICT (DD)

SECTION 7.01: PURPOSE

The Development District is intended to accommodate future growth in specifically designated areas within the Township where planning studies and future land use maps have indicated, where infrastructure already exists, or where it would be most likely to occur. The location of this district will most naturally occur between the General Business District areas and Residential area within the Township. It is designated to be a flexible, Transitional Growth District where a variety of mixed Land Uses, including Commercial, Office and Residential, could compatibly co-exist. This District is intended to function primarily as a transition zone located between the more intensive existing land uses and land uses exhibiting minimal impact or intensity, such as are inherent in a Residential District. The Land Use Intensities within this transition district will be controlled utilizing the Minimum Performance Standards as required for each proposed development to be located within the District. Excluded from this District are high intensity Land Uses which are best located in the more intense zoning districts within the Township. Future development, on all sites within the Development District, shall meet the requirements and standards set forth in *Article 19 Performance Requirements, Section 19.16, Schedule of District Regulations and Minimum Performance Standards* as outlined in this Zoning Ordinance.

SECTION 7.02: PRINCIPAL USES PERMITTED BY RIGHT

A principal use listed in *Article 15, Principal Uses Permitted in Districts, Section 15.05, Table 15, Use vs. District Nomograph*, in any district denoted by the letter "Y," is a use permitted by right, provided that all other requirements of federal, state, county, and local law and this Ordinance have been met and further provided that a zoning compliance certificate has been issued in accordance with *Article 26, Administration and Enforcement, Section 26.03, Zoning Compliance Certificate*.

SECTION 7.03: ACCESSORY USES

An Accessory Use is a land use whose purpose is incidental and subordinate to the principal use of the land and is permitted by right within the individual districts. See also *Article 16, Detailed Use Regulations, Section 16.03, Accessory Uses, and Section 16.04, Detailed Accessory Use Regulations*.

SECTION 7.04: SPECIAL USE PERMITS

A principal use listed in *Article 15, Principal Uses Permitted in Districts, Section 15.05, Table 15, Use vs. District Nomograph*, may be permitted as a Special Land Use in any district denoted by the letter "S," provided that the requirements of *Article 17, Special Land Uses* have also been met.

SECTION 7.05: TEMPORARY AND SPECIFIC TEMPORARY USE PERMITS

A principal use may be allowed under a temporary or specific temporary use permit as designated by the letter "T" or "SK" in *Article 15, Principal Uses Permitted in Districts, Section 15.05, Table 15, Use vs. District Nomograph*, and must conform to all requirements of this Ordinance as designated in *Article 16, Detailed Use Regulations*.

ARTICLE 7 – DEVELOPMENT DISTRICT (DD)

SECTION 7.06: PRINCIPAL USES NOT PERMITTED

A principal use specified in *Article 15, Principal Uses Permitted in Districts, Section 15.05, Table 15, Use vs. District Nomograph*, is not permitted if the "District" column remains blank.

SECTION 7.07: RELATIONSHIP TO OTHER ARTICLES

Uses permitted by right, Y, under a special, S, temporary, T, or specific temporary, SK, land use permit shall be subject to all criteria and other regulations as are specified herein and in other articles of this Ordinance.

SECTION 7.08: SCHEDULE OF DISTRICT REGULATIONS AND MINIMUM PERFORMANCE STANDARDS

Article 19, Performance Requirements, Section 19.16, Schedule of District Regulations and Minimum Performance Standards, outlines the minimum requirements applicable to the **Development District** and the land uses allowed within this District. The standards are minimum standards and shall be attained prior to approval and issuance of any permits and/or certificates.

SECTION 7.09 BUILDING MATERIALS & DESIGN

Permitted construction material within the district may include, but not limited to, brick, stone, stucco, wood, architectural concrete, architectural metal, glass, steel, and Exterior Insulation and Finishing Systems (EIFS). Unfinished concrete masonry units and corrugated plastic or unpainted corrugated metal (typically associated with pole barn construction) shall be prohibited. If painted corrugated metal is used, its use on the front façade shall be limited to no more than 50% of the front façade and shall be used on the front façade in conjunction with another permitted construction material. This section shall not be a prohibition to trade dress or prototypical building designs that may incorporate unfinished concrete masonry units or corrugated metal as a component of its exterior design.

Buildings that exceed over 150 feet in length shall break up the building plane in balance and scale by use of a mix of different building materials, vertical and horizontal articulation, color, glazing, canopies, foundation plantings, canopies or other similar methods.

SECTION 7.10 PEDESTRIAN CONNECTIVITY

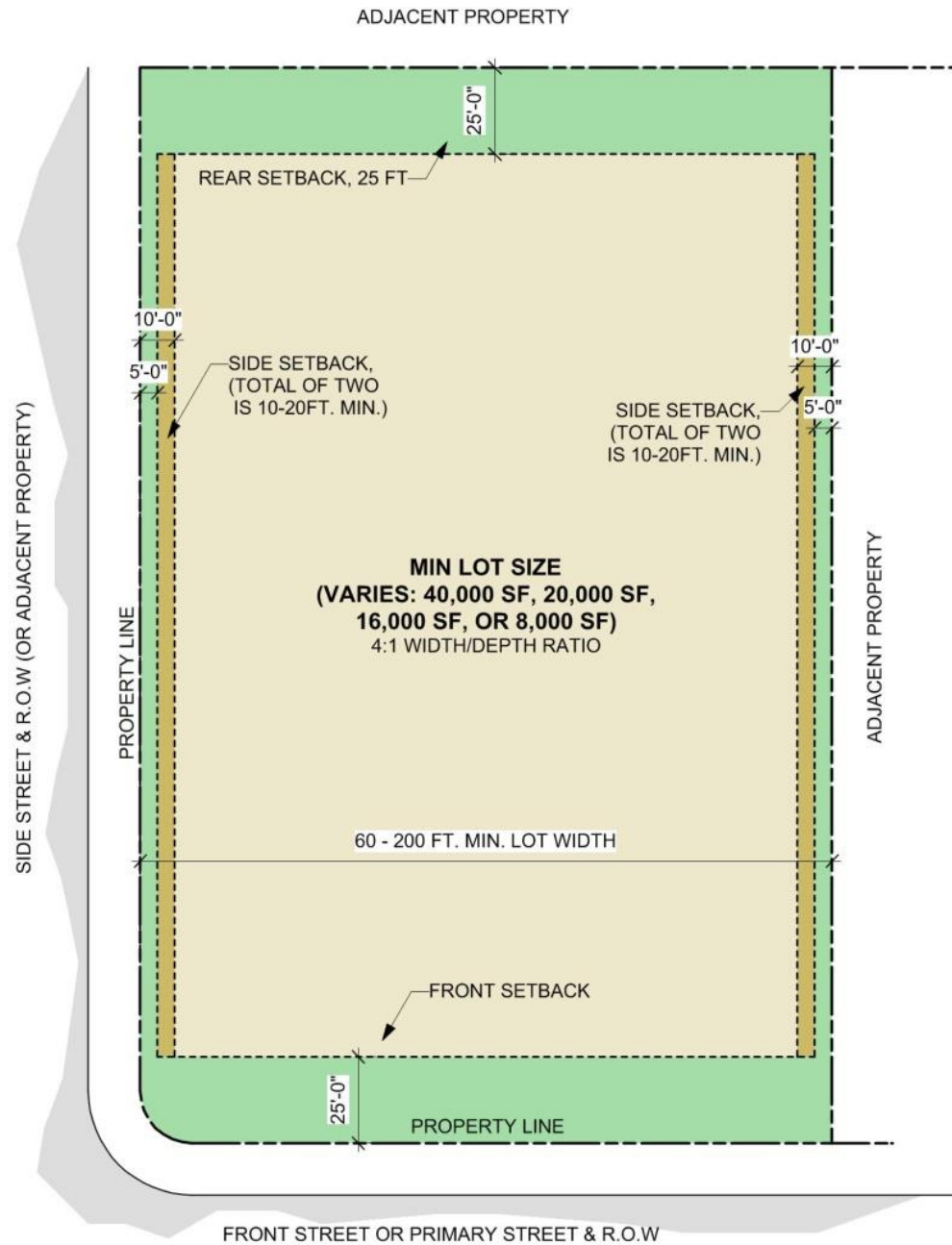
All commercial or business developments open to the public shall provide safe, pedestrian connectivity within the Development District (DD) zoning district in the following manner:

- 1) From any public entrance of a development to the required parking area.
- 2) A pathway to adjoining or disconnected buildings, if they exist within a single parcel and serve a general public use, unless the connection would require a running slope that exceeds five (5) percent, or unless the total length of the pathway would exceed two-hundred (200) feet.
- 3) A separated pathway to existing public walkways, unless the connection would require a running slope that exceeds five (5) percent, or unless the total length of the pathway would exceed two-hundred (200) feet.

ARTICLE 7 – DEVELOPMENT DISTRICT (DD)

- 4) Pedestrian connections shall be constructed in compliance with the American with Disabilities Act (ADA) guidelines and shall incorporate Universal Design Principles.
- 5) These pathway improvements shall be made by the developer, at the developer's expense.

ARTICLE 7 – DEVELOPMENT DISTRICT (DD)



DEVELOPMENT DISTRICT **[DD]** TYPICAL LOT LAYOUT DIAGRAM -

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GENERAL BUSINESS DISTRICT (GB)

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8.07:	RELATIONSHIP TO OTHER ARTICLES	3
8.08:	SCHEDULE OF DISTRICT REGULATIONS AND MINIMUM PERFORMANCE STANDARDS	3
8.09:	BUILDING MATERIALS & DESIGN	3
8.10	PEDESTRIAN CONNECTIVITY	3

ARTICLE 8: GENERAL BUSINESS DISTRICT (GB)

SECTION 8.01: PURPOSE

The General Business District is intended to serve as a focal point for the commercial needs of the highest density population areas of the Charter Township of Marquette and the surrounding areas. The General Business District shall be served by existing or planned public utilities capable of supporting intense development. The standards prescribed for the District are designed to optimize utilization of existing infrastructure. The minimum performance standards are intended to assure compatibility of land uses within the General Business District, as well as neighboring areas. Excluded are uses that require segregation due to environmental and/or health considerations not easily controlled by the application of minimum standards for performance. In addition, future development of all sites within this District shall meet the requirements and standards set forth in *Article 19, Performance Requirements, Section 19.17, Schedule of District Regulations and Minimum Performance Standards*, and as outlined within this Ordinance.

SECTION 8.02: PRINCIPAL USES PERMITTED BY RIGHT

A principal use listed in *Article 15, Principal Uses Permitted in Districts, Section 15.05, Table 15, Use vs. District Nomograph*, in any district denoted by the letter "Y," is a use permitted by right, provided that all other requirements of federal, state, county, and local law and this Ordinance have been met and further provided that a zoning compliance certificate has been issued in accordance with *Article 26, Administration and Enforcement, Section 26.03, Zoning Compliance Certificate*.

SECTION 8.03: ACCESSORY USES

An Accessory Use is a land use whose purpose is incidental and subordinate to the principal use of the land and is permitted by right within the individual districts. See also *Article 16, Detailed Use Regulations, Section 16.03, Accessory Uses, and Section 16.04, Detailed Accessory Use Regulations*.

SECTION 8.04: SPECIAL USE PERMITS

A principal use listed in *Article 15, Principal Uses Permitted in Districts, Section 15.05, Table 15, Use vs. District Nomograph*, may be permitted as a Special Land Use in any district denoted by the letter "5," provided that the requirements of *Article 17, Special Land Uses* have also been met.

SECTION 8.05: TEMPORARY AND SPECIFIC TEMPORARY USE PERMITS

A principal use may be allowed under a temporary or specific temporary use permit as designated by the letter "T" or "SK" in *Article 15, Principal Uses Permitted in Districts, Section 15.05, Table 15, Use vs. District Nomograph*, and must conform to all requirements of this Ordinance as designated in *Article 16, Detailed Use Regulations*.

SECTION 8.06: PRINCIPAL USES NOT PERMITTED

A principal use specified in *Article 15, Principal Uses Permitted in Districts, Section 15.05, Table 15, Use vs. District Nomograph*, is not permitted if the "District" column remains blank.

ARTICLE 8 – GENERAL BUSINESS DISTRICT

SECTION 8.07: RELATIONSHIP TO OTHER ARTICLES

Uses permitted by right, Y, under a special, S, temporary, T, or specific temporary, SK, land use permit shall be subject to all criteria and other regulations as are specified herein and in other articles of this Ordinance.

SECTION 8.08: SCHEDULE OF DISTRICT REGULATIONS AND MINIMUM PERFORMANCE STANDARDS

Article 19, Performance Requirements, Section 19.17, Schedule of District Regulations and Minimum Performance Standards, outlines the minimum requirements applicable to the **General Business District** and the land uses allowed within this District. The standards are minimum standards and shall be attained prior to approval and issuance of any permits and/or certificates.

SECTION 8.09 BUILDING MATERIALS & DESIGN

Permitted construction material within the district may include, but not limited to, brick, stone, stucco, wood, architectural concrete, architectural metal, glass, steel, and Exterior Insulation and Finishing Systems (EIFS). Unfinished concrete masonry units and corrugated plastic or unpainted corrugated metal (typically associated with pole barn construction) shall be prohibited. If painted corrugated metal is used, its use on the front façade shall be limited to no more than 50% of the front façade and shall be used on the front façade in conjunction with another permitted construction material. This section shall not be a prohibition to trade dress or prototypical building designs that may incorporate unfinished concrete masonry units or corrugated metal as a component of its exterior design.

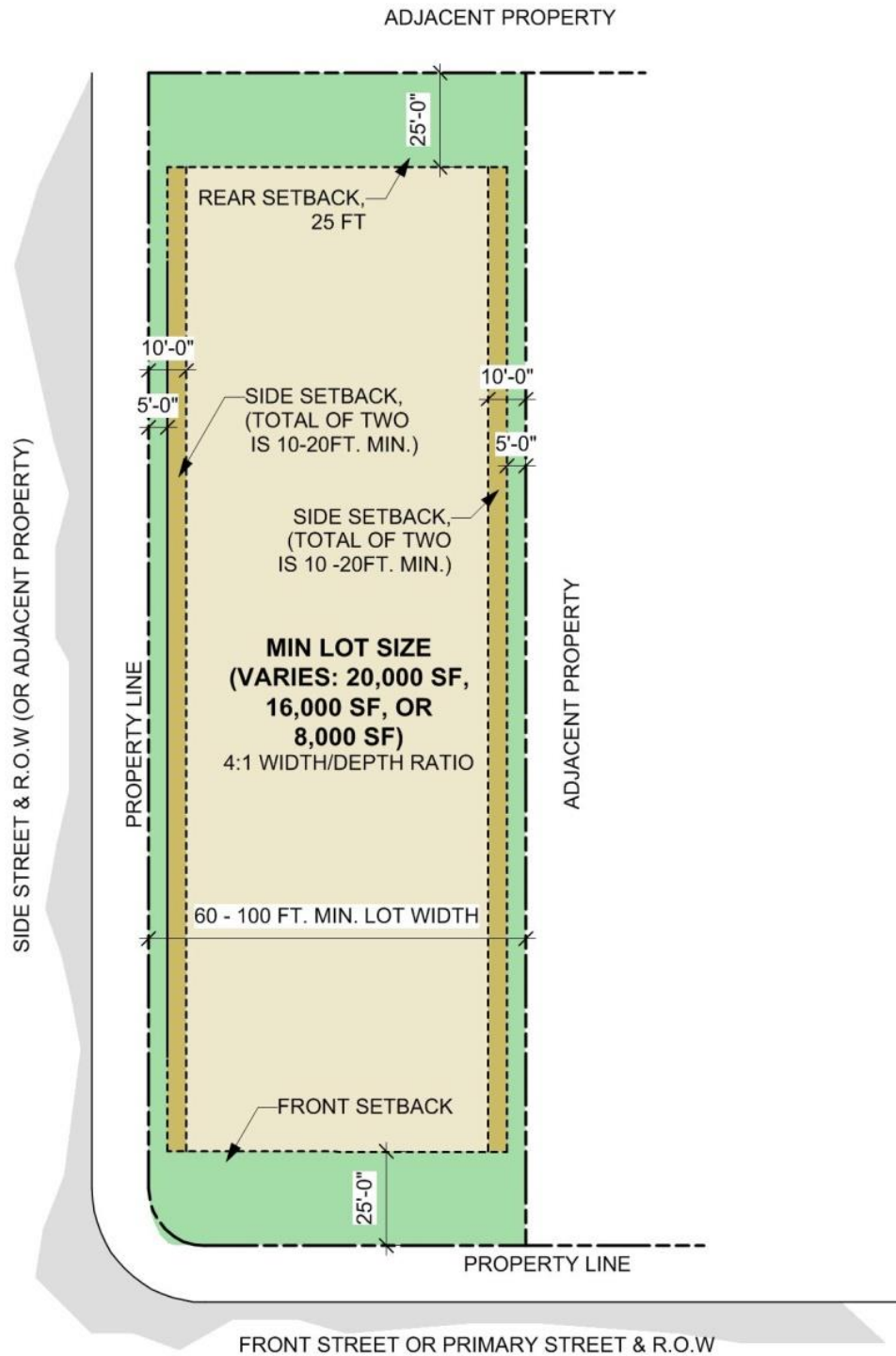
Buildings that exceed over 150 feet in length shall break up the building plane in balance and scale by use of a mix of different building materials, vertical and horizontal articulation, color, glazing, canopies, foundation plantings, canopies or other similar methods.

SECTION 8.10 PEDESTRIAN CONNECTIVITY

All commercial or business developments open to the public shall provide safe, pedestrian connectivity within the General Business (GB) zoning district in the following manner:

- 1) From any public entrance of a development to the required parking area.
- 2) A pathway to adjoining or disconnected buildings, if they exist within a single parcel and serve a general public use, unless the connection would require a running slope that exceeds five (5) percent, or unless the total length of the pathway would exceed two-hundred (200) feet.
- 3) A separated pathway to existing public walkways, unless the connection would require a running slope that exceeds five (5) percent, or unless the total length of the pathway would exceed two-hundred (200) feet.
- 4) Pedestrian connections shall be constructed in compliance with the American with Disabilities Act (ADA) guidelines and shall incorporate Universal Design Principles.
- 5) These pathway improvements shall be made by the developer, at the developer's expense.

ARTICLE 8 – GENERAL BUSINESS DISTRICT



GENERAL BUSINESS DISTRICT **[GB]** TYPICAL LOT LAYOUT DIAGRAM -

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SEGREGATED BUSINESS DISTRICT (SB)

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9.06:	PRINCIPAL USES NOT PERMITTED	3
9.07:	RELATIONSHIP TO OTHER ARTICLES	3
9.08:	SCHEDULE OF DISTRICT REGULATIONS AND MINIMUM PERFORMANCE STANDARDS	3

ARTICLE 9: SEGREGATED BUSINESS DISTRICT (SB)

SECTION 9.01: PURPOSE

The Segregated Business District is intended to accommodate industrial uses which must be segregated because of the inherent nuisance impacts which cannot be made compatible with other uses through the application of minimum performance standards. The creation of the Segregated Business District recognizes the potential for public nuisance, infrastructure, and operational incompatibilities between permitted uses and those of other districts. Accordingly, the standards for this District are designed to accommodate intensive industrial uses having potentially severe adverse impacts. This District should be linked to locations with appropriate environmental characteristics and existing or planned industrial facilities. Standards of performances shall assure that nuisances caused by land uses within the Segregated Business District will have minimal impact on adjacent areas. The locational requirements of intensive use districts shall be recognized as a "Segregated Business District" and be discouraged from being utilized for any type of less intensive uses. In addition, future development of all sites within this District shall meet the requirements and standards set forth in *Article 19, Performance Requirements, Section 19.18, Schedule of District Regulations and Minimum Performance Standards*, and as outlined within this Ordinance.

SECTION 9.02: PRINCIPAL USES PERMITTED BY RIGHT

A principal use listed in *Article 15, Principal Uses Permitted in Districts, Section 15.05, Table 15, Use vs. District Nomograph*, in any district denoted by the letter "Y," is a use permitted by right, provided that all other requirements of federal, state, county, and local law and this Ordinance have been met and further provided that a zoning compliance certificate has been issued in accordance with *Article 26, Administration and Enforcement, Section 26.03, Zoning Compliance Certificate*.

SECTION 9.03: ACCESSORY USES

An Accessory Use is a land use whose purpose is incidental and subordinate to the principal use of the land and is permitted by right within the individual districts. See also *Article 16, Detailed Use Regulations, Section 16.03, Accessory Uses, and Section 16.04, Detailed Accessory Use Regulations*.

SECTION 9.04: SPECIAL USE PERMITS

A principal use listed in *Article 15, Principal Uses Permitted in Districts, Section 15.05, Table 15, Use vs. District Nomograph*, may be permitted as a Special Land Use in any district denoted by the letter "5," provided that the requirements of *Article 17, Special Land Uses* have also been met.

SECTION 9.05: TEMPORARY AND SPECIFIC TEMPORARY USE PERMITS

A principal use may be allowed under a temporary or specific temporary use permit as designated by the letter "T" or "SK" in *Article 15, Principal Uses Permitted in Districts, Section 15.05, Table 15, Use vs. District Nomograph*, and must conform to all requirements of this Ordinance as designated in *Article 16, Detailed Use Regulations*.

ARTICLE 9 – SEGREGATED BUSINESS DISTRICT

SECTION 9.06: PRINCIPAL USES NOT PERMITTED

A principal use specified in *Article 15, Principal Uses Permitted in Districts, Section 15.05, Table 15, Use vs. District Nomograph*, is not permitted if the "District" column remains blank.

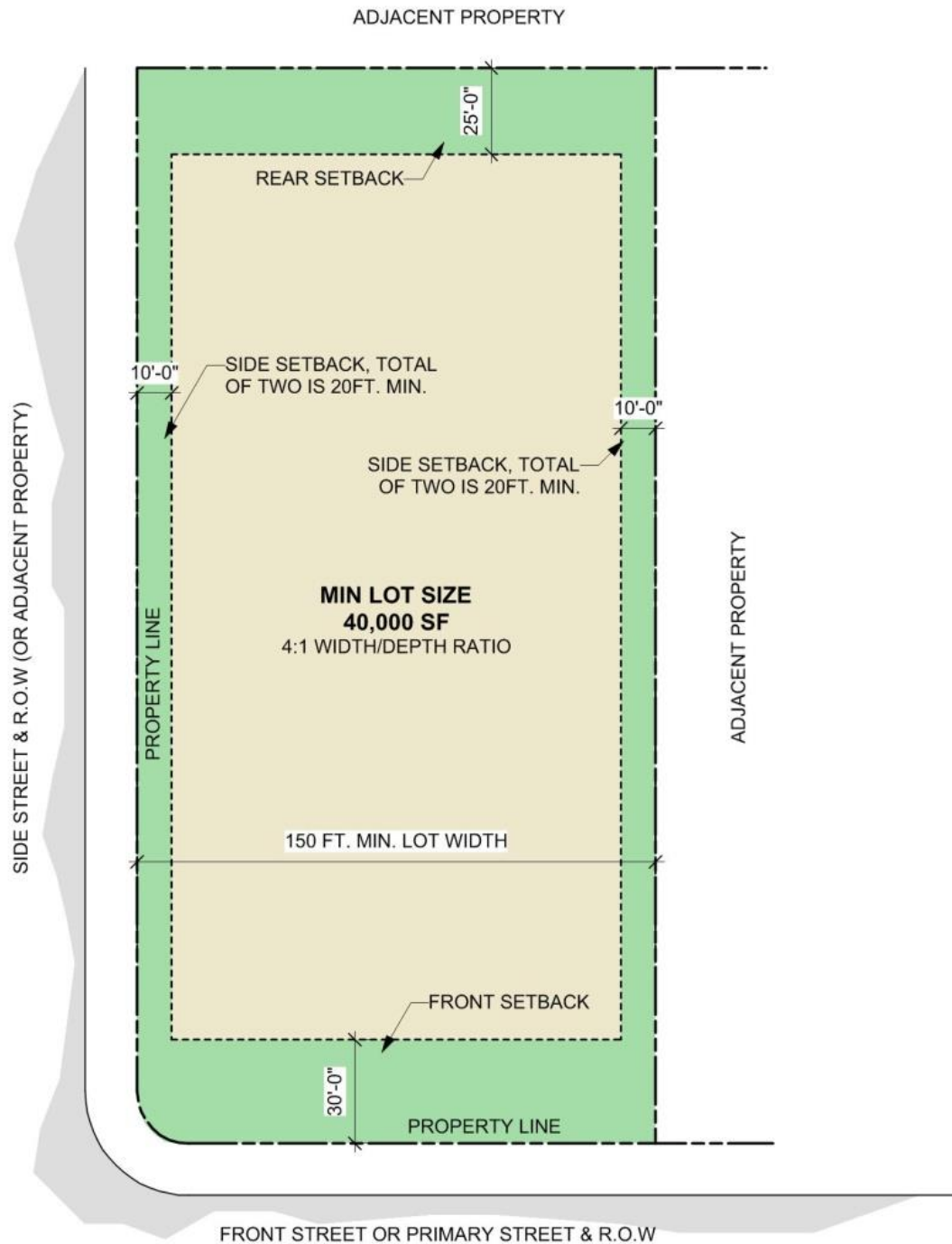
SECTION 9.07: RELATIONSHIP TO OTHER ARTICLES

Uses permitted by right, Y, under a special, S, temporary, T, or specific temporary, SK, land use permit shall be subject to all criteria and other regulations as are specified herein and in other articles of this Ordinance.

SECTION 9.08: SCHEDULE OF DISTRICT REGULATIONS AND MINIMUM PERFORMANCE STANDARDS

Article 19, Performance Requirements, Section 19.18, Schedule of District Regulations and Minimum Performance Standards, outlines the minimum requirements applicable to the **Segregated Business District** and the land uses allowed within this District. The standards are minimum standards and shall be attained prior to approval and issuance of any permits and/or certificates.

ARTICLE 9 – SEGREGATED BUSINESS DISTRICT



SEGREGATED BUSINESS DISTRICT **[SB]** TYPICAL LOT LAYOUT DIAGRAM -

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10.05:	TEMPORARY AND SPECIFIC TEMPORARY USE PERMITS	2
10.06:	PRINCIPAL USES NOT PERMITTED	3
10.07:	RELATIONSHIP TO OTHER ARTICLES	3
10.08:	SCHEDULE OF DISTRICT REGULATIONS AND MINIMUM PERFORMANCE STANDARDS	3

ARTICLE 10: RESOURCE PRODUCTION DISTRICT (RP)

SECTION 10.01: PURPOSE

The Resource Production District is intended to promote the most appropriate social, economic, and environmental utilization of land in the Charter Township of Marquette. This District is intended to provide for a variety of different uses which are resource based. Differences in land uses within the District shall be assured of compatibility by developmental standards required for each land use within the District. The minimum performance standards are intended to provide flexible utilization of the Township's natural resources while preventing nuisance situations from arising. *The Reclamation of Mineral Mining Lands Act, P.A. 92 of 1970, as amended*, shall be supplemental to this Ordinance. It provides for the conservation of minerals from wasteful use, and assures reclamation and restoration of a mining site after mining is phased out. Expected life and reclamation stipulations and procedures shall be carefully scrutinized when reviewing site plan proposals within this District. In addition, future development of all sites within this District shall meet the requirements and standards set forth in *Article 19, Performance Requirements, Section 19.19, Schedule of District Regulations and Minimum Performance Standards*, and as outlined within this Ordinance.

SECTION 10.02: PRINCIPAL USES PERMITTED BY RIGHT

A principal use listed in *Article 15, Principal Uses Permitted in Districts, Section 15.05, Table 15, Use vs. District Nomograph*, in any district denoted by the letter "Y," is a use permitted by right, provided that all other requirements of federal, state, county, and local law and this Ordinance have been met and further provided that a zoning compliance certificate has been issued in accordance with *Article 26, Administration and Enforcement, Section 26.03, Zoning Compliance Certificate*.

SECTION 10.03: ACCESSORY USES

An Accessory Use is a land use whose purpose is incidental and subordinate to the principal use of the land and is permitted by right within the individual districts. See also *Article 16, Detailed Use Regulations, Section 16.03, Accessory Uses, and Section 16.04, Detailed Accessory Use Regulations*.

SECTION 10.04: SPECIAL USE PERMITS

A principal use listed in *Article 15, Principal Uses Permitted in Districts, Section 15.05, Table 15, Use vs. District Nomograph*, may be permitted as a Special Land Use in any district denoted by the letter "5," provided that the requirements of *Article 17, Special Land Uses* have also been met.

SECTION 10.05: TEMPORARY AND SPECIFIC TEMPORARY USE PERMITS

A principal use may be allowed under a temporary or specific temporary use permit as designated by the letter "T" or "SK" in *Article 15, Principal Uses Permitted in Districts, Section 15.05, Table 15, Use vs. District Nomograph*, and must conform to all requirements of this Ordinance as designated in *Article 16, Detailed Use Regulations*.

SECTION 10.06: PRINCIPAL USES NOT PERMITTED

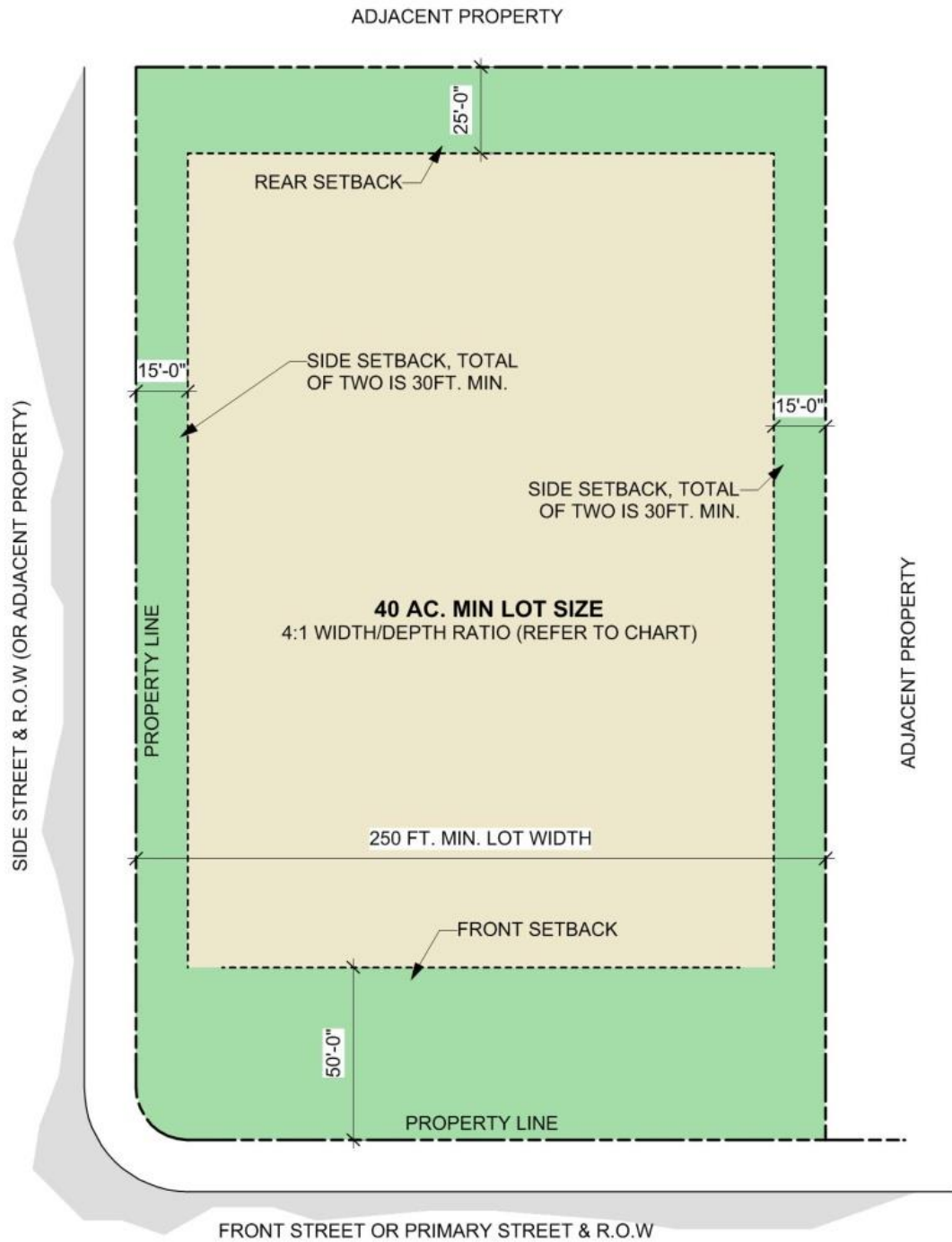
A principal use specified in *Article 15, Principal Uses Permitted in Districts, Section 15.05, Table 15, Use vs. District Nomograph*, is not permitted if the "District" column remains blank.

SECTION 10.07: RELATIONSHIP TO OTHER ARTICLES

Uses permitted by right, Y, under a special, S, temporary, T, or specific temporary, SK, land use permit shall be subject to all criteria and other regulations as are specified herein and in other articles of this Ordinance.

SECTION 10.08: SCHEDULE OF DISTRICT REGULATIONS AND MINIMUM PERFORMANCE STANDARDS

Article 19, Performance Requirements, Section 19.19, Schedule of District Regulations and Minimum Performance Standards, outlines the minimum requirements applicable to the **Resource Production District** and the land uses allowed within this District. The standards are minimum standards and shall be attained prior to approval and issuance of any permits and/or certificates.



RESOURCE PRODUCTION DISTRICT **[RP]** TYPICAL LOT LAYOUT DIAGRAM -

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11.08:	SCHEDULE OF DISTRICT REGULATIONS AND MINIMUM PERFORMANCE STANDARDS	3

ARTICLE 11: FOREST RECREATION DISTRICT

SECTION 11.01: PURPOSE

The purpose of the Forest Recreation District is to protect recreational, scenic and forest resource values. The district permits certain types of low-intensity and low-impact development while restricting uses that are not in character with the preservation of recreational forested land.

In addition, future development of all sites within this District shall meet with the requirements and standards set forth in *Article 19, Performance Requirements, Section 19.13, Schedule of District Regulations and Minimum Performance Standards*, and as outlined within this Ordinance.

SECTION 11.02: PRINCIPAL USES PERMITTED BY RIGHT

A principal use listed in *Article 15, Principal Uses Permitted in Districts, Section 15.05, Table 15, Use vs. District Nomograph*, in any district denoted by the letter "Y," is a use permitted by right, provided that all other requirements of federal, state, county, and local law and this Ordinance have been met and further provided that a zoning compliance certificate has been issued in accordance with *Article 26, Administration and Enforcement, Section 26.03, Zoning Compliance Certificate*.

SECTION 11.03: ACCESSORY USES

An Accessory Use is a land use whose purpose is incidental and subordinate to the principal use of the land and is permitted by right within the individual districts. See also *Article 16, Detailed Use Regulations, Section 16.03, Accessory Uses, and Section 16.04, Detailed Accessory Use Regulations*.

SECTION 11.04: SPECIAL USE PERMITS

A principal use listed in *Article 15, Principal Uses Permitted in Districts, Section 15.05, Table 15, Use vs. District Nomograph*, may be permitted as a Special Land Use in any district denoted by the letter "S," provided that the requirements of *Article 17, Special Land Uses* have also been met.

SECTION 11.05: TEMPORARY AND SPECIFIC TEMPORARY USE PERMITS

A principal use may be allowed under a temporary or specific temporary use permit as designated by the letter "T" or "SK" in *Article 15, Principal Uses Permitted in Districts, Section 15.05, Table 15, Use vs. District Nomograph*, and must conform to all requirements of this Ordinance as designated in *Article 16, Detailed Use Regulations*.

SECTION 11.06: PRINCIPAL USES NOT PERMITTED

A principal use specified in *Article 15, Principal Uses Permitted in Districts, Section 15.05, Table 15, Use vs. District Nomograph*, is not permitted if the "District" column remains blank.

SECTION 11.07: RELATIONSHIP TO OTHER ARTICLES

Uses permitted by right, Y, under a special, S, temporary, T, or specific temporary, SK, land use permit shall be subject to all criteria and other regulations as are specified herein and in other articles of this Ordinance.

ARTICLE 11 – FOREST RECREATION DISTRICT

SECTION 11.08: SCHEDULE OF DISTRICT REGULATIONS AND MINIMUM PERFORMANCE STANDARDS

Article 19, Performance Requirements, Section 19.18, Schedule of District Regulations and Minimum Performance Standards, outlines the minimum requirements applicable to the **Forest Recreation District** and the land uses allowed within this District. The standards are minimum standards and shall be attained prior to approval and issuance of any permits and/or certificates.



FOREST PRESERVE DISTRICT **[FR]** TYPICAL LOT LAYOUT DIAGRAM -

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ARTICLE 12: CONDITIONAL RE-ZONING

SECTION 12.01: PURPOSE AND INTENT

It is recognized that there are certain instances where it would be in the best interests of the Charter Township of Marquette as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be proposed by property owners as part of a request for re-zoning. It is the intent of this Section to provide a procedure consistent with the provisions of Section 405 of the Michigan Zoning Enabling Act 110, 2006, (MCL 125.3405), as amended, by which an owner seeking a re-zoning may voluntarily propose conditions regarding the use and/or development of land as part of the re-zoning request.

SECTION 12.02: APPLICATION AND OFFER OF CONDITIONS

- 1) An owner of land may voluntarily Offer in writing, Conditions relating to the use and/or development of land for which a re-zoning is requested. This Offer shall be made at the time the application for re-zoning is filed.
- 2) The required application and procedure for considering a re-zoning request with conditions shall be the same as that for considering re-zoning requests made without any Offer of Conditions, except as modified by the requirements of this Section.
- 3) The owners Offer of Conditions may not purport to authorize uses or developments not permitted in the requested zoning district.
- 4) The owner's Offer of Conditions shall bear a reasonable and rational relationship to the property for which re-zoning is requested.
- 5) Any use or development proposed as part of an Offer of Conditions what would require a Special Land Use permit under the terms of this Ordinance may only be commenced if a Special Land Use permit for such use or development is ultimately granted in accordance with the requirements as set forth in Article XVI of this Ordinance.
- 6) Any use or development proposed as part of an Offer of Conditions that would require a Variance under the terms of this Ordinance may only be commenced if a Variance for such use or development is ultimately granted by the Zoning Board of Appeals in accordance with the requirements as set forth in Article XXIII of this Ordinance.
- 7) Any use of development proposed as part of an Offer of Conditions that would require Site Plan Approval under the terms of this Ordinance, may only be commenced if Site Plan Approval for such use or development is ultimately granted in accordance with the requirements as set forth in this Ordinance in Article XVII, Site Plan Review.

ARTICLE 12 – CONDITIONAL REZONING

SECTION 12.02: APPLICATION AND OFFER OF CONDITIONS – (Cont.)

- 8) The Offer of Conditions may be amended during the process of re-zoning provided that any amended or additional conditions are entered voluntarily by the owner. An owner may withdraw all or part of its Offer of Conditions any time prior to final re-zoning action by the Township Board provided that, if such withdrawal occurs subsequent to the Planning Commission's public hearing on the original re-zoning request, then the re-zoning application shall be referred to the Planning Commission for a new public hearing with appropriated notice and a new recommendation.

SECTION 12.03: PLANNING COMMISSION REVIEW

The Planning Commission, after public hearing and consideration of the factors for re-zoning set forth in this Ordinance, Article XXIV, Changes and Amendments, Section 24.06, Fact Finding, may recommend approval, approval with recommended changes or denial of the re-zoning provided, however, that any recommended changes to the Offer of Conditions are acceptable too and thereafter offered by the owner.

SECTION 12.04: TOWNSHIP BOARD REVIEW

After receipt of the Planning Commission's recommendation, the Township Board shall deliberate upon the requested re-zoning and may approve or deny the conditional re-zoning request. The Township Board's deliberations shall include, but not be limited to, a consideration of the factors for re-zoning set forth in Section 24.06 of this Ordinance. Should the Township Board consider amendments to the proposed conditional re-zoning advisable and if such contemplated amendments to the Offer of Conditions, are acceptable to and thereafter offered by the owner, then the Township Board shall, in accordance with Section 11 of the Township Zoning Act (MCL 125.281), refer such amendments to the Planning Commission for a report thereon within a time specified by the Township Board and proceed thereafter in accordance with said statute to deny or approve the conditional rezoning with or without amendments.

SECTION 12.05: APPROVAL

- 1) If the Township Board finds the re-zoning request and Offer of Conditions acceptable, the offered conditions shall be incorporated into a formal written Statement of Conditions acceptable to the owner and conforming in form to the provisions of this Section. The Statement of Conditions shall be incorporated by attachment or otherwise as an inseparable part of the Ordinance adopted by the Township Board to accomplish the requested re-zoning.

ARTICLE 12 – CONDITIONAL REZONING

SECTION 12.05: APPROVAL – (Cont.)

- 2) **The Statement of Conditions Shall:**
 - a) Be prepared in a form recordable with the Marquette County Register of Deeds or, as an alternative, be accompanied by a recordable Affidavit or Memorandum prepared and signed by the owner giving notice of the Statement of Conditions in a manner acceptable to the Township Board.
 - b) Contain a legal description of the land to which it pertains.
 - c) Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.
 - d) Incorporate by attachment or reference any diagram, plans or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the Statement of Conditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined.
 - e) Contain a statement acknowledging that the Statement of Conditions or an Affidavit of Memorandum giving notice thereof shall be recorded by the Township Clerk with the Register of Deeds of Marquette County.
 - f) Contain the notarized signatures of all of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.
- 3) Upon the re-zoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification along with a designation that the land was re-zoned with a Statement of Conditions. The Township Clerk shall maintain a listing of all lands re-zoned with a Statement of Conditions.
- 4) Upon the re-zoning taking effect, the use of the land so re-zoned shall conform thereafter to all of the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the Statement of Conditions.

SECTION 12.06: COMPLIANCE WITH CONDITIONS

- 1) Any person who establishes a development or commences a use upon land that has been Re-zoned with Conditions shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the Statement of Conditions.

ARTICLE 12 – CONDITIONAL REZONING

SECTION 12.06: COMPLIANCE WITH CONDITIONS – (Cont.)

- 2) Any failure to comply with a condition contained within the Statement of Conditions shall constitute a Violation of this Zoning Ordinance and be punishable accordingly. Additionally, any such Violation shall be deemed a nuisance per se and subject to judicial abatement as provided by the law.
- 3) No permit or approval shall be granted under this Ordinance for any use or development that is contrary to an applicable Statement of Conditions.

SECTION 12.07: TIME PERIOD FOR ESTABLISHING, DEVELOPING, OR USE

Unless another time period is specified in the Ordinance re-zoning the subject land, the approved development and/or use of the land pursuant to building and other required permits shall be commenced upon the land within 18 months after the re-zoning took effect and thereafter proceed diligently to completion. This time limitation may upon written request be extended by the Township Board if:

- 1) It is demonstrated to the Township Board's satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion.
- 2) The Township Board finds that there has not been a change in circumstances that would render the current zoning with Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.

SECTION 12.08: REVERSION OF ZONING

If approved development and/or use of the re-zoned land does not occur within the 18 month time-frame specified under Subsection G above, then the land shall revert to its former zoning classification as set forth in MCL 125.286i. The reversion process shall be initiated by the Township Board requesting that the Planning Commission proceed with consideration of re-zoning the land to its former zoning classification. The procedure for considering and making this reversionary re-zoning shall thereafter be the same as applies to all other re-zoning requests.

SECTION 12.09: SUBSEQUENT RE-ZONING OF LAND

When land that is re-zoned with a Statement of Conditions is thereafter re-zoned to a different zoning classification or to the same zoning classification but with a different or no Statement of Conditions, whether as a result of a reversion of zoning pursuant to Subsection H above or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. Upon the owner's written request, the Township Clerk shall record with the Marquette County Register of Deeds, a notice that the Statement of Conditions is no longer in effect.

ARTICLE 12 – CONDITIONAL REZONING

SECTION 12.10: AMENDMENT OF CONDITIONS

- 1) During the time period for commencement of an approved development or use specified pursuant to Subsection G above or during any extension thereof granted by the Township Board, Township Officials shall not add to or alter the conditions in the Statement of Conditions.
- 2) The Statement of Conditions may be amended thereafter in the same manner as was prescribed for the original re-zoning procedures and Statement of Conditions.

SECTION 12.11: TOWNSHIP RIGHT TO RE-ZONE

Nothing in the Statement of Conditions nor in the provisions of this Section shall be deemed to prohibit the Township from re-zoning all or any portion of land that is subject to a Statement of Conditions to another zoning classification. Any re-zoning shall be conducted in compliance with this Ordinance and the Township Zoning Act (MCL 125.271 et seq.).

SECTION 12.12: FAILURE TO OFFER CONDITIONS

The Township shall not require an owner to Offer Conditions as a requirement for re-zoning. The lack of an Offer of Conditions shall not affect an owner's rights under this Ordinance.

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PLANNED UNIT DEVELOPMENT (PUD)

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ARTICLE 13: PLANNED UNIT DEVELOPMENT (PUD)

SECTION 13.01: PURPOSE AND INTENT

Planned Unit Development (PUD) regulations are intended to provide for various types of land uses planned in a manner which shall encourage the use of land in accordance with its character and adaptability; encourage innovation in land use planning; achieve economy and efficiency in the use of land, natural resources, energy, and the provision of public services and utilities; encourage useful open space; protect natural features and sensitive environmental areas; provide enhanced housing, employment, shopping, traffic circulation and recreational opportunities for the people of the township; and bring about a greater compatibility of design and use; provide enhanced site and building architectural features. The provisions of this Article provide enabling authority and standards for the submission, review, and approval of applications for planned unit developments. The Zoning Administrator is responsible for administering this article and forwarding all documents and reviews to the Planning Commission per this Article however he or she may designate other individuals or consultant(s) to assist with this administration, and providing PUD reviews and recommendations for the Planning Commission.

SECTION 13.02: QUALIFYING CONDITIONS

A planned unit development (PUD) may be located anywhere in the Township upon its approval by the Marquette Township Planning Commission and its subsequent Zoning Compliance Permit. Any development that fails to meet the following qualifying conditions, at a minimum, shall not be considered for the PUD District:

A. Grant of the PUD will result in one of the following:

1. A recognizable and material benefit to the ultimate users of the project and to the community, where such benefit would otherwise be unfeasible or unlikely to be achieved without application of the PUD regulations; or
2. Long-term protection and preservation of natural resources and natural features of a significant quantity and/or quality, where such benefit would otherwise be unfeasible or unlikely to be achieved without application of the PUD regulations. Examples of natural features to be preserved include but are not limited to: streams and their riparian buffers of fifty (50) feet on both sides of the stream systems, bodies of water, wetlands, woodlands, habitat for plant or animal species that are listed as threatened, endangered or of special concern in the Marquette Township Comprehensive Development Plan, steep slopes exceeding twenty (20) percent; or
3. An existing non-conforming use shall, to a material extent, be rendered more conforming, or less offensive, to the zoning district in which it is situated.

ARTICLE 13 – PLANNED INIT DEVELOPMENT (PUD)

SECTION 13.02: QUALIFYING CONDITIONS – (Cont.)

- B. Acreage Requirement: The PUD site shall be not less than five (5) acres of fully contiguous property not separated by a public road, railroad, or other such associated feature or barrier. The Planning Commission may consider a PUD on lesser acreage if it is clear that the proposed PUD substantially provides for the purpose and intent of a PUD as stated in Section 13.01. In addition, the Planning Commission may use Section 13.01 Purpose and Intent when considering a PUD with property that may be separated by a public road, railroad, or other such associated feature or barrier. It would be up to the applicant to show why, for example, a physical barrier (road or railroad) separating the acreage would not restrict the applicant's ability to develop a cohesive PUD.
- C. The proposed type and density of the use shall not result in an unreasonable increase in the need for or burden upon public services, facilities, roads and utilities, such as a substantial expansion of the public water and sewer system and facilities or an increase of the level of service on the roads. Connection to the Township's public water and sewer systems shall be required for all PUDs where any property line for the PUD parcel is a distance of five hundred (500) feet or less from the closest water and sewer mains. The maximum gross density for residential dwelling units of the PUD shall not exceed that which is required in the Urban Residential District in Section 19.15 SCHEDULE OF DISTRICT REGULATIONS AND MINIMUM PERFORMANCE STANDARDS of this ordinance. The PUD shall be in compliance with any Marquette Township Ordinance pertaining to stormwater management and the Marquette County Drain Commissioner's regulations and procedures.
- D. The proposed development shall be consistent with the public health, safety and welfare of the Township.
- E. The proposed development shall not result in a negative environmental impact on the subject site or surrounding land.
- F. The proposed development shall not result in a negative economic impact upon surrounding properties.
- G. The proposed development shall be under single ownership and/or control such that there is a single person or entity having responsibility for completing the project in conformity with this ordinance.
- H. The proposed development must be consistent with the goals, objectives and policies of the Marquette Township Comprehensive Development Plan.
- I. Pedestrian: The PUD must provide for integrated, safe and abundant pedestrian or other non-motorized access and movement within the PUD and to adjacent properties.
- J. Architecture: The PUD should provide for coordinated and visually appealing architectural styles, building forms and building relationships.

SECTION 13.02: QUALIFYING CONDITIONS – (Cont.)

- K. Traffic: The PUD must provide for safe and efficient vehicular movements within, into and off of the PUD site. In addition, the PUD should integrate traffic calming techniques, along with suitable parking lot landscape islands and other similar techniques to improve parking lot aesthetics, stormwater management, traffic flow and vehicular/pedestrian safety.
- L. Open Space Requirements:
1. The PUD development shall contain open space as defined in SECTION 2.02: DEFINITIONS and regulated in SECTION 19.05 REQUIRED OPEN SPACE in an amount equal to at least thirty-five (35) percent of the total PUD site. The Planning Commission may consider a PUD with a lesser amount of open space if it is clear that the proposed PUD substantially provides for the intent of a PUD as stated in this Article. It is noted that open space is a very important element of a PUD and reductions to the open space provision should be granted only as a result of specific, clearly documented reasons (i.e. the PUD may be located on a relatively small site in an area where a thirty-five (35) percent open space provision would detract from building continuity, historic preservation efforts, etc.) However in all circumstances, the open space for the PUD shall equal at least twenty (20) percent. The percentage of open space required in this section shall supersede that of what is required in Sections 19.13 through Section 19.19.
 2. Such open space shall be permanently set aside for the sole benefit, use, and enjoyment of present and future occupants of the PUD through covenant, deed restriction, open space easement, or similar legal instrument acceptable to review and approval of the Township; or, if agreed to by a governmental agency, the open space may be conveyed to a governmental agency for the use of the general public. Access to open space areas may be limited to PUD residents, especially in areas of sensitive natural areas, and is subject to the Planning Commission review and approval.
 3. All accessory and incidental structures are subject to review and approval of the Planning Commission and must be depicted on the PUD site plan at the time of the preliminary and final PUD review.

SECTION 13.03: PERMITTED USES

Any land use permitted by right or by special land use in any Zoning District, except the Rural Residential and the Urban Residential Districts, may be requested to be included in the PUD, subject to adequate public health, safety, and welfare protection mechanisms being designed into the development to ensure compatibility of varied land uses both within and outside the development. In the Rural Residential and the Urban Residential Districts, the only uses that may be requested to be included in the PUD are those uses that are listed in Section 15.05: Table 15 USE VS. DISTRICT NOMOGRAPH, under the headings of Agriculture, Agricultural support, Forestry, Public Service, Recreation/Commercial, Recreation Indoor/Outdoor, Recreational Rental Dwelling, Residential Dwelling, and Special Residential & Institutional.

SECTION 13.04: PREAPPLICATION CONFERENCE FOR PUD

- A. Prior to the submission of an application for a PUD, a pre-application conference shall be held with representatives from Marquette Township for the purpose of exchanging information, providing guidance to the applicant and determining the eligibility of the request for consideration as a PUD.
- B. A request for a pre-application conference shall be made to the Zoning Administrator. As part of the pre-application conference, the applicant shall submit seven (7) copies of a conceptual plan, at least ten (10) days in advance of the pre-application conference, which shows the property location, total number of acres, the number of dwelling units, boundaries, significant natural features and resources, the location and number of acres to be preserved as open or recreational space, vehicular and pedestrian circulation, all existing and proposed land uses and buildings for the entire site, know deviations from the ordinance regulations to be sought.
- C. The Township may advise the applicant of the known conformance of the PUD concept with the intent and objectives of a PUD in the Township, whether it appears to qualify under the minimum requirements of Section 13.02. No formal action will be taken at a pre-application conference, nor will statements made at the pre-application conference be considered legally binding commitments.

SECTION 13.05: PRELIMINARY PUD PLAN APPLICATION

A. PRELIMINARY PUD PLAN APPLICATION REQUIREMENTS

- 1. Following the pre-application conference and subsequent meeting with the Planning Commission, applicants seeking approval of a PUD District shall submit a complete application, two (2) copies of the preliminary PUD site plan and supporting documents and the required fee to the Zoning Administrator. Within seven (7) business days from the receipt of the application and the two preliminary PUD site plans and supporting documents, the Zoning Administrator shall inform the applicant if the application, the site plans and fees are complete or incomplete. Then the applicant shall resubmit all of completed documents or, if informed by the Zoning Administrator that the submittal is complete, the applicant shall submit one (1) additional copy of such completed application and PUD site plan and supporting documents for each of the following agencies that the Zoning Administrator has determined as necessary for their review and comment:
 - a. Marquette County Road Commission
 - b. Marquette County Health Department
 - c. Marquette County Drain Commissioner
 - d. Marquette County Soil Conservation Official
 - e. Michigan Department of Transportation
 - f. Michigan Department of Environmental Quality
 - g. School District – Superintendent of Schools

SECTION 13.05: PRELIMINARY PUD PLAN APPLICATION – (Cont.)

- h. Charter Township of Marquette Fire Chief or Marshal
- i. Chief of the local law enforcement agency
- j. Affected utility companies
- k. Nearby operating railroads which may be affected by the proposed plan
- l. Charter Township of Marquette Department of Public Works
- m. Other federal, state, county, or local agencies which may be impacted by the proposed development

Upon receipt of such completed applications, plans, and supporting documents, the Zoning Administrator shall forward such to the above agencies. During this review by these agencies, the Zoning Administrator shall also complete a review of the PUD proposal for compliance with the Zoning Ordinance and other applicable ordinances.

Once all of the comments from the above agencies have been received by the Zoning Administrator or fifteen (15) business days, whichever is sooner, the Zoning Administrator shall forward all of the comments as well as his or her own to the applicant. The applicant shall revise the plan and documents per these comments and submit fifteen (15) complete sets of the revised plan at least fifteen (15) business days ahead of the next regularly scheduled Planning Commission meeting. Then the Zoning Administrator shall forward the preliminary PUD plan, application, review, and all other documents from other agencies to the Planning Commission at their next regular meeting.

- 2. Such application shall include the following (unless determined by the Zoning Administrator to be unnecessary);
 - a. A completed application form and the appropriate number of copies as outlined above of a preliminary PUD plan including a site plan. The preliminary PUD plan shall contain the following site plan information:
 - 1. The original and revision dates, north arrow, and scale(s). The scale or scales used shall be sufficient to enable the site plan to clearly show all necessary detail for an accurate review of the site plan.
 - 2. The name, address and phone number of the firm responsible for preparing the site plan. Each page of the site plan must be sealed by a licensed engineer, architect, landscape architect, surveyor or planner who prepared that same page.
 - 3. The name, address(s) and phone number(s) of the property owner(s) and petitioner(s).
 - 4. Legal description of the PUD site.

SECTION 13.05: PRELIMINARY PUD PLAN APPLICATION – (Cont.)

5. The size (in acres) of the PUD site.
6. All property lines and proposed setbacks, shown and dimensioned.
7. A location or vicinity sketch.
8. The location of all existing structures and vehicle use areas, within 100' of the PUD site's boundaries.
9. The location and dimensions of all existing structures and vehicle use areas on the PUD site.
10. The location of all proposed structures on the PUD site. Realizing that this is preliminary, dimensions are desired but not necessary until final approval.
11. The location and dimension of proposed lots or ownership divisions.
12. The location, pavement width and right-of-way width of all abutting roads, streets, alleys, easements, and clear vision areas, and emergency vehicle access locations.
13. The existing zoning and use of all properties abutting and including the PUD site.
14. The location of all existing vegetation and the general location of all proposed landscape areas, berms, landscape islands and buffers, including any fence or wall areas.
15. The size and location of existing utilities, including a short narrative note on the site plan pertaining to the PUD's proposed, stormwater management and other utility needs and concepts.
16. The proposed location and estimated size(s) of all surface and subsurface water drainage facilities and features, natural or manmade.
17. Existing topographic contours at a maximum of two (2) foot intervals, and all available soil conditions. Conceptual topographic patterns for the PUD site shall also be provided, noting major earth moving and/or removal areas (realizing that each plan receiving final PUD approval will be required to show actual topographic contours, both existing and proposed).
18. Location, types and size of areas to be dedicated for common open space, and natural, environmental or cultural features to be preserved.
19. Anticipated trash receptacle locations and method of screening.

SECTION 13.05: PRELIMINARY PUD PLAN APPLICATION – (Cont.)

20. Proposed streets, alleys, curb cuts, acceleration/deceleration lanes, curbed areas, service drives and parking lot locations, loading and truck dock locations, including traffic calming concepts, driving surface widths as required by this Ordinance, the Michigan Department of Transportation standards, or the Marquette County Road Commission's standards.
 21. Proposed pedestrian sidewalk and non-motorized movements both within and off the PUD site.
 22. Proposed sign locations and sizes, and lighting concepts/styles and general location areas.
 23. Proposed architectural style/design concepts that will be incorporated into final approval plans, including both buildings and structures (i.e. – gateways, fence/wall concepts, artwork, etc.)
 24. Proposed setbacks, lot widths, lot areas and building/structure heights.
 25. Proposed uses to be included in the PUD project.
 26. Any traffic impact studies, environmental impact analysis, economic impact studies, etc. shall be performed by certified individuals or consultants on behalf of Marquette Township and selected independently of any influences from the applicant or party having interest in the development.
 27. A table shall be provided on the final site plan which specifically details all deviations from the established zoning area, height and setback regulations, off-street parking regulations, general provisions, or Township subdivision regulations which would otherwise be applicable to the uses and developments proposed in the absence of this PUD article and rezoning.
- b. Fee: Payment of a PUD fee, as established by the Township Board.
- c. Narrative Statement: A narrative statement describing:
1. The objectives of the PUD and how it relates to the Intent of the PUD, as described in Section 13.01.
 2. The relationship of the PUD to the qualifying conditions listed in Section 13.02.
 3. Phases of development and approximate time frames for each phase, including anticipated start and completion dates of construction.
 4. Proposed deed restrictions, covenants, or similar legal instruments to be used within the PUD.

SECTION 13.05: PRELIMINARY PUD PLAN APPLICATION – (Cont.)

B. PLANNING COMMISSION PUBLIC HEARING AND REVIEW OF PRELIMINARY PUD

1. The Zoning Administrator shall publish and send out public notices in the same manner as prescribed for special land uses per Section 16.04 of this Ordinance, except the Zoning Administrator sets a public hearing date and not the Planning Commission. Following public notices, the Planning Commission shall hold a public hearing on the preliminary PUD plan for the purpose of receiving public comment on the PUD.
2. Following the public hearing, the Planning Commission shall review the preliminary PUD plan for conformance with the standards of Section 13.07 and make its findings according to those standards and shall approve, approve with conditions, or deny the preliminary PUD plan.
3. An approval with conditions shall not be considered final until the applicant submits a written acceptance of the conditions and all necessary revisions to the preliminary PUD plan to the Planning Commission.

SECTION 13.06: FINAL PUD PLAN

A. FINAL PUD APPLICATION

1. Final Development Plan Approval Time Period – Single Phase: Within twelve (12) months of the Planning Commission's approval of the preliminary PUD plan, the applicant shall submit an application to the Zoning Administrator for final PUD approval. If the applicant fails to submit such within twelve (12) months as stated above, then the preliminary PUD plan shall be determined to be invalid.
2. Final Development Plan Approval Time Period – Dual or Multi Phased: If the project includes phases, then the applicant must submit a request within twelve (12) months of the Planning Commission's approval of the preliminary PUD plan for final development plan approval of a phase. Following the final approval of the first PUD phase, the applicant must submit each subsequent phase within twenty-four (24) months of the approval date for the previous phase. If the applicant fails to submit the first phase within twelve (12) months or each subsequent phase within the twenty-four (24) month time period then the preliminary PUD plan incorporating all phases not already approved for final site plan shall be determined to be invalid.
3. Approval Time Extension: Upon request to the Planning Commission and in accordance with this Section 13.06, the time frames may be extended for a reasonable period of time. The extension shall be applied for prior to the expiration of the above timeframes.

SECTION 13.06: FINAL PUD PLAN – (Cont.)

4. Final PUD Plan Application Requirements: A final PUD plan application shall be processed in the same manner as for the preliminary PUD plan and consist of the following (unless determined by the Zoning Administrator to be unnecessary):
 - a. A completed application form supplied by the Zoning Administrator.
 - b. Payment of a fee, as established by the Township Board.
 - c. A written response to the findings, review comments, and conditions, if any, from the Planning Commission's review and approval of the preliminary PUD plan and a narrative explanation of the changes made to the plan in response to those items.
 - d. A site plan containing all of the information required in this PUD Article in Section 13.05 A.2.a., and the following information: (If the plan consists of phases, then the above-mentioned information is only required for the specific phase(s) being presented for final approval. Each subsequent phase shall be reviewed in the same manner).
 1. The location and dimensions of all proposed structures and buildings on the PUD site.
 2. The location of all proposed drives (including dimensions and radii), acceleration/deceleration lanes, sidewalks/pathways/bikepaths, curbing, parking areas (including the dimensions of a typical parking space and the total number of parking spaces to be provided), and unloading areas. Street names must also be included.
 3. The location of all proposed signs and lighting, including the sizes and types.
 4. The location, type and size of all proposed landscaping and site amenities (artwork, fences, gateway features, etc.).
 5. The location, type and size of all utilities and stormwater drainage facilities, including fire protection, sanitary sewers, water services, etc.
 6. Existing and proposed topographic contours at a maximum of two (2) foot intervals.
 7. Elevation views of all proposed structures and floor plans with dimensions, and square footages.
 8. Proposed open space areas, including recreational amenities (playgrounds, etc.).

ARTICLE 13 – PLANNED INIT DEVELOPMENT (PUD)

SECTION 13.06: FINAL PUD PLAN – (Cont.)

- e. The Planning Commission may request any additional graphics or written materials, prepared by a certified individual or consultant selected as specified in Section 13.05A.2.a.26, to assist in determining the appropriateness of the PUD site plan. Such material may include, but need not be limited to, aerial photography, photographs; traffic impact studies; impact on significant natural features and drainage; soil tests; and other pertinent information.

B. PLANNING COMMISSION REVIEW OF FINAL PUD PLAN

1. The Planning Commission shall review the final PUD plan in relation to its conformance with the preliminary development plan and its conditions of approval, if any. If it is determined that the final plan is not in substantial conformance with the preliminary PUD plan, the review process shall be conducted as a preliminary PUD plan review, in accordance with the procedures of Section 13.05 of this Ordinance.
2. Planned Unit Developments, whether established as a single or multiphase development, shall comply with the intent of the PUD in each phase. If a portion of the PUD intent is to provide for a variety of uses (i.e. – apartments and single family homes), then the proposed phasing schedule shall show how the development of these uses will be balanced in the phased development schedule.
3. If the final PUD plan is consistent with the approved preliminary PUD plan, the Planning Commission shall review the final plan in accordance with the standards for approval in Section 13.07 and shall prepare a record of its findings in accordance with Section 13.07 and shall approve, approve with conditions, or deny the final PUD plan.
4. Any regulatory modification from traditional district requirements shall be approved through a finding by the Planning Commission that the deviation shall result in a higher quality of development than would be possible using conventional zoning standards. However, all PUDs shall meet or exceed all requirements of SECTION 19.04: BUFFERYARDS and SECTION 19.12 STANDARDS OF OPERATION, and ARTICLE 14 ACCESS MANAGEMENT REGULATIONS. Regulatory modifications are not subject to variance approval of the Zoning Board of Appeals. No part of this PUD process of the approved site plans may be appealed to the Zoning Board of Appeals. This provision shall not preclude an individual residential lot owner from seeking a variance following final approval of the PUD, provided such variance does not involve alterations to open space areas as shown on the approved PUD site plan.

SECTION 13.07: STANDARDS FOR APPROVAL (Both preliminary and final)

A PUD shall be approved only if it complies with each of the following standards:

- A. The proposed PUD complies with all qualifying conditions of Section 13.02.

ARTICLE 13 – PLANNED INIT DEVELOPMENT (PUD)

SECTION 13.07: STANDARDS FOR APPROVAL (Both preliminary and final) – (Cont.)

- B. The proposed PUD is compatible with surrounding uses of land, the natural environment, and the capacities of public services and facilities affected by the development.
- C. The proposed uses within the PUD will not possess conditions or effects that would be injurious to the public health, safety, or welfare of the community.
- D. The proposed project is consistent with the purpose and intent of the PUD, as described in Section 13.01 and represents an opportunity for improved or innovative development for the community that could not be achieved through conventional zoning.
- E. The proposed PUD meets all the site plan requirements of this Article and the provisions of Article 18: Site Plan Review Article, Section 18.07, respective of being either a preliminary or final PUD request (Preliminary PUD's must meet Section 13.05 and Final PUD's must meet Section 13.06).

SECTION 13.08: PUD AGREEMENT

- A. Prior to this issuance of any building permits or commencement of construction on any portion of the PUD, the applicant shall enter into an agreement with the Township in recordable form, setting forth the applicant's obligations with respect to the PUD.
- B. The agreement shall describe all improvements to be constructed as part of the PUD and shall incorporate, by reference, the final PUD plan with all required revisions, other documents which comprise the PUD, and all conditions attached to the approval by the Planning Commission.
- C. A phasing plan shall also be submitted describing the intended schedule for start and completion of each phase and the improvements to be undertaken in each phase.
- D. The agreement shall also establish the remedies of the Township in the event of default by the applicant in carrying out the PUD, and shall be binding on all successors in interest to the applicant.
- E. The PUD agreement shall be executed and recorded in the office of the Marquette County Register of Deeds. Any type of homeowners association or condominium association must be established and recorded prior to the issuance of the zoning compliance certificate.

SECTION 13.09: CHANGES TO AN APPROVED PUD

Changes to an approved PUD shall be permitted only under the following circumstances:

- A. Notify Zoning Administrator: The holder of an approved PUD final PUD plan shall notify the Zoning Administrator of any desired change to the approved PUD.

SECTION 13.09: CHANGES TO AN APPROVED PUD – (Cont.)

- B. Minor Change Determination: Minor changes may be approved by the Zoning Administrator upon determining that the proposed revision(s) will not alter the basic design and character of the PUD, nor any specified conditions imposed as part of the original approval. Minor changes shall include the following:
1. Reduction of the size of any building and/or sign.
 2. Movement of buildings and/or signs by no more than ten (10) feet.
 3. Landscaping approved in the final development plan that is replaced by similar landscaping to an equal or greater extent.
 4. Changes in floor plans, of up to five (5) percent of the total floor area, which do not alter the character of the use or increase the amount of required parking.
 5. Internal rearrangement of a parking lot that does not affect the number of parking spaces, landscaping, access locations, design or management.
 6. Changes required or requested by Marquette Township, Marquette County, and other State or Federal regulatory agency in order to conform to other laws or regulations.
- C. Major Change Determination: A proposed change not determined by the Zoning Administrator to be minor shall be submitted as an amendment to the PUD and shall be processed in the same manner as the original PUD application for the final PUD plan.

SECTION 13.10: TIME LIMIT FOR APPROVED PUD

Each development shall be under construction within twelve (12) months after the date of approval of the PUD final development plan, except as noted in this Section. Such construction shall continue until completion of the PUD development.

- A. The Planning Commission may grant one (1) extension of up to an additional twelve (12) month period if the applicant applies for such extension prior to the date of the expiration of the PUD or PUD phase and provided that:
1. The applicant presents reasonable evidence that said development has encountered unforeseen difficulties beyond the control of the applicant; and
 2. The PUD requirements and standards, including those of the Zoning Ordinance and Comprehensive Development Plan that are reasonably related to said development have not changed.

ARTICLE 13 – PLANNED INIT DEVELOPMENT (PUD)

SECTION 13.10: TIME LIMIT FOR APPROVED PUD – (Cont.)

- B. Should neither of the provisions of Section 13.10.A. be fulfilled, or an extension has expired without construction underway, the preliminary PUD plan approval(s) shall be null and void. In order to utilize the property as a PUD, an applicant would have to resubmit plans for preliminary and final PUD site plan approvals as stated in this Article as if it were a new proposal.

SECTION 13.11: OPTION FOR DEVELOPMENTS WITH MULTIPLE USES AND PHASES

At the discretion of the applicant and/or the Planning Commission, there shall be an option available to include in the PUD Agreement the process phasing multiple uses and multiple phases into the overall development.

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ARTICLE 14 ACCESS MANAGEMENT REGULATIONS

SECTION 14.01: PURPOSE, INTENT AND APPLICATION

- A. The purpose of this Article is to establish minimum regulations for access to property. Standards are established for new roads, driveways, shared access, parking lot cross access, and service roads. The standards of this Article are intended to promote safe and efficient travel within Marquette Township; minimize disruptive and potentially hazardous traffic conflicts; ensure safe access by emergency vehicles; protect the substantial public investment in the street system by preserving capacity and avoiding the need for unnecessary and costly reconstruction which disrupts business and traffic flow; separate traffic conflict areas by reducing the number of driveways; provide safe spacing standards between driveways, and between driveways and intersections; provide for shared access between abutting properties; implement the Marquette Township Comprehensive Development Plan and the US-41/M-28 Corridor and Access Management Plan recommendations; ensure reasonable access to properties, though not always by the most direct access; and to coordinate access decisions with the Michigan Department of Transportation and/or the Marquette County Road Commission, as applicable.
- B. The standards in this Article are based on extensive traffic analysis of this corridor by Marquette Township, the Marquette County Road Commission and the Michigan Department of Transportation (MDOT) as applicable. This analysis demonstrates that the combination of roadway design, traffic speeds, traffic volumes, traffic crashes and other characteristics necessitate special access standards. The standards in this Article apply only to all private and public land within one-thousand (1,000) feet of US-41/M-28 and which affronts the US-41/M-28 right-of-way or has its primary access directly to US-41/M-28, which is under the jurisdiction of the Marquette County Road Commission or the Michigan Department of Transportation (MDOT), and which is named as US-41/M-28, and as described below. The requirements and standards of this Article shall be applied in addition to, and where permissible shall supersede, the requirements of the Michigan Department of Transportation, Marquette County Road Commission, or other Articles of this Zoning Ordinance.
- C. The standards of this Article shall be applied by the Zoning Administrator and by the Planning Commission during their respective plot plan or site plan reviews, as is appropriate to the application. The Zoning Administrator and the Planning Commission shall make written findings of nonconformance, conformance, or conformance if certain conditions are met with the standards of this Article prior to disapproving or approving a site plan per the requirements of Article 18. Marquette Township shall coordinate its review of the access elements of a plot plan or site plan with the appropriate road authority prior to making a decision on an application (see D. below). The approval of a plot plan or site plan does not negate the responsibility of an applicant to subsequently secure driveway permits from the appropriate road authority, either the Marquette County Road Commission, or the Michigan Department of Transportation. Any driveway permit obtained by an applicant prior to review and approval of a plot plan or site plan that is required under this Ordinance will be ignored.

SECTION 14.01: PURPOSE, INTENT AND APPLICATION – (Cont.)

D. Neither the Zoning Administrator nor the Planning Commission shall take action on a request for a new road, driveway, shared access, or a service drive that connects to a public road without first consulting the Marquette County Road Commission or the Michigan Department of Transportation. To ensure coordination, applicants are required to submit a plot plan, site plan or a tentative preliminary plat concurrently to both Marquette Township, the Marquette County Road Commission, and the Michigan Department of Transportation as applicable. Complete applications shall be received at least ten (10) days before the Planning Commission meeting at which action is to be taken. If the initial review of the application by the Zoning Administrator reveals noncompliance with the standards of this Article, or if the proposed land use exceeds the traffic generation thresholds in Table I, then the Zoning Administrator shall require submittal of a traffic impact study as described below prior to consideration of the application by either the Zoning Administrator or the Planning Commission.

1. At a minimum the traffic study shall contain the following:

- a. Analysis of existing traffic conditions and/or site restrictions using current data.
- b. Projected trip generation at the subject site or along the subject service drive based on the most recent edition of the Institute of Transportation Engineers Trip Generation Manual. Marquette Township may approve use of other trip generation data if based on recent studies of at least three (3) similar uses within similar locations in Michigan.
- c. Illustrations of current and projected turning movements at access points. Include identification of the impact of the development and its proposed access on the operation of the abutting streets. Capacity analysis shall be completed based on the most recent version of the Highway Capacity Manual published by the Transportation Research Board, and shall be provided in an appendix to the traffic impact study.
- d. Description of the internal vehicular circulation and parking system for passenger vehicles and delivery trucks, as well as the circulation systems for pedestrians, bicycles and transit users.
- e. Justification of need, including statements describing how the additional access will meet the intent of this Section, will be consistent with the US-41/M-28 Corridor Management Plan and the Marquette Township Comprehensive Plan, will not compromise public safety and will not reduce capacity or traffic operations along the roadway.
- f. Qualifications and documented experience of the author, describing experience in preparing traffic impact studies in Michigan. The preparer shall be either a registered traffic engineer (P.E.) or transportation planner with at least three (3) years of experience preparing traffic impact studies in Michigan. If the traffic impact study involves geometric design, the study shall be prepared or supervised by a registered engineer with a strong background in traffic engineering.

ARTICLE 14 – ACCESS MANAGEMENT REGULATIONS

SECTION 14.01: PURPOSE, INTENT AND APPLICATION – (Cont.)

2. Marquette Township shall utilize its own traffic consultant to review the applicant's traffic impact study and plot or site plan, with the cost of the review being borne by the applicant per Section 25.13 FEES.
- E. Failure by the applicant to begin construction of an approved road, driveway, shared access, service drive or other access arrangement within twelve (12) months from the date of approval, shall void the approval and a new application is required.
- F. The Zoning Administrator or other authorized person shall inspect the driveway and any other required access elements as constructed for conformance with the standards of this Ordinance and any approval granted under it, prior to issuing an occupancy permit and/or a letter of acceptance per *ARTICLE 18:11 FINAL APPROVAL OF PROJECT*.
 1. At the discretion of the Zoning Administrator, inspections to determine conformance with the requirements of this *ARTICLE 14* and of any approved site plan, driveway permit or other permit authorizing access to property may be contracted to a person or firm qualified to administer the provisions of this *ARTICLE 14*.
 2. Any inspection report prepared under contract shall be delivered to the Zoning Administrator, prior to any zoning approval permitting occupancy of the property. If the inspection report indicates nonconformance with this Ordinance, or with conditions imposed with site plan review or other discretionary review, no final occupancy approval shall be granted prior to changes being made and approved that demonstrate conformance with this Ordinance.
 3. Fees for such inspections shall be paid by the applicant according to a fee structure adopted by the governing body and shall be collected prior to the inspection. Fees shall not represent more than the actual cost of inspections, shall be based on an estimate of actual costs prior to inspection, and shall be collected in escrow prior to inspections being made. Any unused portion of an inspection fee shall be returned to the applicant. If actual inspection costs exceed the amount of the fee collected in escrow, the balance shall be collected prior to issuing the final approval for occupancy. Disputes on the costs of inspections may be resolved by an arbitrator mutually satisfactory to both parties.

ARTICLE 14 – ACCESS MANAGEMENT REGULATIONS

SECTION 14.01: PURPOSE, INTENT AND APPLICATION – (Cont.)

**TABLE 1 : EXAMPLES OF LAND USE THRESHOLDS
BASED ON TRIP GENERATION CHARACTERISTICS**

LAND USE	≤ 100 PEAK-HOUR TRIPS	≤ 500 PEAK-HOUR TRIPS
Residential:		
Single-family	90 units	550 units
Apartments	150 units	890 units
Condominiums/Townhouses	180 units	1,260 units
Mobile Home Park	180 units	1,070 units
Shopping Center (GLA)*	6,000 SF	70,700 SF
Fast-Food Restaurant with Drive-In (GFA) **	3,000 SF	N/A
Gas with Convenience Store (Pumps)	7 pumps	N/A
Banks with Drive-In (GFA)**	2,000 SF	9,000 SF
General Office (GFA)**	67,000 SF	335,500 SF
Medical/Dentist Office (GFA)**	30,000 SF	N/A
Research and Development (GFA)**	71,000 SF	490,500 SF
Light Industrial (GFA)**	98,000 SF	463,000 SF
Manufacturing (GFA)**	145,500 SF	661,000 SF
<p>Rates/equations used to calculate the above thresholds are from <i>ITE Trip Generation</i>, 6th edition 1998 [7] for the p.m. peak hour of the adjacent street.</p> <p>* GLA = Gross Leaseable Area.</p> <p>** GFA = Gross Floor Area.</p>		

ARTICLE 14 – ACCESS MANAGEMENT REGULATIONS

SECTION 14.02: ROADWAYS SUBJECT TO ACCESS MANAGEMENT REGULATIONS

The access management regulations of this Article apply to all property according to the roadway classification of the abutting streets and roads with the names of US-41/M-28, and as described below.

- A. Application of the access location and design standards of this Article requires identification of the functional classification of the street on which access is requested and then applying the appropriate spacing requirements. The streets and roads of Marquette Township are classified as follows and are as defined in *ARTICLE 2.02*.

DEFINITIONS:

1. Local Street;
 2. Collector;
 3. Minor Arterial;
 4. Major Arterial.
- B. All unclassified public streets are local streets principally providing access to single family residences. The functional classification of any street in Marquette Township not defined and so indicated as an arterial or collector shall be determined using the functional sheet classification defined by the AASHTO “Green Book”, *A Policy on Geometric Design of Highways and Streets*.

SECTION 14.03: DRIVEWAY AND RELATED ACCESS STANDARDS

All lots hereafter created and all structures hereafter created, altered or moved on property with frontage on or access to a public road or street that is subject to regulation per Section 13.02, shall conform with the following requirements:

A. General Standards

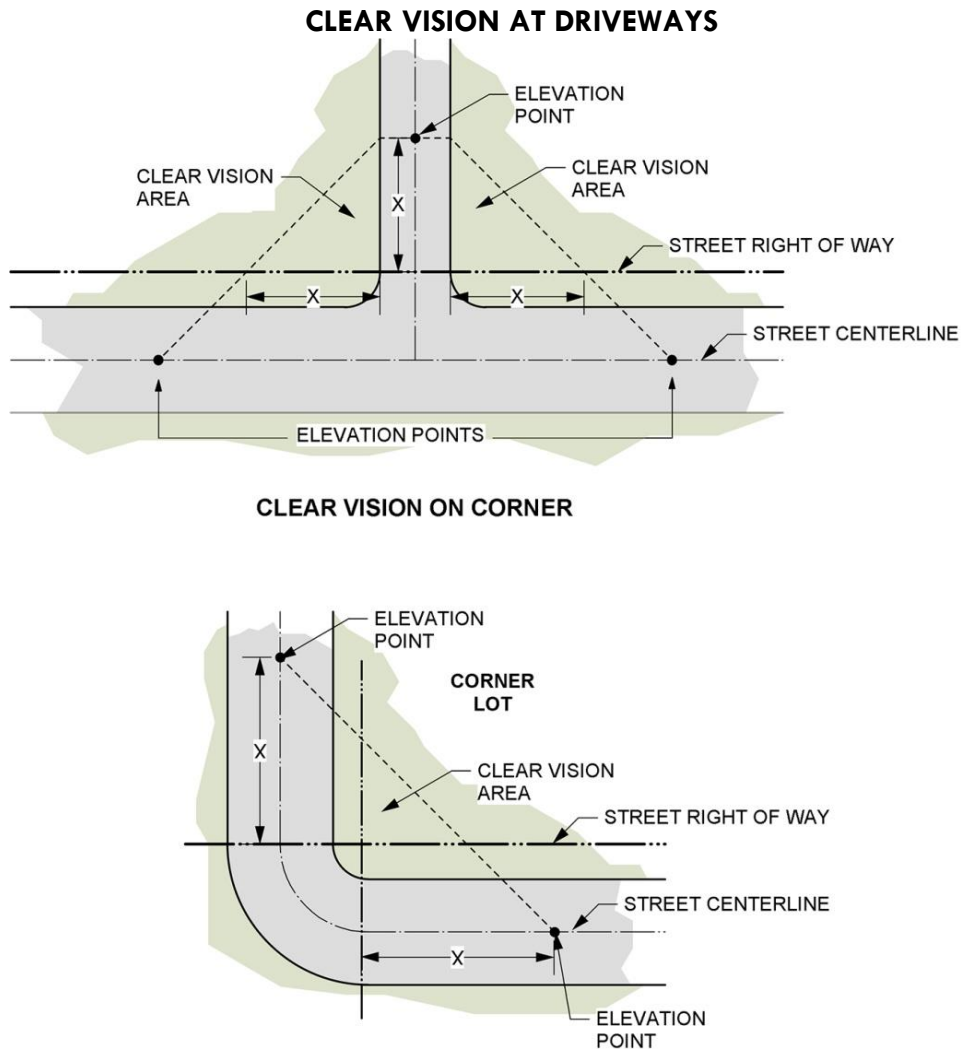
1. Access Approval Required – No road, driveway, shared access, parking lot cross access, service road, or other access arrangement shall be established, reconstructed or removed without first meeting the requirements of this Section.
2. Frontage on a Public Road or Street – Any lot created after the effective date of this Ordinance shall have frontage upon a public street right-of-way or private road or access easement recorded with the County Register of Deeds that meets the requirements of this Article. Contiguous properties under one ownership or consolidated for unified development will be considered one parcel for purposes of this Article.

SECTION 14.03: DRIVEWAY AND RELATED ACCESS STANDARDS - (Cont.)

3. Minimum Lot Width – Except for existing lots of record at the time of adoption of this Ordinance, all lots whose access taken from a major arterial, minor arterial or collector subject to this Section, shall not be less than three hundred (300) feet in width, unless served by shared access or a service drive that meets the requirements of Section 14.04, in which case minimum lot width may be reduced to the minimum lot width of the district in which the lot is located provided no direct access comes from the major arterial, minor arterial or collector subject to this Section.
4. Structure Setback – No structure other than signs, as allowed in Article 22, telephone poles and other utility structures that are not buildings, transfer stations or substations, shall be permitted within 25 feet of the roadway right-of-way.
5. Parking Setback and Landscaped Area – No parking or display of vehicles, goods or other materials for sale, shall be located within 20 feet of the roadway right-of-way. This setback shall be planted in grass, except small portions may contain four inch deep wood chips or ground cover or a combination. It shall be landscaped with small clusters of salt tolerant trees and shrubs suitable to the underlying soils unless per the specifications in *ARTICLE 21.06 DESIGN STANDARDS G.2.a*.
6. Clear Vision – All access points shall maintain clear vision in accordance with *ARTICLE 20.08 CLEAR VISION AREAS, FENCES, WALLS, AND SCREENS* and as illustrated in Figure 14-1.
7. Street Structures – No driveway shall interfere with municipal facilities such as street light or traffic signal poles, signs, fire hydrants, cross walks, bus loading zones, utility poles, fire alarm supports, drainage structures, or other necessary street structures. The Zoning Administrator is authorized to order and effect the removal or reconstruction of any driveway which is constructed in conflict with street structures. The cost of reconstructing or relocating such driveways shall be at the expense of the abutting property owner.

SECTION 14.03: **DRIVEWAY AND RELATED ACCESS STANDARDS - (Cont.)**

FIGURE 14-1



B.

Access Location Standards

1. Access Point Approval – No access point shall connect to a public street or road, without first receiving approval of the location and cross-section specifications from the Marquette County Road Commission or the Michigan Department of Transportation. No access point shall connect to a private road unless approved by the Planning Commission and by the parties with an ownership interest in the private road.

SECTION 14.03: DRIVEWAY AND RELATED ACCESS STANDARDS – (Cont.)

2. Factors on Location of Driveway Access – At a minimum, the following factors shall be considered by the Zoning Administrator or Planning Commission prior to making a decision on the location of a driveway or other access point:
 - a. The characteristics of the proposed land use;
 - b. The existing traffic flow conditions and the future traffic demand anticipated by the proposed development on the adjacent street system;
 - c. The location of the property;
 - d. The size of the property;
 - e. The orientation of structures on the site;
 - f. The minimum number of driveways or other access points needed to accommodate anticipated traffic based on a traffic analysis, as determined by Marquette Township and applicable road agency. Such finding shall demonstrate traffic operations and safety along the public street would be improved (or at least not negatively affected), and not merely that another access point is desired for convenience;
 - g. The number and location of driveways on existing adjacent and opposite properties;
 - h. The location and functional classification of abutting streets or roads and the carrying capacity of nearby intersections;
 - i. The proper geometric design of driveways;
 - j. The spacing between opposite and adjacent driveways and from any nearby intersection;
 - k. The internal circulation between driveways and through parking areas;
 - l. The size, location and configuration of parking areas relative to the driveways; and
 - m. The speed of the adjacent roadway.
 - n. The Planning Commission may allow a driveway through a bufferyard, provided the site plan is in compliance with all other requirements of this ordinance. The driveway shall generally cross through the bufferyard approximately perpendicular to the bufferyard length and thereby prevent disruption of the majority of the bufferyard. The Planning Commission's approval must be based on accomplishing access management objectives such as cross access to other properties, roads, or service drives. The Planning Commission may require landscaping, berms, or screening in addition to what is normally required to mitigate a weakened bufferyard.
3. Access Point Location – Each access point location shall conform with access management plans or corridor improvement plans that have been adopted by Marquette Township, the Marquette County Road Commission, and/or the Michigan Department of Transportation.
4. Access Points within Right-of-Way – Driveways including the radii but not including right-turn lanes, passing lanes and tapers, shall be located entirely within the right-of-way frontage, unless otherwise approved by the applicable road agency and upon written certification from the adjacent land owner agreeing to such encroachment.

SECTION 14.03: DRIVEWAY AND RELATED ACCESS STANDARDS – (Cont.)

5. Backing-up from Parking or Loading Area Onto a Public Street or Service Drive – Driveway access to arterials shall not be permitted for any parking or loading areas that require backing maneuvers in a public street or road right-of-way. Driveway access to collector streets, local streets, or service drives for commercial, office, industrial, or multifamily developments shall not be permitted for parking or loading areas that require backing maneuvers in a public street right-of-way or onto a public or private service drive.
6. Relationship to Lot Line – No part of a driveway shall be located closer than 15 feet from a lot line unless it is a common or shared driveway as provided in Section 14.03.F. or unless the driveway is crossing a lot line to gain access to a right-of-way or another parking lot or property. This separation is intended to help control stormwater runoff, permit snow storage on site, and provide adequate area for any necessary on-site landscaping.
7. Existing Driveways – Except for shared driveways, existing driveways that do not comply with the requirements of this Article shall be closed when an application for a change of use requiring a zoning compliance permit or a site plan requiring approval under *ARTICLE 18* Site Plan Review is submitted and once approval of a new means of access under this Article is granted. A closed driveway shall be graded and landscaped to conform with adjacent land and any curb cut shall be filled in with curb and gutter per the standards of the applicable road authority. See also Section 14.06.
8. Intersection Sight Distance – Driveways shall be located so as not to interfere with safe intersection sight distance as determined by the appropriate road authority.
9. Adequate Corner Clearance – Driveways shall be located so as not to interfere with safe traffic operations at an intersection as determined by Table IV as long as that distance is beyond any clear vision area owned by a road authority.
10. Traffic Signals – Access points on arterial and collector streets may be required to be signalized in order to provide safe and efficient traffic flow. Any signal shall meet the spacing requirements of the applicable road authority. A development may be responsible for all or part of any right-of-way, design, hardware, and construction costs of a traffic signal if it is determined that the signal is warranted by the traffic generated from the development. The procedures for signal installation and the percent of financial participation required of the development in the installation of the signal shall be in accordance with criteria of the road authority with jurisdiction.

C. Number of Driveways Permitted

1. Access for an individual parcel, lot, or building site or for contiguous parcels, lots or building sites under the same ownership shall consist of either a single two-way driveway or a paired system wherein one driveway is designed, and appropriately marked, to accommodate ingress traffic and the other egress traffic.

SECTION 14.03: DRIVEWAY AND RELATED ACCESS STANDARDS – (Cont.)

2. One driveway shall be permitted for each single and two-family residential lot or parcel.
3. A temporary access permit may be issued for field entrances per Section 13.05 for cultivated land, timber land, or undeveloped land, as well as for uses at which no one resides or works such as cellular towers, water wells, pumping stations, utility transformers, billboards, and similar uses. Field-entrance and utility-structure driveways will be reviewed on a case-by-case basis. The review shall take into account the proximity of the adjacent driveways and intersecting streets, as well as traffic volumes along the roadway.
4. For a parcel, lot, or building site with frontage exceeding 600 feet, or where a parcel, lot, or building site has frontage on at least two streets, an additional driveway may be allowed, provided that a traffic impact study is submitted by the applicant showing that conditions warrant an additional driveway and that all driveways meet the spacing requirements.
5. Certain developments generate enough traffic to warrant consideration of an additional driveway to reduce delays for exiting motorists. Where possible, these second access points should be located on a side street or service drive, or shared with adjacent uses, or designed for right-turn-in, right-turn-out only movements and shall meet the spacing requirements of this ordinance. In order to be considered for a second driveway on an arterial or collector street combined approach volumes (entering and exiting) of a proposed development shall exceed 100 directional trips during the peak hour of traffic and a traffic impact study shall be performed. Uses where a second driveway could be considered are influenced by the trip generation characteristics of the uses and the volumes of the adjacent roadway. Table II lists land uses which may warrant consideration of an additional driveway. (Note: Where the development has access to a signalized arterial or collector, the approach volume of driveway traffic should be double that of unsignalized locations to warrant consideration of a second access. See Section 14.03.D.1.a.

TABLE 2

Development That May Warrant Consideration of an Additional Driveway
<ul style="list-style-type: none">• Multiple family development with over 250 units
<ul style="list-style-type: none">• A grocery store of over 50,000 square feet (GFA)
<ul style="list-style-type: none">• A shopping center with over 80,000 square feet (GFA)
<ul style="list-style-type: none">• A hotel or motel with over 400 rooms
<ul style="list-style-type: none">• Industrial developments with over 300,000 square feet (GFA) or 350 employees (although a secondary entrance for trucks should be allowed)

SECTION 14.03: DRIVEWAY AND RELATED ACCESS STANDARDS – (Cont.)

Development That May Warrant Consideration of an Additional Driveway
<ul style="list-style-type: none">• Warehouses of over 750,000 square feet (GFA) or 350 employees
<ul style="list-style-type: none">• A mobile home park with over 300 units
<ul style="list-style-type: none">• General office building of 150,000 square feet (GFA) or 500 employees
<ul style="list-style-type: none">• Medical office building of 60,000 square feet (GFA) or 200 employees
<ul style="list-style-type: none">• Fast food restaurant of over 8,000 square feet (GFA)
<ul style="list-style-type: none">• Sit down restaurant of over 20,000 square feet (GFA)

6. When alternatives to a single, two-way driveway are necessary to provide reasonable driveway access to property fronting on an arterial street, and shared access or a service drive are not a viable option, the following progression of alternatives should be used:
- a. One (1) standard, two-way driveway;
 - b. Additional ingress/egress lanes on one (1) standard, two-way driveway;
 - c. Two (2), one-way driveways;
 - d. Additional ingress/egress lanes on two (2), one-way driveways;
 - e. Additional driveway(s) on an abutting street with a lower functional classification;
 - f. Additional driveway on arterial street.

NOTE: Restricted turns and roadway modifications will be considered in conjunction with alternative driveway designs.

D. Access Point Spacing Standards

1. Separation from Other Driveways –

- a. The minimum spacing between unsignalized driveways and other access points shall be determined based upon posted speed limits along the parcel frontage unless the appropriate road authority approves less based on the land use and restricted turns in the driveway design or because of the location of other existing driveways. The minimum spacings indicated below are measured from the centerline of one driveway to the centerline of another driveway

ARTICLE 14 – ACCESS MANAGEMENT REGULATIONS

SECTION 14.03: DRIVEWAY AND RELATED ACCESS STANDARDS – (Cont.)

For sites with insufficient road frontage to meet the table below, the Zoning Administrator or Planning Commission shall require one of the following: construction of the driveway along a side street, a shared driveway with an adjacent property, construction of a driveway along the property line farthest from the intersection, or a service drive as described in Section 14.04. The Planning Commission may grant temporary access approval (see Section 14.05) until such time that minimum spacing requirements can be met, or alternative access meeting the requirements of this ordinance is approved.

TABLE 3

Posted Speed Limit (MPH)	Minimum Access Spacing (in feet) Between Adjacent Access Points
25	130
30	185
35	245
40	300
45	350
50	455
55	565

NOTE: The values in Table III are considered minimums based on the distances required to avoid conflicts between vehicles turning right or left from adjacent driveways.

- b. In the case of expansion, alteration or redesign of an existing development where it can be demonstrated that pre-existing conditions prohibit adherence to the minimum driveway spacing standards, the Planning Commission shall have the authority to modify the driveway spacing requirements or grant temporary access approval until such time that minimum spacing requirements can be met, or alternative access meeting the requirements of this ordinance is approved. Such modifications shall be of the minimum amount necessary, but in no case shall driveway spacing of less than 75 feet be permitted by the Planning Commission.
2. Access Point Separation from Intersections – All one and two-family driveways shall be separated from the nearest right-of-way of an intersecting street by at least 50 feet. Driveways for all other land uses shall be separated from the nearest right-of-way of an intersecting street according to Table IV below:

ARTICLE 14 – ACCESS MANAGEMENT REGULATIONS

SECTION 14.03: DRIVEWAY AND RELATED ACCESS STANDARDS – (Cont.)

- a. Access point spacing from intersections shall be measured from the centerline of the driveway to the extended edge of the travel lane on the intersecting street.
- b. The minimum distance between an access point and an intersecting street shall be based on the following:

TABLE 4: Minimum Access Point Spacing from Street and Other Intersections*

Location of Access Point	Minimum Spacing for a Full Movement Driveway or other Access Point	Minimum Spacing for a Driveway Restricting Left-turns (channelized for right-turn-in and right-turn-out only)
Along Arterial or from Expressway ramps	600 feet	600 feet
Along Arterial or from Railroad crossings	Contact MDOT for a site specific determination	Contact MDOT for a site specific determination
Along Arterial or from Bridges	100 feet	100 feet
Along Arterial or from Median openings	75 feet	75 feet
Along Arterial or from another Intersecting Arterial	300 feet	125 feet
Along Arterial Intersecting a Collector or Local Street	200 feet	125 feet
Along a Collector	125 feet	75 feet
Along a Local Street or Private Road	75 feet	50 feet

* *Regional Arterials, Arterials and Collectors are as classified in the Marquette Township Comprehensive Plan (or on Figure 14.2 in this Ordinance).*

- c. If the amount of lot frontage is not sufficient to meet the above criterion, the driveway shall be constructed along the property line farthest from the intersection to encourage future shared use, and/or a frontage road or rear service drive shall be developed as described in Section 14.04.
- d. For parcels on which an alternative means of access (shared driveway, frontage road, service drive or connected parking lots) is not feasible due to parcel size or existing adjacent development, the Planning Commission may allow a non-channelized, full movement driveway provided that:

SECTION 14.03: DRIVEWAY AND RELATED ACCESS STANDARDS – (Cont.)

1. The driveway is spaced no closer to the intersection than the minimum spacing allowed for a right-turn-in, right-turn-out driveway; and
2. A traffic study conducted by a registered traffic engineer shows a right-turn-in, right-turn-out driveway does not provide reasonable access or desired safety; and
3. A traffic study, conducted by a registered traffic engineer, provides substantial justification that the driveway operation will not create safety problems at the adjacent intersection.

3. Access Alignment –

In order to prevent left-turn conflicts, two-way driveways shall not be across from an expressway ramp and shall be either;

- a. Offset in accordance with the minimum spacing standards in Table IV or,
- b. Perpendicular to the existing public street or an approved private road and shall line up with the existing or planned driveways on the opposite side of the road wherever facing lots are not separated by a median, unless doing so in a particular case is substantially demonstrated by a registered traffic engineer to be unsafe.

E. Driveway Design and Construction Standards

1. Driveway or Throat Width –

- a. No single or two-family driveway shall have a width less than nine (9) feet nor more than sixteen (16) feet at the public road right-of-way. The driveway opening, including flares, shall not be more than 1.5 times the width of the driveway at the right-of-way line.
- b. The typical commercial driveway design shall include one ingress lane and one egress lane with a combined maximum throat width of thirty (30) feet, measured from face to face of curb (see Figure 14-2a).
- c. Where exit traffic volumes are expected to exceed 100 directional trips per peak hour, or in areas where congestion along the arterial may create significant delays, as determined by the Planning Commission, two exit lanes shall be required. The total width of such a driveway shall be between 37 and 39 feet, with one 15 foot wide ingress lane and two 11-12 foot wide egress lanes (see Figure 14-2b).

SECTION 14.03: DRIVEWAY AND RELATED ACCESS STANDARDS – (Cont.)

- d. For access systems which include a pair of one-way driveways, each driveway shall be a minimum of sixteen (16) feet wide, measured perpendicularly (see Figure 14-2c).
- e. As an alternative to (d) above, the driveway may be designed with a fully curbed median dividing the ingress and egress driveways, with a maximum median width of ten feet. The radii forming the edges on the median shall be designed to accommodate the largest vehicle that will normally use the driveway. Where median or boulevard driveways are located across the street from each other, the left-turn egress lanes shall be aligned directly across from one another to minimize left-turn conflicts (see Figure 14-2d). Boulevard driveways should not be constructed at existing or future traffic signal locations unless there is a left-turn lane where the boulevard meets the road right-of-way. Ground or monument signs shall not be permitted in boulevards if they would block motorist vision or otherwise create an unsafe condition. The Planning Commission may require landscaping on the portion of the boulevard outside the public right-of-way. Such landscaping shall use salt tolerant species.

2. Restricted Access Driveways –

Left and right-turn movements on and off roadways typically have the greatest impact on traffic flow and crash frequency. Therefore, where driveways are to be located in a segment defined in adopted corridor or other plans or studies as having a high crash rate or significant traffic congestion/delays, or where left-turn access is available through alternative means of access, the Zoning Administrator or Planning Commission may require driveway design and signing which discourages certain turning movements. Where driveways are intended to control specific left and/or right-turn ingress and egress, the designs shown in Figure 14-3 shall apply. Similar designs shall be accepted, provided that they are approved by the Michigan Department of Transportation and/or the Marquette County Road Commission, if applicable.

3. Throat Length or Vehicle Stacking/Storage Space –

There shall be a minimum of twenty (20) feet of throat length for entering and exiting vehicles at the intersection of a driveway and pavement of the public road or service drive as measured from the pavement edge. For driveways serving between one-hundred (100) and four-hundred (400) vehicles in the peak hour (two-way traffic volumes) the driveways shall provide at least sixty (60) feet of throat length. For driveways serving over four-hundred (400) vehicles per peak hour (two-way traffic volume) and for all driveways controlled by a traffic signal, adequate throat length shall be determined by a traffic impact study. In areas where significant pedestrian/bicycle travel is expected, the ingress and egress lanes should be separated by a 4-10 feet wide median with pedestrian refuge area. In the absence of adequate traffic volume data, application of the commonly used values in Table V is appropriate.

SECTION 14.03: DRIVEWAY AND RELATED ACCESS STANDARDS – (Cont.)

4. Construction Standards –

a. Curb radii:

1. Driveways shall be designed with minimum 25 foot radii where primarily passenger vehicle traffic is expected.
2. For sites where truck traffic is expected, the driveways shall be designed with minimum 30 foot radii unless a traffic analysis by a qualified traffic engineer reveals another radii is more appropriate for the vehicles expected to use the driveway.

b. Deceleration lanes and tapers:

1. Where it can be demonstrated that driveway volumes are expected to exceed 100 peak hour directional trips per hour, a right-turn taper, deceleration lane and/or left-turn bypass lane may be required.
2. Where site frontage allows and a right-turn lane is warranted, a taper between 50 and 225 feet may be required. See example in Figure 14-4a.
3. Where the amount of frontage precludes the construction of a deceleration lane and taper combination entirely within the property lines of a parcel, a request shall be made to the adjacent owner of the parcel to allow the installation of a right-turn bay and taper which extends beyond the property line. If permission cannot be obtained from the adjacent property owner for an extension onto that parcel, a taper of at least 75 feet shall be constructed as shown in Figure 14-4b.
4. A continuous right-turn lane, as shown in Figure 14-4c may be required where driveway spacing requirements restrict the use of consecutive turn bays and tapers, and a traffic engineer concludes it can be constructed without being used as a through lane.
5. For driveways located along streets without an exclusive left-turn lane, a bypass lane may be required. Such a lane shall be designed to the standards in the Michigan Department of Transportation, Traffic and Safety Notes #7.7 and as shown in Figure 14-4d.

c. Acceleration lanes

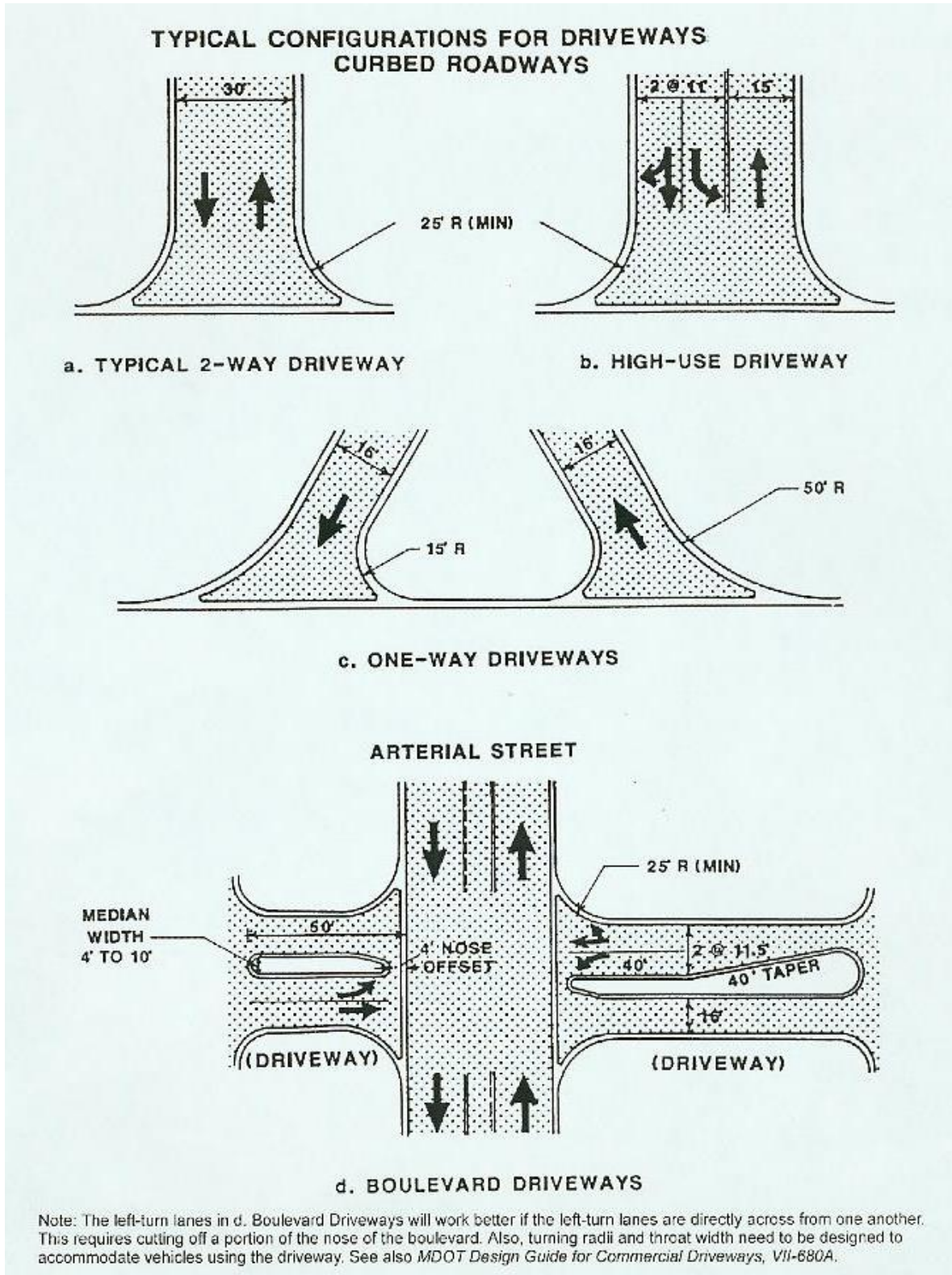
1. Generally, acceleration lanes are not permitted. However, where site frontage allows and large semi-trucks and other slow moving vehicles routinely access an arterial, an acceleration lane may be required in consultation with the applicable road authority.

SECTION 14.03: DRIVEWAY AND RELATED ACCESS STANDARDS – (Cont.)

2. The acceleration lane shall be designed by a traffic engineer to meet the needs of vehicles using it, topography, sight distance and other relevant factors.
 3. Driveways shall not be permitted within an acceleration lane.
- d. Grades and drainage
1. Driveways shall be constructed such that the grade for the 25 feet nearest the pavement edge or shoulder does not exceed 1.5% (one and one-half foot vertical rise in one-hundred feet of horizontal distance) wherever feasible. Where not feasible, grades shall conform with Figure 14-5.
 2. Vertical curves, with a minimum length of 15 feet shall be provided on driveway approaches at a change in grade of 4% or more.
 3. Driveways shall be constructed such that drainage from impervious areas located outside of the public right-of-way, which are determined to be in excess of existing drainage from these areas shall not be discharged into the roadway drainage system absent the approval of the responsible agency. Storm drains, or culverts, if required shall be of a size adequate to carry the anticipated storm flow and be constructed and installed pursuant to the specifications of the responsible road authority.

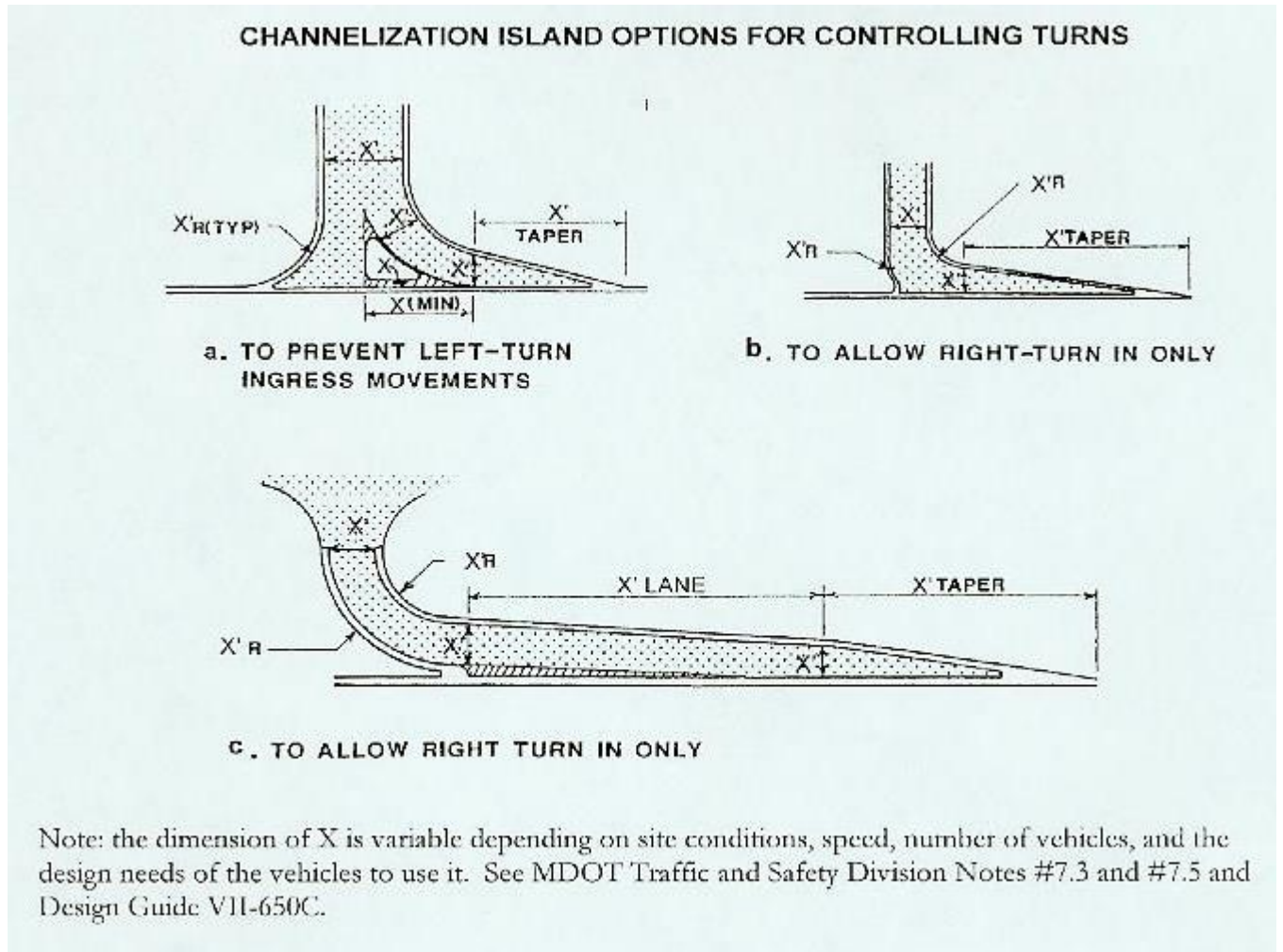
SECTION 14.03: **DRIVEWAY AND RELATED ACCESS STANDARDS – (Cont.)**

FIGURE 14-2



SECTION 14.03: DRIVEWAY AND RELATED ACCESS STANDARDS – (Cont.)

FIGURE 14-3



ARTICLE 14 – ACCESS MANAGEMENT REGULATIONS

SECTION 14.03: DRIVEWAY AND RELATED ACCESS STANDARDS – (Cont.)

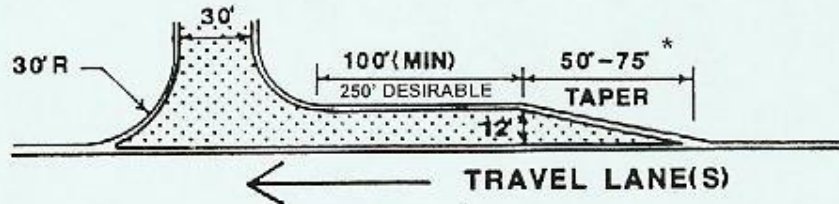
TABLE 5: Minimum Throat Length Requirement

Land Use	Building Site	Minimum Throat Length (Feet)	
		Collector	Arterial
Apartments	<100 Units	25	50
	100-200 Units	50	75
	>200 Units	75	125
Office	<50,000 Sq ft	25	50
	50,001 – 100,000 Sq ft	25	75
	100,001 – 200,000 Sq ft	50	100
	200,001 – 500,000 Sq ft	100	150
	<500,000 Sq ft	125	250
Retail	<30,000 Sq ft	25	50
	>30,000 Sq ft	25	75
Shopping Center	<250,000 Sq ft	25	50
	250,001 – 500,000 Sq ft	50	75
	500,000 – 750,000 Sq ft	75	200
	>750,000 Sq ft	125	250
Supermarket	<20,000 Sq ft	50	75
	>20,000 Sq ft	75	125
Restaurant	<15,000 Sq ft	25	50
	>15,000 Sq ft	25	75
Drive-in Restaurant	<2,000 Sq ft	25	75
	>2,000 Sq ft	50	100
Motel	<150 Rooms	25	75
	>150 Rooms	25	100
Light Industrial	<100,000 Sq ft	25	50
	100,001 – 500,000 Sq ft	50	100
	>500,000 Sq ft	50	200

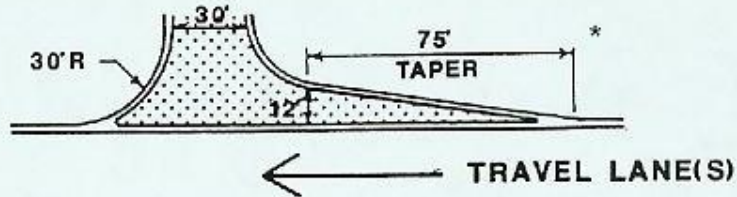
SECTION 14.03: DRIVEWAY AND RELATED ACCESS STANDARDS – (Cont.)

FIGURE 14-4

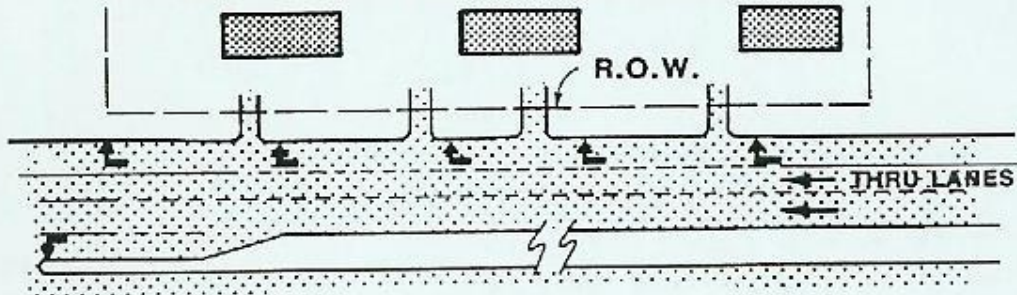
a. DECELERATION TAPER WITH PARALLEL LANE



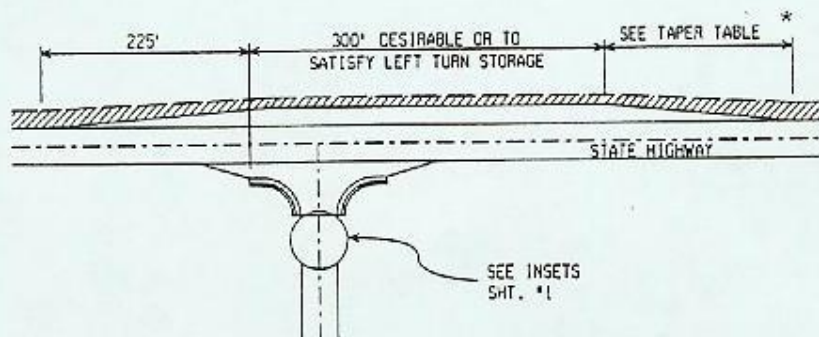
b. DECELERATION TAPER



c. CONTINUOUS RIGHT-TURN LANE



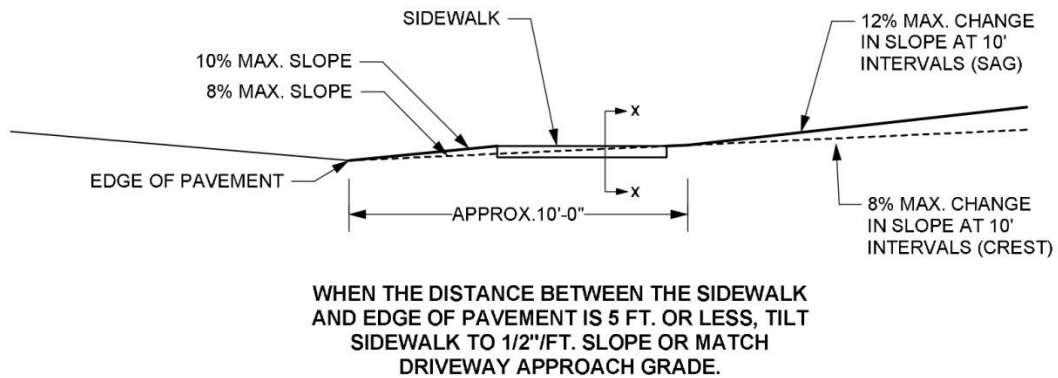
d. TYPE 4 MODIFIED (PASSING FLARE), FOR T-INTERSECTIONS



*All taper lengths should be based on posted speeds, see MDOT Design Guide VII-650C.

SECTION 14.03: DRIVEWAY AND RELATED ACCESS STANDARDS – (Cont.)

FIGURE 14-5



- e. Surface and Curb Construction – Commercial and all other nonresidential driveways shall be constructed of a permanent asphalt or concrete material sufficient to provide the bearing capacity needed to carry the anticipated traffic loads as determined by the appropriate road authority unless the road authority approves use of another material. Where a driveway connects with a curbed road, it shall be paved and curbed from the edge of pavement to either the right-of-way line or point of curvature of the radius returns. All soil erosion and sedimentation requirements shall be met.
- f. Directional Signs and Pavement Markings – In order to ensure smooth traffic circulation on the site, direction signs and pavement markings shall be installed at the driveway(s) in a clearly visible location as required by Marquette Township as part of the site plan review process and approved by the Michigan Department of Transportation and Marquette County Road Commission (as appropriate), and shall be maintained on a permanent basis by the property owner. Directional signs and pavement markings shall conform to the standards in the Michigan Manual of Uniform Traffic Control Devices.

F. Shared Access

Shared access is strongly encouraged and in some cases may be required. When required, one or more of the following options, and the standards of Section 14.04 apply.

- 1. Shared Driveways: Sharing or joint use of a driveway by two or more property owners shall be encouraged. In cases where access is restricted by the spacing requirements of Section 14.03.D. "Access Point Spacing Standards", a shared driveway may be the only access design allowed.

ARTICLE 14 – ACCESS MANAGEMENT REGULATIONS

SECTION 14.03: DRIVEWAY AND RELATED ACCESS STANDARDS – (Cont.)

The shared driveway shall be constructed along the midpoint between the two properties unless a written easement is provided which allows traffic to travel across one parcel to access another, and/or access the public street.

2. Frontage Roads: In cases where a frontage road exists, is recommended either in Marquette Township's Comprehensive Plan or in an adopted corridor study, and/or is proposed in an approved site plan for an adjoining lot or parcel, access shall be provided via such frontage road, rather than by direct connection to the abutting arterial street.
3. Rear Service Drives: Rear service drives shall be encouraged, especially for locations where connection to a side street is available. In addition to access along the rear service drive, direct connection(s) to the arterial street may be allowed, provided that the driveways meet the requirements of Section 13.03.C. "*Number of Driveways*", and 14.03.D. "*Access Point Spacing Standards*."

G. Parking Lot Connections

Where a proposed parking lot is adjacent to an existing parking lot of a similar use, there shall be a vehicular connection between the two parking lots where physically feasible, as determined by the Zoning Administrator or Planning Commission. For developments adjacent to vacant properties, the site shall be designed to provide for a future connection. A written access easement signed by both landowners shall be presented as evidence of the parking lot connection prior to the issuance of any final zoning approval.

H. Access Easements

Shared driveways, cross access driveways, connected parking lots, and service drives shall be recorded as an access easement and shall constitute a covenant running with the land. Operating and maintenance agreements for these facilities should be recorded with the deed.

I. Medians and Median Openings

1. The type, location and length of medians on public roads shall be determined by the entity having jurisdiction over such roads. This determination will be made in consultation with the Zoning Administrator or Planning Commission and will be based on existing and projected traffic conditions; the type, size, and extent of existing and projected development and traffic generated by development; traffic control needs; and other factors.
2. The minimum spacing between median openings shall be shown in Table VI:

SECTION 14.03: DRIVEWAY AND RELATED ACCESS STANDARDS – (Cont.)

TABLE 6: MINIMUM DIRECTIONAL MEDIAN OPENING SPACING

Location	Directional Crossover Spacing
Urban	660 feet
Rural	1,320 feet

See MDOT Traffic and Safety Division, *Directional Median Crossovers, #11.4 and Geometric Design Guide VII-670*.

3. Median openings intended to serve development must meet or exceed the minimum median opening spacing standards and must also be justified by a traffic impact analysis approved by the entity having jurisdiction over such roads, in consultation with the Zoning Administrator or Planning Commission. The cost for preparation of the traffic impact analysis and construction of the median opening or openings, including installation and operation of signals and other improvements where warranted, shall be borne by the applicant.

SECTION 14.04: SERVICE DRIVES AND OTHER SHARED ACCESS STANDARDS

- A. The use of shared access, parking lot connections and service drives, in conjunction with driveway spacing, is intended to preserve traffic flow along major thoroughfares and minimize traffic conflicts, while retaining reasonable access to the property. Where noted above, or where the Zoning Administrator or Planning Commission determines that restricting new access points or reducing the number of existing access points may have a beneficial impact on traffic operations and safety while preserving the property owner's right to reasonable access, then access from a side street, a shared driveway, a parking lot connection, or service drive connecting two or more properties or uses may be required instead of more direct connection to the arterial or collector street. However, where traffic safety would be improved, and the driveway spacing requirements of this ordinance can be met, then direct connection to the arterial or collector street may be allowed in addition to a required service drive.
 1. In particular, shared access, service drives or at least a connection between abutting land uses may be required in the following cases:
 - a. Where the driveway spacing standards of this section can not be met.
 - b. Where recommended in the US-41/M-28 Corridor Management Plan and/or other corridor or sub-area master plans or the Comprehensive Plan or Marquette Township.
 - c. When the driveway could potentially interfere with traffic operations at an existing or planned traffic signal location.

ARTICLE 14 – ACCESS MANAGEMENT REGULATIONS

SECTION 14.04: SERVICE DRIVES AND OTHER SHARED ACCESS STANDARDS – (Cont.)

- d. The site is along a collector or arterial with high traffic volumes, or along segments experiencing congestion or a relatively high number of crashes.
 - e. The property frontage has limited sight distance.
 - f. The fire (or emergency services) department recommends a second means of emergency access.
 - 2. In areas where frontage roads or rear service drives are recommended, but adjacent properties have not yet developed, the site shall be designed to accommodate a future road/facility designed according to the standards of this Section. The Planning Commission may approve temporary access points where a continuous service drive is not yet available and a performance bond or escrow is accepted to assure elimination of temporary access when the service road is constructed. (See Section 14.05 *Temporary Access Permits*).
- B. Notwithstanding the requirements of the Marquette Township Land Division Ordinance, the standards for all service drives shall be as follows:
- 1. Site Plan Review – The Planning Commission shall review and approve all service drives to ensure safe and adequate continuity of the service drive between contiguous parcels as part of the site plan review process.
 - 2. Front and Rear Service Drives – A front or rear service drive may be established on property which abuts only one public road. The design of a service road shall conform with national design guidelines such as those identified in the National Access Management Manual by TRB, the AASHTO “Green Book”, and National Cooperative Highway Research Program (NCHRP), “Access Management Guidelines to Activity Centers” Report 348 and “Impacts of Access Management Techniques” Report 420.
 - 3. Location – Service roads shall generally be parallel to the front property line and may be located either in front of, or behind, principal buildings and may be placed in required yards, but outside of bufferyards. However the Planning Commission may allow a service road through a bufferyard, provided the site plan is in compliance with all other requirements of this ordinance. The service road shall generally cross through the bufferyard approximately perpendicular to the bufferyard length and thereby prevent disruption of the majority of the bufferyard. The Planning Commission’s approval must be based on accomplishing access management objectives such as cross access to other properties, road, or service drives. The Planning Commission may require landscaping, berms, or screening in addition to what is normally required to mitigate a weakened bufferyard. In considering the most appropriate alignment for a service road, the Zoning Administrator or Planning Commission shall consider the setbacks of existing and/or proposed buildings and anticipated traffic flow for the site.

SECTION 14.04: SERVICE DRIVES AND OTHER SHARED ACCESS STANDARDS – (Cont.)

4. **Width and Construction Materials** – A service drive shall be within an access easement permitting traffic circulation between properties. The easement shall be recorded with the County Register of Deeds. This easement shall be at least forty (40) feet wide. A service drive shall have a minimum pavement width of 36 feet, measured face to face of curb with an approach width of 39 feet at intersections. The service drive shall be constructed of a paved surface material that is resistant to erosion and shall meet Marquette County Road Commission or MDOT standards for base and thickness of asphalt or concrete, unless Marquette Township has more restrictive standards or because the service drive will have very limited use and the Township permits a lesser standard.
5. **Snow Storage and Landscaping Area** – A minimum of fifteen (15) feet of snow storage/landscaping area shall be reserved along both sides of the service drive. Frontage roads shall have a minimum setback of 30 feet from the right-of-way, with a minimum of 60 feet of storage at the intersection for entering and exiting vehicles as measured from the pavement edge (See Figure 14-6a).
6. **Distance from Intersection on Service Drives** – Frontage road and service drive intersections at the collector or arterial street shall be designed according to the same minimum standards as described for driveways in Section 14.03.D.2.
7. **Driveway Entrance** – The Zoning Administrator or Planning Commission shall approve the location of all accesses to the service drive, based on the driveway spacing standards of this Article. Access to the service drive shall be located so that there is no undue interference with the free movement of service drive and emergency vehicle traffic, where there is a safe sight distance, and where there is a safe driveway grade as established by the applicable road authority.
8. **Driveway Radii** – All driveway radii shall be concrete curbs and conform with the requirements of Section 14.03.E.4.
9. **Acceleration Lanes and Tapers** – The design of the driveway, acceleration, deceleration or taper shall conform with the requirements of Section 14.03.E.4.
10. **Elevation** – The elevation of a service drive shall be uniform or gently sloping between adjacent properties.
11. **Service Drive Maintenance** – No service drive shall be established on existing public right-of-way. The service drive shall be a public street (if dedicated to and accepted by the public), or a private road maintained by the adjoining property owners it serves who shall enter into a formal agreement for the joint maintenance of the service drive.

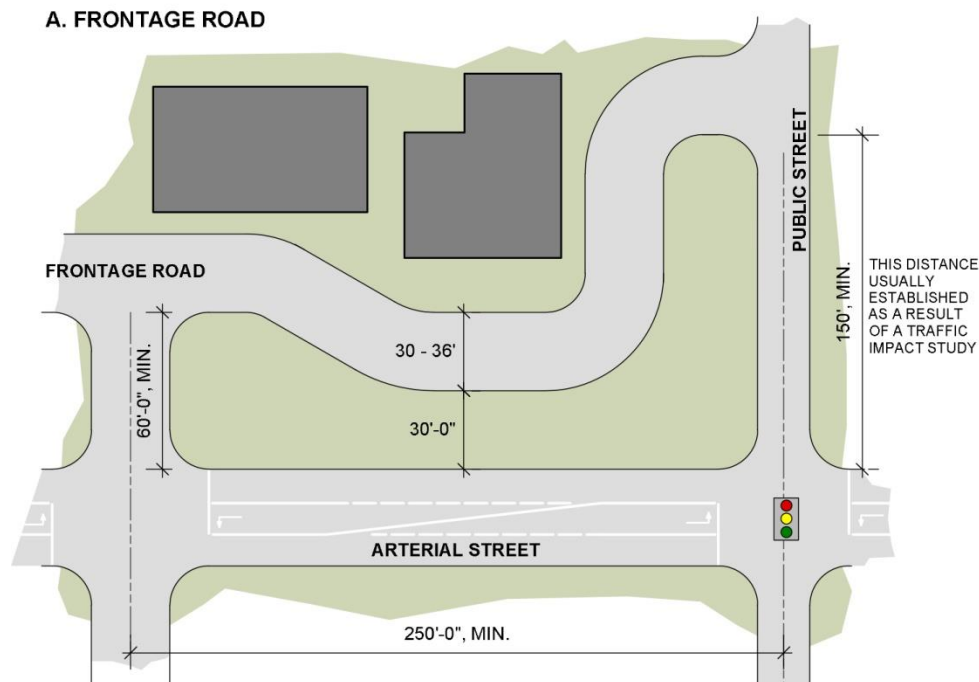
SECTION 14.04: SERVICE DRIVES AND OTHER SHARED ACCESS STANDARDS – (Cont.)

1. The agreement shall also specify who is responsible for enforcing speed limits, parking and related vehicular activity on the service drive. This agreement shall be approved by the Marquette Township attorney and recorded with the deed for each property it serves by the County Register of Deeds. If the service drive is a private road, the local government shall reserve the right to make repairs or improvements to the service drive and charge back the cost directly or by special assessment to the benefiting landowners if they fail to properly maintain a service drive.
2. Landscaping – Landscaping along the service drive shall conform with the requirements of Section 19.04 *Bufferyards*, Section 19.05 *Additional Bufferyard Regulations*, Section 19.06 *Required Open Space*, Section 21.06 *Design Standards*, and as allowed by this Article 14. Installation and maintenance of landscaping shall be the responsibility of the developer or a property owners association.
3. Parking Areas – All separate parking areas (i.e. *those that do not use joint parking cross access*) shall have no more than one (1) access point or driveway to the service drive.
4. Parking – The service road is intended to be used exclusively for circulation, not as a parking, loading or unloading aisle. Parking shall be prohibited along two-way frontage roads and service drives that are constructed at the minimum width. One-way roads or two-way roads designed with additional width for parallel parking may be allowed if it can be demonstrated through traffic studies that on-street parking will not significantly affect the capacity, safety or operation of the frontage road or service drive. Perpendicular or angle parking along either side of a designated frontage road or service drive is prohibited. The Zoning Administrator or Planning Commission may require the posting of “no parking” signs along the service road. As a condition to site plan approval, the Zoning Administrator or Planning Commission may permit temporary parking in the easement area where a continuous service road is not yet available, provided that the layout allows removal of the parking in the future to allow extension of the service road. Temporary parking permitted within the service drive shall be in excess of the minimum required under Article 21, Off-Street Parking Requirements.
5. Directional Signs and Pavement Markings – Pavement markings may be required to help promote safety and efficient circulation. The property owner shall be required to maintain all pavement markings. All directional signs and pavement markings along the service drive shall conform with the current Michigan Manual of Uniform Traffic Control Devices.
6. Assumed Width of Pre-existing Service Drives – Where a service drive in existence prior to the effective date of this provision has no recorded width, the width will be considered to be 66 feet for the purposes of establishing setbacks and measured an equal distance from the midpoint of the road surface.

SECTION 14.04: SERVICE DRIVES AND OTHER SHARED ACCESS STANDARDS – (Cont.)

7. Pedestrian and Bicycle Access – Separate, safe access for pedestrians and bicycles shall be provided on a sidewalk or paved path that generally parallels the service drive unless alternate and comparable facilities are approved by the Zoning Administrator or Planning Commission.
8. Number of Lots or Dwellings Served – No more than twenty-five (25) lots or dwelling units may gain access from a service drive to a single public street.
9. Service Drive Signs – All new public and private service drives shall have a designated name on a sign meeting the standards on file in the office of the Zoning Administrator.
10. In the case of expansion, alteration or redesign of existing development where it can be demonstrated that pre-existing conditions prohibit installation of a frontage road or service drive in accordance with the aforementioned standards, the Zoning Administrator or Planning Commission shall have the authority to allow and/or require alternative cross access between adjacent parking areas through the interconnection of main circulation aisles. Under these conditions, the aisles serving the parking stalls shall be aligned perpendicularly to the access aisle, as shown in Figure 14-6c, with islands, curbing and/or signage to further delineate the edges of the route to be used by through traffic.

FIGURE 14-6



ARTICLE 14 – ACCESS MANAGEMENT REGULATIONS

SECTION 14.05: TEMPORARY ACCESS PERMITS

- A. A temporary access permit may be conditionally issued to a property included in an adopted corridor or access management plan that programs road improvements and installation of service drives and shared driveways that would eliminate the need for the temporary driveway.
- B. Conditions may be included in the temporary access permit including but not limited to, a limitation on development intensity on the site until adjoining parcels develop which can provide a shared driveway, shared access via a service drive, and/or cross parking lot connection consistent with the requirements of Section 14.04.
- C. A temporary access permit shall expire when the use of the site for which the temporary access permit was granted has ceased for twelve (12) months or more, or the use of the site or the driveway has changed such that the use of the driveway has increased from its initial use level at least 10 percent.
- D. A site plan for property that cannot meet the access requirements of Section 14.04 and has no alternative means of reasonable access to the public road system may be issued a temporary access permit. When adjoining parcels develop which can provide a shared driveway, shared access via a service drive or a cross parking lot connection, the temporary access permit shall be rescinded and an application for an access permit consistent with requirements of Section 14.04 shall be required.

SECTION 14.06: NONCONFORMING DRIVEWAYS

- A. Driveways that do not conform to the regulations in this Article, and were legally constructed before the effective date of this Article, shall be considered legal nonconforming driveways and shall be allowed to remain provided the use of the property continues in the same manner and to the same extent as existed when it became nonconforming. Existing driveways granted a temporary access permit are legal nonconforming driveways until such time as the temporary access permit expires.
- B. Loss of legal nonconforming status results when a nonconforming driveway ceases to be used for its intended purpose, as shown on the approved site plan, or plot plan, for a period of twelve (12) months or more. Any reuse of the driveway may only take place after the driveway conforms to all aspects of this Article.
- C. When the owner of a property with an existing, nonconforming driveway or driveways, applies for a permit to upgrade or change the use of the property, the Zoning Administrator or Planning commission will determine whether it is necessary and appropriate to retrofit the existing driveway or driveways.

SECTION 14.06: NONCONFORMING DRIVEWAYS – (Cont.)

1. The property owner may be required to establish a retrofit plan. The objectives of the retrofit plan will be to minimize the traffic and safety impacts of development by bringing the number, spacing, location, and design of driveways into conformance with the standards and requirements of this Article to the extent possible without imposing unnecessary hardship on the property owner. The retrofit plan may include:
 - a. Elimination of driveways,
 - b. Realignment or relocation of driveways,
 - c. Provision of shared driveways and/or cross parking lot connection,
 - d. Access by means of a service drive,
 - e. Restriction of vehicle movements (e.g. elimination of left-turns in and out),
 - f. Relocation of parking,
 - g. Traffic demand management (e.g. a reduction in peak hour trips),
 - h. Signalization, or
 - i. Such other changes as may enhance traffic safety.
 2. The requirements of the retrofit plan shall be incorporated as conditions to the permit for the change or upgrade of use and the property owner shall be responsible for the retrofit.
- D. Driveways that do not conform to the regulations in this Ordinance and have been constructed after the adoption of this Ordinance, shall be considered illegal nonconforming driveways.
- E. Illegal nonconforming driveways are a violation of this Ordinance. The property owner shall be issued a violation notice which may include closing off the driveway until any nonconforming aspects of the driveway are corrected. Driveways constructed in illegal locations shall be immediately closed upon detection and all evidence of the driveway removed from the right-of-way and site on which it is located. The costs of such removal shall borne by the property owner.
- F. Nothing in this Ordinance shall prohibit the repair, improvement, or modernization of lawful nonconforming driveways, provided it is done consistent with the requirements of this Article.

SECTION 14.07: INCENTIVES

- A. In order to ensure the safe and efficient movement of traffic along a road and between the road and properties abutting the road, shared driveways, service roads, and interconnected parking lots are encouraged.
- B. The Planning Commission reserves the authority to determine, in its discretion, the adequacy of the access management amenities to be accepted and the particular incentive to be provided to a property owner.

SECTION 14.08: WAIVERS AND VARIANCES

- A. Any applicant for access approval under the provisions of this Section may apply for a waiver of standards in Section 14.03 if the applicant cannot meet one or more of the standards according to the procedures provided below:
1. For waivers on properties involving land uses with less than five-hundred (500) vehicle trips per day based on rates published in the Trip Generation Manual of the Institute of Transportation Engineers: Where the standards in this Section cannot be met, suitable alternatives, documented by a registered traffic engineer and substantially achieving the intent of the Section may be accepted by the Zoning Administrator or Planning Commission, provided that all of the following apply:
 - a. The use has insufficient size to meet the dimensional standards.
 - b. Adjacent development renders adherence to these standards economically unfeasible.
 - c. There is no other reasonable access due to topographic or other considerations.
 - d. The standards in this Section shall be applied to the maximum extent feasible.
 2. For waivers on properties involving land uses with more than five hundred (500) vehicle trips per day based on rates published in the Trip Generation Manual of the Institute of Transportation Engineers: During site plan review the Zoning Administrator or Planning Commission shall have the authority to waive or otherwise modify the standards of Section 14.03 following an analysis of suitable alternatives documented by a registered traffic engineer and substantially achieving the intent of this Section, provided all of the following apply:
 - a. Access via a shared driveway or front or rear service drive is not possible due to the presence of existing buildings or topographic conditions.
 - b. Roadway improvements (such as the addition of a traffic signal, a center turn lane or bypass lane) will be made to improve overall traffic operations prior to project completion, or occupancy of the building.
 - c. The use involves the redesign of an existing development or a new use which will generate less traffic than the previous use.
 - d. The proposed location and design is supported by the Marquette County Road Commission and/or the Michigan Department of Transportation, as applicable, as an acceptable design under the circumstances.
 3. Single family homes and duplexes with shared access on an individual lot of record may be considered for a waiver without providing documentation by a registered traffic engineer as otherwise required in Subsection 14.08.A.1.
- B. Variance Standards: The following standards shall apply when the Zoning Board of Appeals considers a request for a variance from the standards of this Section.

ARTICLE 14 – ACCESS MANAGEMENT REGULATIONS

SECTION 14.08: WAIVERS AND VARIANCES – (Cont.)

1. The granting of a variance shall not be considered until a waiver under Section 14.08.A. or a temporary access permit under Section 14.05 has been considered and rejected.
2. Applicants for a variance must provide proof of practical difficulties unique to the parcel (such as wetlands, steep slopes, an odd parcel shape or narrow frontage, or location relative to other buildings, driveways or an intersection or interchange) that make strict application of the provisions of this Section impractical. This shall include proof that:
 - a. Indirect or restricted access cannot be obtained; and,
 - b. No reasonable engineering or construction solution can be applied to mitigate the condition; and,
 - c. No reasonable alternative access is available from a road with a lower functional classification than the primary road; and,
 - d. Without the variance, there is no reasonable access to the site.
3. The Zoning Board of Appeals shall make a finding that the applicant for a variance met their burden of proof under Section 14.08.A. above, that a variance is consistent with the intent and purpose of this Section, and is the minimum necessary to provide reasonable access.
4. Under no circumstances shall a variance be granted unless not granting the variance would deny all reasonable access, endanger public health, welfare or safety, or cause an unnecessary hardship on the applicant. No variance shall be granted where such hardship is self-created.

SECTION 14.09: ONE ACCESS PER PARCEL

- A. All land in a parcel or lot having a single tax code number, as of the effective date of the amendment adding this provision to the Ordinance (hereafter referred to as “the parent parcel”), that shares a lot line for less than six hundred (600) feet with right-of-way on US-41/M-28 or on the following county primary roads Wright St, 492, and 550 shall be entitled to one (1) driveway or road access per parcel from said public road or highway.
 1. All subsequent land divisions of a parent parcel, shall not increase the number of driveways or road accesses beyond those entitled to the parent parcel on the effective date of this amendment.
 2. Parcels subsequently divided from the parent parcel, either by metes and bounds descriptions, or as a plat under the applicable provisions of the Land Division Act, Public Act 288 of 1967, as amended, or as a condominium project in accord with the Condominium Act, Public Act 59 of 1978, as amended, shall have access by a platted subdivision road, by another public road, by an approved private road, frontage road or rear service drive.

SECTION 14.09: ONE ACCESS PER PARCEL – (Cont.)

- B. Parent parcels with more than six hundred (600) feet of frontage on a public road or highway shall also meet the requirements of Section 14.09.A. above, except that whether subsequently divided or not, they are entitled to not more than one driveway for each six hundred (600) feet of public road frontage thereafter, unless a registered traffic engineer determines that topographic conditions on the site, curvature on the road, or sight distance limitations demonstrate a second driveway within a lesser distance is safer or the nature of the land use to be served requires a second driveway for safety.

ARTICLE 15 – PRINCIPAL USES PERMITTED IN DISTRICTS

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PRINCIPAL USES PERMITTED IN DISTRICTS

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ARTICLE 15: PRINCIPAL USES PERMITTED IN DISTRICTS

SECTION 15.01: INTENT

The intent of this Article is to achieve beneficial utilization of land while preventing adverse impacts to the environment, neighboring properties, and the public interest. This objective is attained by separating the unincorporated area of the Charter Township of Marquette into eight (8) specific zoning districts and permitting compatible uses within each district, as outlined in *Section 15.05 of this Article, Table of Principal Uses Permitted in Districts, Use vs. District Nomograph*, and providing specific land uses that shall meet all additional criteria specified in *The Schedule of District Regulations and Minimum Performance Standards for Each Zoning District (Article 19, Sections 19.13 through 19.20)*. The performance zoning approach, while providing more flexibility, requires that all performance criteria and other regulations specifying minimum sizes, width, area, easements, parking, loading, etc., be strictly adhered to. The minimum requirements of all state and local agency laws, rules, regulations, and standards regarding individual potable water supplies and on-site waste disposal systems shall also be adhered to.

SECTION 15.02: LAND USE INTENSITY

Land Use Intensity (LUI) is a measure of the magnitude and potential negative impact of a land use on the environment and neighboring land uses. All principal land uses permitted by this Ordinance have been assigned a land use intensity class number. The class number is designated under the *LUI Column, Section 15.05, Principal Uses Permitted in Districts, on the Use vs. District Nomograph*. Since performance is the basic concept of this Ordinance, all land uses are classified and separated on the basis of the type and degree of nuisance or negative impact they are likely to impose on neighboring uses. The range of LUI classes open to a specific use does not affect whether that use can be located on a lot, but only how it can develop on that lot. Each LUI class is comprised of uses, which when developed to a specified permitted maximum intensity, have similar nuisance values. The individual zoning districts control whether or not a specific use can locate and develop on a lot in that district, and the LUI class standards designate the degree of protection required for adjacent uses.

SECTION 15.03: PERMITTED, PERMISSIBLE, AND NON-PERMITTED USES

A. PRINCIPAL USES PERMITTED BY RIGHT

A Principal Use listed in *Section 15.55, Principal Uses Permitted in Districts, Use vs. District Nomograph*, in any district denoted by the letter “Y” is a use permitted by right, provided that all other requirements of federal, state, county, and local law and this Ordinance have been met and further provided that a zoning compliance certificate has been issued in accordance with *Article 26, Administration and Enforcement, Section 26.05, Zoning Compliance Permit*.

ARTICLE 15 – PRINCIPAL USES PERMITTED IN DISTRICTS

SECTION 15.03: PERMITTED, PERMISSIBLE, AND NON-PERMITTED USES – (Cont.)

B. SPECIAL USE PERMITS

A principal use listed in *Article 15, Principal Uses Permitted in Districts, Section 15.05, Table 15, Use vs. District Nomograph*, may be permitted as a Special Land Use in any district denoted by the letter “S”, “S*”, “S**”, or by “Y*” provided that the requirements of *Articles 16, Detailed Use Regulations, and Article 17, Special Land Uses*, have also been met. The letter “S*” refers to uses allowable on lots abutting the West side of Ontario Street between Fair and Beaudoin. The letter “S**” refers to uses allowable on lots abutting Werner Street West of Ontario Street and on lots abutting the north side of Bancroft Street West of Woodridge. The letter “Y*” refers to Land Uses proposed within the DD, when located adjacent with existing Residential Land Use, and/or Residential Zoning Districts which require a public hearing as specified in Section 17.04 A.

C. TEMPORARY USE PERMITS

A principal use may be allowed under a temporary or a specific temporary use permit as designated by the letter “T” or “SK” in *Article 15, Principal Uses Permitted in Districts, Section 15.05, Table 15, Use vs. District Nomograph*, and must conform to all requirements of this Ordinance and as designated in *Article 16, Detailed Use Regulations, Sections 16.05, Temporary Uses, 16.06, Specific Temporary Uses Permitted, and 16.07, Additional Regulations*.

D. ACCESSORY USE PERMITTED

An Accessory Use is a land use whose purpose is incidental and subordinate to the allowed use of the land and is allowable by right within the individual districts provided that all other requirements of federal, state, and local law, and *Article 16, Detailed Use Regulations, Sections 16.03, Accessory Uses, and Section 16.04, Detailed Accessory Use Regulations*, of this Ordinance have been met, and further provided that a zoning compliance certificate has been issued in accordance with *Article 26, Administration and Enforcement, Section 26.03, Zoning Compliance Certificate*.

E. PRINCIPAL USES NOT PERMITTED

A principal use specified in *Article 15, Principal Uses Permitted in Districts, Section 15.05, Table 15, on the Use vs. District Nomograph*, is not permitted if the District column remains blank.

F. RELATIONSHIP TO OTHER ARTICLES

Uses permitted by right or under a special or temporary land use permit shall be subject to all criteria and other regulations as are specified herein and in other articles of this Ordinance.

ARTICLE 15 – PRINCIPAL USES PERMITTED IN DISTRICTS

SECTION 15.03: PERMITTED, PERMISSIBLE, AND NON-PERMITTED USES – (Cont.)

G. SOLAR ENERGY AND WIND ENERGY SYSTEMS PERMITTED

Solar Energy and Wind Energy Systems may be permitted as a Special Land Use in designated districts. Refer to *Article 16 Section 16.10 Alternative Energy* for detailed use regulations.

H. PARCEL COMPLIANCE

Although a principal use may be indicated as permitted by right or by a special use permit in a particular district, it does not follow that the same such principal use is permitted by right or by special use permit on every parcel in the district. General land uses and minimum performance standards have been developed for each zoning district and are specified in the *Schedule of District Regulations and Minimum Performance Standards, Article 19, Performance Requirements, Section 19.13 through 19.20*. A principal use is not permitted on any parcel unless it can be located thereon in full compliance with all of the required performance standards as applicable to the specific use and zoning district in which it is located. (See *Article 19, Performance Requirements, Section 19.13 through 19.20, Schedule of District Regulations and Minimum Performance Standards*.)

SECTION 15.04: PRINCIPAL USES OUTLINED

Principal land uses are outlined in *Article 15, Principal Uses Permitted in Districts, Section 15.05 Table 15, Use vs. District Nomograph*. Except as otherwise provided by law or in this Ordinance, no building, structure, or land shall be used or occupied except in the zoning district indicated and for the purposes permitted in said Section. Principal land uses not specified in the *Use vs. District Nomograph* are not necessarily excluded. However, a formal appeal for review and determination by the Zoning Board of Appeals regarding a specific land use may be required prior to approval of the use in question. (See *Article 24, Zoning Board of Appeals, Section 24.04, Administrative Review*.) Principal uses italicized in the following nomograph are subject to detailed use regulations specific to these uses as set forth in *Article 16*.

ARTICLE 15 – PRINCIPAL USES PERMITTED IN DISTRICTS

Section 15.05: Table 15 USE VS. DISTRICT NOMOGRAPH

SR..... Scenic Residential	SBSegregated Business
RR..... Rural Residential	LUILand Use Intensity Number
UR Urban Residential	YPermitted by Right With Accessory Use
DD..... Development District	S.....Special Use Permit Required
GB..... General Business	TTemporary Use Permit Required
RP..... Resource Production	SKSpecific Temporary Use Permit Required
FR.....Forest Recreation	AAccessory Use
Y* Land Uses proposed within the DD, when located adjacent with existing Residential Land Use, and/or Residential Zoning Districts, shall require a public hearing (see Section 17.04 A.) S* Allowable on Lots Abutting the West Side of Ontario St. Between Fair and Beaudoin.	
S** Allowable on Lots Abutting Werner St. West of Ontario St. and on Lots Abutting the North Side of Bancroft St. West of Woodridge	

USE	LUI	ZONING DISTRICTS							
AGRICULTURE		FR	SR	RR	UR	DD	GB	SB	RP
Apiary	I								Y
Fish Hatchery	II	Y							Y
Grain	I								Y
Horse Stables (Private)	II		A/ S	A/ S		S			Y
Intensive Agricultural Activity	VI								S
Light Agricultural Activity	I		S	S					Y
Poultry – Private	II		A/ S	A/ S					Y
Traditional Agricultural Activity	II								Y
AGRICULTURAL SUPPORT									
Agriculture Implement Sales/Service	IV							S	
Auction Livestock	V							S	
Cider Mill	IV						Y	S	Y
Dairy Products Processing & Sales	V					S	Y	S	S
Feed & Grain Sales	IV					S	Y		
Food Processing & Packaging Plants	V					S	S	Y	
Fruit & Vegetable Market	IV					Y	Y		

ARTICLE 15 – PRINCIPAL USES PERMITTED IN DISTRICTS

Section 15.05: Table 15 USE VS. DISTRICT NOMOGRAPH

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FR.....Forest Recreation	AAccessory Use
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S*Allowable on Lots Abutting the West Side of Ontario St. Between Fair and Beaudoin.	
S**Allowable on Lots Abutting Werner St. West of Ontario St. and on Lots Abutting the North Side of Bancroft St. West of Woodridge	

USE	LUI	ZONING DISTRICTS							
AGRICULTURAL SUPPORT (cont.)		FR	SR	RR	UR	DD	GB	SB	RP
Poultry/Egg Sales on Site	IV								Y
Produce Sales – Seasonal On Site	IV					Y			T
Produce Sales – Seasonal Off Site	IV					SK			SK
COMMERCIAL & ENTERTAINMENT									
Adult Sexually Explicit Entertainment	V						S		
Amphitheaters	V	S				Y*	Y		
Antique Sales	V				S*	Y*	Y		
Appliances, Sales/Repair/Service	V					Y*	Y		
Art Gallery, Commercial	IV				S*	Y	Y		
Art Supply Store	V					Y*	Y		
Auction House	V					Y*	Y		
Auditorium, Concert/Exhibit Halls Indoor	V					Y*	Y		
Barber/Beauty Shop	IV				S*	Y	Y		
Bakery, Retail	V					Y*	Y		
Banking Institutions	IV				S*	Y	Y		
Bicycle Sales/Repair	V				S*	Y*	Y		
Blueprinting & Photostat Shop	IV					Y	Y		

ARTICLE 15 – PRINCIPAL USES PERMITTED IN DISTRICTS

Section 15.05: Table 15 USE VS. DISTRICT NOMOGRAPH

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USE	LUI	ZONING DISTRICTS							
		FR	SR	RR	UR	DD	GB	SB	RP
COMMERCIAL & ENTERTAINMENT (cont.)									
Bookstore	V				S*	Y*	Y		
Bowling Alley	V					Y*	Y		
Catalog Sales Office or Mail Order	V					Y*	Y		
Catering Services	V					Y*	Y		
Christmas Tree Sales	IV				SK	SK	Y		Y
Cleaning/Dyeing Retail	V					Y*	Y		
Clothes Store	V					Y*	Y		
Club, Private (Indoor)	V				S*	Y*	Y		S
Department Store	V					Y*	Y		
Dog Obedience School/Grooming	V					Y*	Y		Y
Drug Store	V					Y*	Y		
Dry Cleaning Store	V					Y*	Y		
Dry Goods Store	V					Y*	Y		
Floor Covering Sales	V					Y*	Y		
Florist Sales	V					Y*	Y		
Funeral Home, Mortuary	V					Y*	Y		
Furniture Sales, Retail	IV					Y*	Y		
Garden Supply Center	V				S*	Y*	Y		

ARTICLE 15 – PRINCIPAL USES PERMITTED IN DISTRICTS

Section 15.05: Table 15 USE VS. DISTRICT NOMOGRAPH

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SB Segregated Business
 LUI Land Use Intensity Number
 Y Permitted by Right With Accessory Use
 S Special Use Permit Required
 T Temporary Use Permit Required
 SK Specific Temporary Use Permit Required
 A Accessory Use

USE	LUI	ZONING DISTRICTS							
COMMERCIAL & ENTERTAINMENT (cont.)		FR	SR	RR	UR	DD	GB	SB	RP
Gift Shop	V				S*	Y*	Y		
Grocery Store/Supermarket	V					Y*	Y		
Hardware Store,	V					Y*	Y		
Hotel, Motel	V					Y*	Y		
Ice Cream Sales	V				S*	Y*	Y		
Kennel, Commercial	V						S	Y	S
Laundromat	V					Y*	Y		
Liquor Store	V					Y*	Y		
Lodge for Fraternal Orders	III					Y	Y		
Magazine and News Store	V					Y*	Y		
Mobil Home Sales	V					Y*	Y		
Nursery/Greenhouse, Retail	IV					Y*	Y		S
Office Equipment-Sales/Service/Repair	V					Y*	Y		
Pawn Shop	V					Y*	Y		
Pet Shop	V					Y*	Y		
Photography Studio	V					Y*	Y		
Plumbing Supplies/Sales	V					Y*	Y		
Printing/Photocopy Service	V					Y*	Y		

ARTICLE 15 – PRINCIPAL USES PERMITTED IN DISTRICTS

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USE	LUI	ZONING DISTRICTS							
COMMERCIAL & ENTERTAINMENT (cont.)		FR	SR	RR	UR	DD	GB	SB	RP
Repair Stores	V					Y*	Y		
Retail Stores	V					Y*	Y		
Restaurant – Sit Down	V				S*	Y*	Y		
Restaurant – Fast Food	V					Y*	Y		
Shopping Center	V					Y*	Y		
Sign Shop	V					Y*	Y		
Souvenir, Curio, Sales	V				S*	Y*	Y		
Sporting Goods, Sales, Rental	V	S				Y*	Y		
Tailor Shop	IV					Y	Y		
Teen Club	V				S*	Y*	Y		
Theaters (Indoor)	V					Y*	Y		
Travel Agency	V					Y*	Y		
Water Softening Equipment Sales/Service	V					Y*	Y		
Warehouse Store	V					Y*	Y		
COMMERCIAL OFFICE									
Clinic, Dental/Medical	IV					Y	Y		
Laboratory Dental/Medical Clinic	IV					Y	Y		
Office (General)	IV					Y	Y		

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USE	LUI	ZONING DISTRICTS							
COMMERCIAL OFFICE (cont.)		FR	SR	RR	UR	DD	GB	SB	RP
Professional Offices	IV					Y	Y		
Real Estate Office	IV		SK	SK	SK	Y	Y	SK	SK
Union Hall	III					Y	Y		
Any Above Offices GFA<5,000 S.F. As per Sec. 17.04 Item B(1) Requirements						S	Y		
FORESTRY									
Governmental	I	Y							Y
Commercial	I	Y							Y
Non-Commercial	I	Y	S	Y	Y	Y		Y	Y
HEAVY INDUSTRY									
Airport	VI								S
Batch Plant for Road Construction	VI					SK		Y	SK
Bulk Material Storage (Outdoor)	VI							Y	
Bulk Material Storage (Indoor) See Light Industry									
Extraction of Earth Products	VI	SK				S		Y	SK
Grain Elevators	VI							S	
Junkyard	VI							S	
Landfill, Sanitary	VI							S	
Machinery Storage (Unenclosed)	V							Y	

ARTICLE 15 – PRINCIPAL USES PERMITTED IN DISTRICTS

Section 15.05: Table 15 USE VS. DISTRICT NOMOGRAPH

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USE	LUI	ZONING DISTRICTS							
HEAVY INDUSTRY (cont.)		FR	SR	RR	UR	DD	GB	SB	RP
Manufacturing	VI							Y	
Meat Packing/Slaughterhouse	VI							Y	
Mining	VI							S	Y
Paint/Wallpaper Plants	VI							Y	
Paper/Pulp Mill	VI							Y	
Rail/Truck Terminal	VI						S	Y	
Refinery	VI							Y	
Rental of Construction Equipment (Heavy)	V						S	Y	
Salvage or Scrap Yard, Recycling Centers	VI							S	
Saw Mill	VI	SK						Y	S
Warehouse: See Bulk Material Storage									
Wholesaling: See Bulk Material Storage									
Wood Processing	VI							Y	S
LIGHT INDUSTRY									
Airfields, Private	V							Y	S
Boatworks, Custom Building/Repair/Storage	IV					S	S	Y	
Building Materials Sales Yard	V					Y*	Y		
Bulk Materials Storage (Indoor)	V					Y*	Y	Y	

ARTICLE 15 – PRINCIPAL USES PERMITTED IN DISTRICTS

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USE	LUI	ZONING DISTRICTS							
LIGHT INDUSTRY (cont.)		FR	SR	RR	UR	DD	GB	SB	RP
Contractor, General:									
Equipment Sheds	V			SK	SK	S	S	Y	SK
Equipment Storage (Outdoor)	V						S	Y	
Office – Portable/Temporary	IV			SK	SK	SK	SK	SK	SK
Yard	V					S	S	Y	
Dry Cleaning Plant	V					S		Y	
Exterminating and Fumigating Shop	V					S	S	Y	
Food Warehousing	V					Y*	Y	Y	
Food Processing & Packaging Plants	V					S	S	Y	
Fuel – Above Ground Storage of Flammable:									
Liquids/Gases	V					S	Y	Y	
Firewood Sales	IV	SK	SK	SK	SK	SK	Y	Y	Y
Furniture & Upholstery Stripping/Refinishing & Repair	V					S	S	Y	
Gas, Butane, & Propane Sales	V					S	S	Y	
Laboratory, Non-Medical	V					S	S		S
Logging, Contractor/Operations:									
Equipment Sheds	V	SK						Y	Y

ARTICLE 15 – PRINCIPAL USES PERMITTED IN DISTRICTS

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USE	LUI	ZONING DISTRICTS							
LIGHT INDUSTRY (cont.)		FR	SR	RR	UR	DD	GB	SB	RP
Equipment Storage (Outdoors)	V	SK						Y	Y
Office	V	SK				S		Y	Y
Yard	V	SK						Y	Y
Decking Area	V	SK						Y	Y
Manufacturing, Light	V						S	Y	
Machinery Storage (Yard)	V						S	Y	
Mini-Warehouses (Storage)	V					S	S	Y	
Monument Works	V					Y*	Y		
Ornamental Iron Work Shop	V					S	S	Y	
Printing Shop	V					Y*	Y		
Refinishing Shop	V					Y*	Y	Y	
Rental of Equipment (Light)	V					Y*	Y	Y	
Scientific Research Facilities	V	S				S	S	Y	S
Septic Tank Sales/Service	V					S	Y	Y	
Trade Shops: Blacksmithing, Welding, Heating/Plumbing/Electrical, Carpentry, Etc.	V					Y*	Y	S	
Truck Terminal	VI							Y	
Veterinary Clinic (Fully Enclosed)	V	S				Y*	Y	Y	S
Warehouse: See Bulk Material Storage									

ARTICLE 15 – PRINCIPAL USES PERMITTED IN DISTRICTS

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 S.....Special Use Permit Required
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 AAccessory Use

USE	LUI	ZONING DISTRICTS							
LIGHT INDUSTRY (cont.)		FR	SR	RR	UR	DD	GB	SB	RP
Well Drilling Service	V					Y*	Y	Y	
Wholesaling: See Bulk Material Storage									
Windmill Farm	VI							Y	S
MARIJUANA FACILITIES AND ESTABLISHMENTS									
Medical Marijuana Grower, Class A, B, or C	III						S	S	S
Adult Use (Recreational) Marijuana Grower, Class A, B or C	III						S	S	S
Adult Use (Recreational) Marijuana Excess Grower	V							S	S
Medical Marijuana Processor	V						S	S	
Adult Use (Recreational) Marijuana Processor	V						S	S	S
Medical Marijuana Secure Transporter	V						S	S	S
Adult Use (Recreational) Marijuana Transporter	V						S	S	S
Medical Marijuana Safety Compliance Facility	V						S	S	S
Adult Use (Recreational) Marijuana Safety Compliance Facility	V						S	S	S
Medical Marijuana Provisioning Center	V					S	S		
Adult Use (Recreational) Marijuana Retailer	V					S	S		
Adult Use (Recreational) Marijuana Microbusiness	V						S	S	
Adult Use (Recreational) Marijuana Event Organizer	IV					S	S		
PUBLIC SERVICE									

ARTICLE 15 – PRINCIPAL USES PERMITTED IN DISTRICTS

Emergency Services Center	III	S	S	Y	Y	Y	Y	Y	Y
Park and Ride	V					S	S		
Utility, Facilities (Local or Minor)	II	S	S	S	S	S	S	S	S
Utility, Facilities (Regional or Major)	V	S				S	S	S	S
Utility, Service Centers	IV	S				S	S	Y	
Wireless Communication Facilities	VI	S		S	S	S	S	Y	S
RECREATION/COMMERCIAL									
Amusement Parks	V					S	S		
Archery Range (Indoor)	V	S				Y*	Y		
Archery Range (Outdoor)	V	S		S		S			S
Carnival/Circus	V	S				SK	SK		SK
Concerts (Outdoor)	V	S				SK	SK		SK
Drive-In Theater	V					S			
Fairground	V	S				S			
Firearm Shooting Range – Indoor	V	S				S	S		
State or County Recreation Building	III	Y							Y

Section 15.05: Table 15 USE VS. DISTRICT NOMOGRAPH

SR.....Scenic Residential	SB.....Segregated Business
RR.....Rural Residential	LUI.....Land Use Intensity Number
UR.....Urban Residential	Y.....Permitted by Right With Accessory Use
DD.....Development District	S.....Special Use Permit Required
GB.....General Business	T.....Temporary Use Permit Required
RP.....Resource Production	SK.....Specific Temporary Use Permit Required
FR.....Forest Recreation	A.....Accessory Use
Y*.....Land Uses proposed within the DD, when located adjacent with existing Residential Land Use, and/or Residential Zoning Districts, shall require a public hearing (see Section 17.04 A.)	
S*.....Allowable on Lots Abutting the West Side of Ontario St. Between Fair and Beaudoin.	
S**.....Allowable on Lots Abutting Werner St. West of Ontario St. and on Lots Abutting the North Side of Bancroft St. West of Woodridge	

USE	LUI	ZONING DISTRICTS							
RECREATION/COMMERCIAL (cont.)		FR	SR	RR	UR	DD	GB	SB	RP
Firearm Shooting Range – Outdoor	V	S							S
Go-Kart Racetrack	V					S	S		

ARTICLE 15 – PRINCIPAL USES PERMITTED IN DISTRICTS

Miniature Golf	IV					Y*	S		
Horse Stable (Recreation)	III	S							Y
Marina	V		S						Y
Racetrack of Any Kind	V						S		
Sports Arena	V					Y*	S		
Tennis Courts/Outdoor	IV	S				Y	S		
Trails (All Terrain Vehicles)	V	S	S	S		S	S	S	S
Trails (Snowmobile)	V	S	S	S		S	S	S	S
RECREATION INDOOR/OUTDOOR									
Aquarium	III					Y	S		
Arboretums	III	S	S	S	S	Y			Y
Boat Launching Facilities	III	S	S						Y
Golf Course, Disc Course	III	S	S	S		S	S		S
Health Club	IV					Y*	Y		

Section 15.05: Table 15 USE VS. DISTRICT NOMOGRAPH

SR..... Scenic Residential	SBSegregated Business
RR..... Rural Residential	LUILand Use Intensity Number
UR Urban Residential	YPermitted by Right With Accessory Use
DD..... Development District	S.....Special Use Permit Required
GB..... General Business	T.....Temporary Use Permit Required
RP..... Resource Production	SK.....Specific Temporary Use Permit Required
FR..... Forest Recreation	AAccessory Use

Y*Land Uses proposed within the DD, when located adjacent with existing Residential Land Use, and/or Residential Zoning Districts, shall require a public hearing (see Section 17.04 A.)

S*Allowable on Lots Abutting the West Side of Ontario St. Between Fair and Beaudoin.

S**Allowable on Lots Abutting Werner St. West of Ontario St. and on Lots Abutting the North Side of Bancroft St. West of Woodridge

USE	LUI	ZONING DISTRICTS							
RECREATION INDOOR/OUTDOOR (cont.)		FR	SR	RR	UR	DD	GB	SB	RP
Ice Skating Rinks (Outdoor)	III	Y	Y		S	S	S		Y

ARTICLE 15 – PRINCIPAL USES PERMITTED IN DISTRICTS

Indoor Recreation (<5,000 s.f.)	III	S	S			Y	Y		
Nature Areas/Open Space	I	Y	Y	Y	Y	Y	Y		Y
Park (Public/Private)	II	S	S	S	S	Y	S		Y
Playground	III	S	S	S	S	S	S		Y
Pool Public (Indoor/Outdoor)	III	S	S		S	S	S		Y
Ski Areas	III	Y	S			S			Y
Tennis Courts (Public-Outdoor)	III	S	S	S	S	S	S		Y
Trails (Non-motorized)	III	Y	Y	Y	Y	Y	Y	Y	Y
RECREATIONAL RENTAL DWELLING									
Cabin/Camp/Cottage	I								Y
Campgrounds	III	S				S			Y
Resort	III					S			Y
REGIONAL/OTHER SHOPPING CENTER									
Regional/Other Center	V					Y*	Y		
RESIDENTIAL DWELLING									
Cabin, Camp, Cottage (Seasonal)	I	S	S						Y

Section 15.05: Table 15 USE VS. DISTRICT NOMOGRAPH

SR.....Scenic Residential	SB.....Segregated Business
RR.....Rural Residential	LUI.....Land Use Intensity Number
UR.....Urban Residential	Y.....Permitted by Right With Accessory Use
DD.....Development District	S.....Special Use Permit Required
GB.....General Business	T.....Temporary Use Permit Required
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S**.....Allowable on Lots Abutting Werner St. West of Ontario St. and on Lots Abutting the North Side of Bancroft St. West of Woodridge	
S***.....Allowable by Special Use only within the Scenic Residential (SR) District (2 Acre Minimum)	

USE	LUI	ZONING DISTRICTS							
RESIDENTIAL DWELLING (cont.)		FR	SR	RR	UR	DD	GB	SB	RP
Duplex	II				S	Y			

ARTICLE 15 – PRINCIPAL USES PERMITTED IN DISTRICTS

Model Home/Unit	IV			SK	SK	SK			
Multi-Family	III				S**	Y	S		
Rooming House	III					S	Y		
Single Family Attached	II		Y		S	Y			
Single Family Detached (>40,000 S.F. Lot)	I		S** *	Y	Y	Y			S
Single Family Detached (<40,000 S.F. Lot)	II			S	Y	Y			
SPECIAL RESIDENTIAL & INSTITUTIONAL									
Adult Foster Care Congregate Facility	III		S		S**	Y			
Adult Foster Care Family Home	II		Y	Y	Y	Y			S
Adult Foster Care Large Group Home	III		Y		S**	Y			
Adult Foster Care Small Group Home	III		Y		S**	Y			
Bed & Breakfast – Large	III		S			Y*	Y		S
Bed & Breakfast – Small	II		S	S	S	Y	Y		Y
Camp, Day or Youth	IV	S				S			S
Cemetery	III					S			Y
Child Care Center/Day Care Center/Nursery School	IV				S**	Y*	Y		

Section 15.05: Table 15 USE VS. DISTRICT NOMOGRAPH

SR.....Scenic Residential	SBSegregated Business
RR.....Rural Residential	LUILand Use Intensity Number
URUrban Residential	YPermitted by Right With Accessory Use
DD.....Development District	S.....Special Use Permit Required
GB.....General Business	TTemporary Use Permit Required
RP.....Resource Production	SKSpecific Temporary Use Permit Required
FR.....Forest Recreation	AAccessory Use
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USE	LUI	ZONING DISTRICTS							
SPECIAL RESIDENTIAL & INSTITUTIONAL (cont.)		FR	SR	RR	UR	DD	GB	SB	RP
Church/Worship Centers	III		Y	S	S	Y	Y		S

ARTICLE 15 – PRINCIPAL USES PERMITTED IN DISTRICTS

Community Center (Public)	V		Y		S	Y*			
Convent/Monastery	III		Y	S	S	Y	Y		Y
Cultural & Education Center	V	S				Y	S		
Foster Family Group Home	II			Y	Y	Y			S
Family Day Care Home	II			Y	Y	Y			S
Group Day Care Home	III				S	Y	Y		
Halfway House/Recovery Rehabilitation	III					Y			
Home for the Aged	III				S**	Y			
Hospital	V					Y*	Y		
Library	III				Y	Y	Y		
Mobile Home Park	III					S			
Museum	III					Y	Y		
Nursing Home/Convalescent Home	III				S**	S			
Post Office	III					Y	Y		
Prison/Correctional Facility	VI							S	S
Religious Retreat	III								Y

Section 15.05: Table 15 USE VS. DISTRICT NOMOGRAPH

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USE	LUI	ZONING DISTRICTS							
SPECIAL RESIDENTIAL & INSTITUTIONAL (cont.)		FR	SR	RR	UR	DD	GB	SB	RP
Schools Public/Private	IV		S		S	S	S		

ARTICLE 15 – PRINCIPAL USES PERMITTED IN DISTRICTS

Seminary, Theological	III			S	S	Y*	Y		Y
Shelter, Temporary	III			SK	SK	SK	SK	SK	SK
Tent Meeting	IV					SK			SK
Tiny Home (See Section 16.12)			S	S	S				S
ROAD SERVICE, VEHICLE SALE AND SERVICE, AND FAST FOOD									
Arcades	V					Y*	Y		
Automobile: See Vehicle									
Billiard Parlor	V					Y*	Y		
Bus: See Vehicle									
Commercial Garage	V						S		
Convenience Store	V				S	Y*	Y		
Dance Hall	V					Y*	Y		
Garden Supply Center	V				S*	Y*	Y		
Gasoline Service Station	V				S*	S	S		
Marine Sales & Service	V					Y*	Y		
Motorcycle: See Vehicle									

Section 15.05: Table 15 USE VS. DISTRICT NOMOGRAPH

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RP.....Resource Production	SK.....Specific Temporary Use Permit Required
FR.....Forest Recreation	A.....Accessory Use
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USE	LUI	ZONING DISTRICTS							
ROAD SERVICE, VEHICLE SALE AND SERVICE, AND FAST FOOD (cont.)		FR	SR	RR	UR	DD	GB	SB	RP
Recreational Vehicle: See Vehicle									

ARTICLE 15 – PRINCIPAL USES PERMITTED IN DISTRICTS

Tavern, Night Club, Bar	V					Y*	Y		
Truck: See Vehicle									
Vehicle: Sales, Service, Repair, Parts & Supply	V					Y*	Y		

USE	LUI	ZONING DISTRICTS							
ALTERNATIVE ENERGY		FR	SR	RR	UR	DD	GB	SB	RP
Solar Energy System	III	S	S	S	S	S	S	S	S
(SWES) Small Wind Energy System	III	S	S	S	S	S	S	S	S
(MWES) Medium Wind Energy System	V	S		S		S	S	S	S
(LWES) Large Wind Energy System	VI	S						S	S
(MET) Meteorological Tower	III	S		SK	SK	SK	SK	SK	SK

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ARTICLE 16: DETAILED USE REGULATIONS

SECTION 16.01: PURPOSE

The purpose of this Article is to specify detailed regulations, including bulk, layout, yard size, and lot area, that apply to specific land uses. Standards over and above those imposed by other sections of this Ordinance are necessary for certain land uses which, although permitted as of right or allowable as special uses in certain districts have characteristics that might have negative impacts on nearby uses without these additional regulations. This Article also specifies the regulations applicable to temporary and accessory uses. *The Reclamation of Mineral Mining Lands, Act P.A. 92 of 1970, amended*, shall be supplemental to applicable provisions of this Ordinance.

SECTION 16.02: SPECIFIC STANDARDS FOR CERTAIN PERMITTED USES

In addition to compliance with other regulations imposed by this Ordinance, the following standards are required of the specific uses as noted.

GOLF DRIVING RANGE

1. The site plan required pursuant to *Article 18, Site Plan Review*, shall show the layout of property and indicate the location of all driving ranges, fairways, roughs, putting greens, fences, structures, and parking areas.
2. Accessory uses permitted shall be limited to a refreshment stand, a maintenance shed, a miniature golf course, and a pro shop.

JUNK, SCRAP, OR SALVAGE YARDS

1. The site plan required pursuant to *Article 18, Site Plan Review*, shall show the location of all buildings and the location of storage areas designed or used for automobiles and other vehicles, parts, lubricants, fuel, and other storage.
2. Outdoor displays for sale or storage of vehicles shall not be located within a street right-of-way.
3. All lubricant and fuel oil substances which are to be stored on the site shall be stored with all necessary precautions taken to prevent their leakage and/or surface or subsurface drainage into the water table, streams, creeks, or other bodies of water. A plan detailing how materials will be stored shall be submitted with the application for a zoning compliance certificate.

SECTION 16.02: SPECIFIC STANDARDS FOR CERTAIN PERMITTED USES – (Cont.)

4. All hazardous materials shall be stored in a safe manner and, whenever a permit is required by federal, state, county, or local ordinances, it shall be mandatory for the owner/agent to obtain the necessary permit(s).
5. Bufferyards and screening requirements shall be in accordance with *Article 19, Performance Requirements and the Schedule of District Regulations and Minimum Performance Standards* as outlined for each specific district in *Section 19.13 through Section 19.20, inclusive*. In addition, all junk, scrap, and/or salvage yard operations shall be obscured from public view along adjacent road right-of-ways as well as from abutting properties.

OUTDOOR THEATER, DRIVE-IN THEATER

Accessory uses permitted shall be limited to the use by patrons of the principal use. Accessory uses shall be limited to a refreshment/souvenir stand or booth, restroom, and a tot lot.

EMERGENCY SERVICE CENTERS

Because of their necessity, emergency service centers are permitted in all zoning districts. If the Township Zoning Administrator determines that the use may cause either a possible hazard to nearby residents, passersby, or an interference with the development, use, or enjoyment of surrounding property, fencing and/or screening with densely planted materials shall be required to a greater extent than the required buffer strip.

ALL ROAD SERVICE USES

1. Any outside display of vehicles or other merchandise for sale or storage shall not be located within any street or highway right-of-way.
2. All activities involving the production, processing, cleaning, servicing, testing, or repair of material, goods, or products shall conform to all applicable requirements of this Ordinance.
3. All repair, painting, and body work activities shall take place within a building.
4. All damaged and/or dismantled vehicles shall be visually screened from the view of adjacent properties and public rights-of-way.

SECTION 16.02: SPECIFIC STANDARDS FOR CERTAIN PERMITTED USES – (Cont.)

MOBILE HOME PARKS

Mobile Home Parks shall be developed in accordance with the applicable standards and regulations of the *State of Michigan Mobile Home Commission* and with the applicable provisions of this Ordinance, including those of *Article 19, Performance Requirements, Sections 19.04 and 19.05* and subject to Planning Commission review and approval.

FUEL/SERVICE STATIONS

1. All services except fuel sales shall be performed within a completely enclosed building.
2. Within seventy-five (75) feet of a residential use, a fuel/service station shall store all refuse and vehicle parts within a completely enclosed building or within an area which is visually screened from the view of residences.

TWO OR MORE SINGLE FAMILY DETACHED DWELLINGS ON A LOT

Two or more single family detached dwellings are permitted on a lot, subject to the following conditions:

1. Each such dwelling be allotted no less than the minimum site (lot) area, site (lot) width, front, rear, and side yards required of a single family detached dwelling on a single lot in the zoning district in which such dwellings are located, or are to be located, and;
2. A plot plan, complying with submittal requirements specified in *Article 18, Site Plan Review, Section 18.03: Required Plan Approvals, A. Plot Plans*, be submitted to, and be approved by the Zoning Administrator for lots proposed to contain fewer than five such dwellings not necessitating the dedication or use of a new public or private street, right-of-way or access easement, or;
3. A site plan, complying with:
 - a. Submittal requirements specified in *Article 18, Site Plan Review, Section 18.06: Required Information*;
 - b. General Standards for Site Plan Approval specified in *Article 18, Site Plan Review, Section 18.07: General Standards for Site Plan Approval*, and;
 - c. Applicable improvements and design standards provisions of the *Charter Township of Marquette Subdivision Ordinance* except that any existing or proposed private street or road is not subject to *Marquette County Road Commission Standards*;

SECTION 16.02: SPECIFIC STANDARDS FOR CERTAIN PERMITTED USES – (Cont.)

Shall be submitted to the Planning Commission and be subject to its approval, for lots proposed to contain five or more such dwellings and for lots proposed to contain fewer than five such dwellings which necessitate or will necessitate, the dedication of a new public or private street, right-of-way, or access easement.

EXTRACTION OF EARTH PRODUCTS

1. Intent

Extraction of earth products includes the extraction and processing of iron ore, copper, gravel, sand, stone, gypsum, peat, topsoil, silver, gold, uranium, and/or other minerals. It is the intent of these regulations to:

- a. Provide for proper environmental management during the site planning, operational and reclamation stages of the mineral extraction process;
- b. Provide the Township with information important to overall planning and orderly economic growth, and;
- c. Provide for the right to extract mineral deposits where located.

2. Exemptions

The following shall not require an application for a mineral extraction permit:

- a. Any active mining operation at the date of enactment of this Ordinance to continue mineral extraction from existing holes or shafts, which may be enlarged on the land constituting the site on the effective date of this Ordinance. This exemption does not apply to new holes or shafts.
- b. An extraction of less than five hundred (500) cubic yards of minerals from a parcel.
- c. Site development preparation authorized by zoning compliance permit.

SECTION 16.02: SPECIFIC STANDARDS FOR CERTAIN PERMITTED USES – (Cont.)

3. Permit Application and Review Procedure

No mineral extraction shall be undertaken without first obtaining a mineral extraction permit from the Planning Commission, and upon payment of a reasonable fee established by the Township. A zoning compliance permit shall also be obtained pursuant to *Sections 26.03 and 26.04*. The Zoning Administrator, upon receipt of the completed application for mineral extraction permit, shall provide a copy of the same within forty-five (45) days (unless extended by the Zoning Administrator) to the Planning Commission for its review and action. The Planning Commission shall review the application for mineral extraction permit at a public hearing to be scheduled in accordance with applicable provisions of *Section 17.04 and 17.05* and in accordance with the provisions of *Section 16.02, I*, and approve, approve with conditions, or reject the mineral extraction permit with explanation. If any of the application information is available in the form of an environmental impact assessment or other appropriate documents which are required to be submitted to various county, state, and/or federal agencies, a copy of that information may be submitted in place of the following appropriate sections.

4. Application Submittal Requirements

An application for a mineral extraction permit must contain a site plan, operation plan, reclamation plan, and information regarding the status of all state or federal permits, as described herein.

The applicant shall submit the following documents, including a cover letter with the signature of the applicant or the applicant's authorized agent to the Zoning Administrator.

a. Site Plan Requirements

A site plan consisting of two (2) identical copies on one or more sheets at a scale adequate to illustrate the proposed operation.

- (1) A legal description of the lot; the name, address, and telephone number of the owner, developer and licensed professional(s) who prepared the plan;
- (2) Date, North Point, scale and the seal of the licensed engineer, surveyor, landscape architect, or planner who prepared the plan;
- (3) The actual dimensions of the proposed developed area (as shown by a surveyor or engineer, with the survey stakes visible) showing the relationship of the subject property to abutting properties;

SECTION 16.02: SPECIFIC STANDARDS FOR CERTAIN PERMITTED USES – (Cont.)

- (4) The location of all existing and proposed structures on the subject property and all existing structures on land immediately adjacent to the site within 100 feet of the site's parcel lines;
- (5) The location of all existing and proposed drives and parking areas;
- (6) The location and right-of-way widths of all abutting streets and easements including required bufferyards as set forth in *Section 18.04 and 18.05 of this Ordinance* which shall, further, include identifiable features to protect individuals from injury, as warranted;
- (7) The location and plans for all proposed planting and fencing;
- (8) The height and floor area of all proposed building structures;
- (9) The size and location of all existing and proposed public and private utilities;
- (10) Proposed location, area extent, and estimated depth of excavation;
- (11) Proposed location of waste dumps, tailing ponds, sediment basins, stockpiles, and other permanent or temporary facilities used in mining;
- (12) The general groundwater conditions and the possible impact of mining operations upon adjacent groundwater levels and quality. The operator must identify plans to alleviate possible problems in the groundwater supply to adjacent land owners;
- (13) Any other information necessary to establish compliance with this Ordinance.

b. Operation Plan Requirements

- (1) A narrative description outlining the estimated time span which the operation will cover; the type of material to be extracted; the type of mining operation and processing equipment to be used; measures to control noise, vibration, and pollution from the operation; effect on groundwater condition; proposed travel routes to be used to transport the mined material to processing plant or markets, and the proposed steps to be taken to relieve adverse effects;

SECTION 16.02: SPECIFIC STANDARDS FOR CERTAIN PERMITTED USES – (Cont.)

- (2) A narrative description of the social and economic impact on Marquette Township including an estimate of the number of potential employees, and any changes in the present road system that might be made necessary by the proposed operation;
- (3) Bufferyards as required by applicable provisions of *Article 19, Performance Requirements, Sections 19.04 and 19.05* and subject to the Planning Commission review and approval;
- (4) A description of the measures to be taken to assure that any dangerous excavations, pits, pond areas, banks or slopes be adequately guarded or fenced and posted with signs to prevent injury to individuals;
- (5) Identify plans for utilities, access roads, drainage, traffic plans, and other site improvements showing appropriate measures that have been, are, or will be provided.

c. Reclamation Plan Requirements

A reclamation plan shall include a map and description showing:

- (1) Final grading, anticipated final slope angles, wall reduction, benching and terracing of slopes, slope stabilization and revegetation, and erosion control, and alternative future land uses;
- (2) Description of topsoil stripping and conservation during storage and replacement;
- (3) Plan and description of anticipated final topography, water impoundments, and artificial lakes on property;
- (4) Plans for disposition of surface structures, roads, and related facilities after cessation of mining;
- (5) A plan for disposal or treatment of any harmful or toxic materials found in any formation penetrated by the mining operations or produced during the processing of minerals, and of chemicals or materials used during the mining or processing operations;
- (6) A timetable for completion of reclamation requirements.

SECTION 16.02: SPECIFIC STANDARDS FOR CERTAIN PERMITTED USES – (Cont.)

d. Status of Permits

A mineral extraction permit shall not be issued until the applicant has received all applicable state and federal permits.

5. General Review Standards

The Planning Commission shall review the particular facts and circumstances of each application for a mineral extraction permit in terms of the following standards and shall find adequate evidence showing that the proposed use:

- a. Will be harmonious with and in accordance with the general policies or with any specific objectives of the Comprehensive Development Plan;
- b. Will provide adequate site drainage so that waters will not adversely affect neighboring properties;
- c. Will not be hazardous or cause serious consequences to existing neighboring uses, including, but not limited to, its affect from noise, traffic, smoke, fumes, glare, or odors;
- d. Will be served adequately by essential public facilities and services;
- e. Will not create excessive additional requirements at public costs for public facilities and services and will not be detrimental to the economic welfare of the community, and;
- f. Will protect the public health, safety, and welfare of the community.

TRANSMITTING TOWERS & FACILITIES AND SPECIAL USES

1. Purpose and Intent.

It is the general purpose and intent of the Township to carry out the will of the United States Congress by authorizing communication facilities needed to operate wireless communication systems. However, it is the further purpose and intent of the Township to provide for such authorization in a manner which will retain the integrity of neighborhoods and the character, property values and aesthetic quality of the community at large.

SECTION 16.02: SPECIFIC STANDARDS FOR CERTAIN PERMITTED USES – (Cont.)

In fashioning and administering the provisions of this section, attempt has been made to balance these potentially competing interests.

Recognizing the number of providers authorized to establish and operate wireless communication services and coverage, it is the further purpose and intent of this section to:

- a. Facilitate adequate and efficient provision of sites for wireless communication facilities.
- b. Establish predetermined districts or zones of the number, shape, and in the location, considered best for the establishment of wireless communication facilities, subject to applicable standards and conditions.
- c. Recognize that operation of a wireless communication system may require the establishment of facilities in locations not within the predetermined districts or zones. In such cases, it has been determined that it is likely that there will be greater adverse impact upon neighborhoods and areas within the community. Consequently, more stringent standards and conditions should apply to the review, approval and use of such facilities.
- d. Ensure that wireless communication facilities are situated in appropriate locations and relationships to other land uses, structures and buildings.
- e. Limit inappropriate physical and aesthetic overcrowding of land use activities and avoid adverse impact upon existing population, transportation systems, and other public services and facility needs.
- f. Promote the public health, safety and welfare.
- g. Provide for adequate information about plans for wireless communication facilities in order to permit the community to effectively plan for the location of such facilities.
- h. Minimize the adverse impacts of technological obsolescence of such facilities, including a requirement to remove unused and/or unnecessary facilities in a timely manner.
- i. Minimize the negative visual impact of wireless communication facilities on neighborhoods, community land marks, historic sites and buildings, natural beauty areas and public right-of-ways.

SECTION 16.02: SPECIFIC STANDARDS FOR CERTAIN PERMITTED USES – (Cont.)

- j. This contemplates the establishment of as few structures as reasonably feasible, and the use of structures which are designed for compatibility, including the use of existing structures and the avoidance of lattice structures that are unnecessary, taking into consideration the purposes and intent of this section.
- k. The Township Board finds that the presence of numerous tower structures, particularly if located within residential areas, would decrease the attractiveness and destroy the character and integrity of the community. Therefore, it is necessary to minimize the adverse impact from the presence of numerous relatively tall tower structures having low architectural and other aesthetic appeal to most persons, recognizing that the absence of regulation would result in a material impediment to the maintenance and promotion of property values, and further recognizing that this economic component is an important part of the public health, safety and welfare.

2. Authorization.

- a. Subject to the standards and conditions set forth in this ordinance, wireless communication facilities shall be permitted uses in the following circumstances, and in the following districts:

(1) Circumstances Creating Permitted Use Treatment.

In all Zoning Districts, a proposal to establish a new wireless communication facility shall be deemed a permitted use in the following circumstances, even when it is listed as a special use in Article 15 Section 15.05:

- (a) An existing structure that will serve as an Attached Wireless Communication Facility within a nonresidential zoning district, where the zoning administrator finds that the existing structure will not be either materially altered or changed in appearance.
- (b) A proposed collocation upon an Attached Wireless Communication Facility, which has been pre-approved for such collocation as part of an earlier approval by the Township.
- (c) An existing structure which will serve as an Attached Wireless Communication Facility consisting of a utility pole located within a right-of-way, where the existing pole is not proposed to be modified in a manner which would materially alter the structure and/or result in an impairment of sight lines or other safety interests.

SECTION 16.02: SPECIFIC STANDARDS FOR CERTAIN PERMITTED USES
 – (Cont.)

(2) Permitted Use Districts.

Wireless communication facilities shall be a permitted use in the SB Segregated Business Districts.

- b. Wireless communication facilities shall be allowed in areas other than those identified in Subsection 16.02.J.2.a. above, only as a special land use, subject to the following:

- (1) Any special land use application shall establish that: At the time of submittal, if there exists no site within the districts set forth in Subsection 16.02.J.2.a., which can reasonably meet the coverage and/or capacity objectives of the applicant.
- (2) The proposed wireless communication facility is of a design which is compatible with the existing character of the proposed site, neighborhood and general area, and which is to the extent possible, designed to camouflage the wireless communication facility (e.g., within a bell tower, clock tower, in a steeple, man-made tree, or attached to the exterior of a water tower).

- (3) All other criteria and standards set forth in this ordinance are met.

3. General Regulations.

a. Standards and Conditions Applicable to All Facilities.

The Planning Commission shall review all special use and site plan applications for wireless communication facilities and the applications shall be reviewed in accordance with the following standards and conditions, and, if approved, shall be constructed and maintained in accordance with such standards and conditions. The Planning Commission may have such application reviewed by an independent, licensed professional engineer, attorney or other consultant. In addition, if the facility is approved, it shall be constructed and maintained with any additional conditions imposed by the Planning Commission in its discretion:

- (1) Facilities shall not be demonstrably injurious to neighborhoods or otherwise detrimental to the public safety and welfare.
- (2) Facilities shall be located and designed to be harmonious with the surrounding area.

SECTION 16.02: SPECIFIC STANDARDS FOR CERTAIN PERMITTED USES – (Cont.)

- (3) Wireless communication facilities shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions. If any of these applicable standards should change then any existing wireless communication facility shall immediately be brought into compliance unless waived by controlling state and federal agency.
- (4) Applicants shall demonstrate a justification for the proposed height of the structures and an evaluation of alternative designs that might result in lower heights.
- (5) The wireless communication facility shall meet or exceed the current provisions of the National Tower Code ANSI TIA/EIA-222-F, as amended.
- (6) The following additional standards shall be met:
 - (a) The maximum height of the new or modified wireless communication support structures and antenna shall be the minimum height demonstrated to be necessary for reasonable communication by the applicant. The accessory building contemplated to enclose such things as switching equipment shall be limited to the maximum height for accessory structures within the respective district.
 - (b) The setback of the wireless communication support structure from any lot line shall be at least the height of the highest point of said wireless communication support structure and antenna(s). The setback of the wireless communication support structure(s) and antenna(s) from any existing or proposed rights-of-way or other publicly traveled roads shall be no less than the height of said wireless communications support structure and antenna(s). Any application to the Zoning Board of Appeals for a setback variance for the wireless communication support structure and its antenna(s) shall include a signed certification by a State of Michigan licensed professional engineer with regard to the matter in which the proposed structure will fall, which certification will be utilized, along with other criteria such as applicable regulations for the district in question, in determining the appropriate setback to be required for the structure and other facilities.
 - (c) The minimum setback of all principal and accessory buildings, and guy wires, shall be the more restrictive of 20 feet or the minimum required setbacks for principal buildings as provided in the schedule of regulations for the zoning district in which the wireless communication support structure is located. Guy wires may be located within the required bufferyards outside the setbacks described in this section.

SECTION 16.02: SPECIFIC STANDARDS FOR CERTAIN PERMITTED USES – (Cont.)

- (d) There shall be unobstructed access to the support structure, for operation, maintenance, repair and inspection purposes, which may be provided through or over an easement. This access shall have a width and location determined by such factors as: the location of adjacent thoroughfares and traffic and circulation within the site; utilities needed to service the tower and any attendant facilities; the location of buildings and parking facilities; proximity to residential districts and minimizing disturbance to the natural landscape; and, the type of equipment which will need to access the site.
- (e) The division of property for the purpose of locating a wireless communication facility is prohibited unless all zoning requirements and conditions are met.
- (f) Where an attached wireless communication facility is proposed on the roof of a building, if the equipment enclosure is proposed as a roof appliance or penthouse on the building, it shall be designed, constructed and maintained to be architecturally compatible with the principal building. Equipment enclosure may be located within the principal building or may be an accessory building.
- (g) The Planning Commission shall, with respect to the design and appearance of the support structure and all principal and accessory buildings, review and approve so as to minimize distraction, reduce visibility, maximize aesthetic appearance, and ensure compatibility with surroundings. It shall be the responsibility of the applicant to maintain the wireless communication facility in a neat and orderly condition. Additionally, the wireless communication facilities shall meet the following requirements:
 - (i) They shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.
 - (ii) The design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.
 - (iii) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

ARTICLE 16 – DETAILED USE REGULATIONS

SECTION 16.02: SPECIFIC STANDARDS FOR CERTAIN PERMITTED USES – (Cont.)

- (iv) Where a feasible alternative exist, wireless communication support structures shall not utilize a power source which generates noise able to be heard by a person of normal aural acuity at adjoining property lines or public property; however, this section shall not be construed as limiting the use of temporary generators or similar devices used to create power during periods of interruption of the primary power source.
 - (h) The wireless communication facilities shall be grounded for protection against a direct lightening strike, constructed in accordance with all applicable building codes and shall include the submission of a soils report from a geotechnical engineer, licensed in the State of Michigan. This soils report includes soil borings and statements indicating the suitability of soil conditions for the proposed use. The requirements of the Federal Aviation Administration, Federal Communication Commission, and Michigan Aeronautics Commission shall be noted.
 - (i) A maintenance plan, and any applicable maintenance agreement, shall be presented and approved as part of the site plan for the proposed facility. Such plans shall be designed to insure reasonable long-term maintenance of the proposed facility. The Planning Commission may require that the applicant provide yearly maintenance records or updates to insure compliance with the maintenance plan.
 - (j) Signs shall not be placed on the support structure or antenna except as required by any federal, state, local or other governing body.
 - (k) The wireless communication support structures and its antenna(s) shall not be artificially lighted, unless required by the FAA or other applicable authority. If the lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.
 - (l) The wireless communication facilities shall be located so that they do not interfere with television and radio reception to neighboring residential areas.
- b. Standards and Conditions Applicable to Special Land Use Facilities.

Applications for wireless communication facilities which may be approved as special land uses under Subsection 16.02.J.2.b. above, shall be reviewed, and if approved, constructed and maintained, in accordance with the standards and conditions in this ordinance and in accordance with the following standards:

SECTION 16.02: SPECIFIC STANDARDS FOR CERTAIN PERMITTED USES – (Cont.)

- (1) The applicant shall demonstrate the need for the proposed facility to be located as proposed based upon the presence of one or more of the following factors:
 - (a) Proximity to an interstate or major thoroughfare.
 - (b) Areas of population concentration.
 - (c) Concentration of commercial, industrial, and/or other business centers.
 - (d) Areas where signal interference has occurred due to tall buildings, masses of trees, or other obstructions.
 - (e) Topography of the proposed facility location in relation to other facilities with which the proposed facility is to operate.
 - (f) Other specifically identified reason creating facility need.
- (2) The proposal shall be reviewed in conformity with the collocation requirements of this ordinance.

4. Application Requirements.

- a. A site plan prepared in accordance with Article 18 shall be submitted, showing the location, size, screening and design of all buildings and structures, including fences, and the location and size of outdoor equipment, and the location, number, and species of proposed landscaping.
- b. The site plan shall also include a detailed landscaping plan where the support structure is being placed at a location which is not otherwise developed, or where a developed area will be disturbed. The purpose of landscaping is to provide screening and aesthetic enhancement for the structure base, accessory buildings and enclosure. In all cases, there shall be shown on the plan fencing which is required for protection of the support structure and security from children and other persons who may otherwise access facilities.
- c. The application shall include a map showing existing and known proposed wireless communication facilities within the Township, and further showing existing and known proposed wireless communication facilities within areas surrounding the borders of the Township in the location, and in the area, which are relevant in terms of potential collocation or in demonstrating the need for the proposed facility.

SECTION 16.02: SPECIFIC STANDARDS FOR CERTAIN PERMITTED USES – (Cont.)

If and to the extent the information in question is on file with the community, the applicant shall be required only to update as needed. Any proprietary information may be submitted with a request for confidentiality in connection with the development of governmental policy, in accordance with MCL 15.243(1)(g). This ordinance shall serve as the promise to maintain confidentiality to the extent permitted by law. The request for confidentiality must be prominently stated in order to bring it to the attention of the community.

- d. The name, address, and phone number of the person to contact for engineering, maintenance and other notice purposes. This information shall be continuously updated during all times the facility is on the premises.
- e. The application must be signed by the property owner(s) and their agent, if any, and all application fees must be paid at the time of submission of the application.

5. Collocation.

a. Statement of Policy:

It is the policy of the Township to minimize the overall number of newly established locations for Wireless Communication Facilities and Wireless Communication Support Structures within the community, and encourage the use of existing structures for Attached Wireless Communication Facility purposes, consistent with the statement of purpose and intent, set forth in Subsection 16.02.J.1. Purpose and Intent above. Each licensed provider of a Wireless Communication Facility must, by law, be permitted to locate sufficient facilities in order to achieve the objectives promulgated by the United States Congress. However, particularly in light of the dramatic increase in the number of Wireless Communication Facilities reasonably anticipated to occur as a result of the change of federal law and policy in and relating to the Federal Telecommunications Act of 1996, it is the policy of the Township that all users should collocate on Attached Wireless Communication Facilities and Wireless Communication Support Structures in the interest of achieving the purposes and intent of this section, as stated above, and as stated in Subsection 16.02.J.1. Purpose and Intent. If a provider fails or refuses to permit collocation on a facility owned or otherwise controlled by it, where collocation is feasible, the result will be that a new and unnecessary additional structure will be compelled, in direct violation of and in direct contradiction to the basic policy, intent and purpose of the Township. The provisions of this subsection are designed to carry out and encourage conformity with the policy of the Township, and all applicable federal, state and local laws.

SECTION 16.02: SPECIFIC STANDARDS FOR CERTAIN PERMITTED USES – (Cont.)

b. Feasibility of Collocation:

Collocation shall be deemed to be “feasible” for purposes of this section where all of the following are met:

- (1) The wireless communication provider entity under consideration for collocation will undertake to pay market rent or other market compensation for collocation.
- (2) The site on which collocation is being considered, taking into consideration reasonable modification or replacement of a facility, is able to provide structural support.
- (3) The collocation being considered is technologically reasonable, e.g., the collocation will not result in unreasonable interference, given appropriate physical and other adjustment in relation to the structure, antennas, and the like.
- (4) The height of the structure necessary for collocation will not be increased beyond a point deemed to be permissible by the Township, taking into consideration the several standards contained in Subsections 16.02.J.2. and 16.02.J.3., above.

c. Requirements for Collocation:

- (1) A special land use permit for the construction and use of a new Wireless Communication Facility shall not be granted unless and until the applicant demonstrates that a feasible collocation is not available for the coverage area and capacity needs.
- (2) All new and modified wireless communication facilities shall be designed and constructed so as to accommodate collocation.

6. Removal.

- a. The Township reserves the right to request evidence of ongoing operation at any time after the construction of an approved tower.
- b. A condition of every approval of a Wireless Communication Facility shall be adequate provision for removal of all or part of the facility by users and owners upon the occurrence of abandonment. Abandonment shall be presumed if the facility has not been utilized for one year, or more.

ARTICLE 16 – DETAILED USE REGULATIONS

SECTION 16.02: SPECIFIC STANDARDS FOR CERTAIN PERMITTED USES – (Cont.)

For purposes of this section, the removal of antennas or other equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of nonuse.

- c. The situations in which removal of a facility is required, as set forth in Subsection 16.02.J.6.b., may be applied to portions of a facility.
- d. Upon the occurrence of one or more of the events requiring removal, specified in Subsection 16.02.J.6.b., the property owner or persons who had used the facility shall immediately apply or secure the application for any required demolition or removal permits, and immediately proceed with and complete the demolition/removal, restoring the premises to an acceptable condition as reasonably determined by the Zoning Administrator. Prior to the removal, due notice shall be given to the property owner and the Planning Commission shall hold a public hearing.
- e. If the required removal of a facility or a portion thereof has not been lawfully completed within sixty (60) days of the applicable deadline, and after at least thirty (30) days written notice, the Township, following a hearing on the issue may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be billed to the property owner and/or placed on the tax role.

K. TRAILS (SNOWMOBILE)

The land use Trails (snowmobile) shall not be required to comply with the minimum requirements for public road access, public utilities and on site permits, which are normally required in Sections 19.13 through 19.19, unless required by another governing agency or another Charter Township of Marquette ordinance. The land use Trails (snowmobile) shall not be required to comply with the minimum lot size and width, maximum depth: width, and the minimum open space, all of which are normally required in Sections 19.13 through 18.199. These exceptions are not to be construed as applying to any buildings or other land uses on the same lot. Trails (snowmobile) shall comply with all bufferyard requirements in Sections 19.04 and 19.05, except that, trails (snowmobile) shall be allowed to cross through a bufferyard required along a street. Trails (snowmobile) shall be a minimum of 40 feet from any lot line or easement line except where they cross into a duly authorized adjoining street right-of-way or property. Parking spaces shall not be required but any vehicular or trailer-parking area provided shall comply with Article 21 and be located outside of any street right-of-way.

SECTION 16.02: SPECIFIC STANDARDS FOR CERTAIN PERMITTED USES – (Cont.)

L. TRAILS (NON-MOTORIZED)

The land use Trails (non-motorized) shall not be required to comply with the minimum requirements for public road access, public utilities and on site permits, which are normally required in Sections 20.13 through 20.19, unless required by another governing agency or another Charter Township of Marquette ordinance. Trails (non-motorized) shall not be required to comply with the minimum lot size and width, maximum depth: width, and the minimum open space, all of which are normally required in Sections 19.13 through 19.19. These exceptions are not to be construed as applying to any buildings or other land uses on the same lot. Trails (non-motorized) shall not be required to comply with all bufferyard requirements in Sections 19.04 and 19.05. Trails (non-motorized) shall be a minimum of 10 feet from any lot line or easement line except where they cross into a duly authorized adjoining street right-of-way or property. Parking spaces shall not be required but any vehicular or trailer-parking area provided shall comply with Article 21 and be located outside of any street right-of-way.

M. TRAILS (ALL TERRAIN VEHICLES)

The land use Trails (all terrain vehicles) shall not be required to comply with the minimum requirements for public road access, public utilities and on site permits, which are normally required in Sections 19.13 through 19.19, unless required by another governing agency or another Charter Township of Marquette ordinance. The land use Trails (all terrain vehicles) shall not be required to comply with the minimum lot size and width, maximum depth: width, and the minimum open space, all of which are normally required in Sections 19.13 through 19.19. These exceptions are not to be construed as applying to any buildings or other land uses on the same lot. Trails (all terrain vehicles) shall comply with all bufferyard requirements in Sections 19.04 and 19.05, except that trails (all terrain vehicles) shall be allowed to cross through a bufferyard required along a street.

Trails (all terrain vehicles) shall be a minimum of 40 feet from any lot line or easement line except where they cross into a duly authorized adjoining street right-of-way or property. Parking spaces shall not be required but any vehicular or trailer-parking area provided shall comply with Article 21 and be located outside of any street right-of-way.

SECTION 16.03: ACCESSORY USES

A. AUTHORIZATION

Except as otherwise expressly provided or limited by this Ordinance, accessory structures and uses are authorized and permitted in any zoning district in connection with any principal use lawfully existing within a district. Any question of whether a particular use is permitted as an accessory use by the provisions of this section, shall be determined by the Zoning Administrator.

SECTION 16.03: ACCESSORY USES – (Cont.)

B. COMPLIANCE

An accessory use or structure shall not be established or constructed unless a zoning compliance certificate has been issued by the Zoning Administrator in accordance with *Section 25.03*.

C. USE LIMITATIONS

Accessory structures shall include but not be limited to attached and detached garages, carports, and storage shed. In addition to complying with all other regulations, an accessory use shall not be permitted unless it complies with the following use limitations:

1. The principal use or structure, together with any accessory use or structure, shall not jointly exceed the land use intensity class criteria specified in *Article 19 – PERFORMANCE REQUIREMENTS*.
2. All signs are subject to the provisions of *Article 22 - SIGNS*.
3. An accessory structure or use shall not be constructed or established on any lot prior to the time of the substantial completion of the principal structure to which it is accessory.
4. An accessory structure or use on any lot shall not cause the impervious surface ratio or exterior storage area to exceed the maximum standards permitted on the site by this Ordinance.
5. Accessory structures shall maintain the same minimum front and side yards as required for the principal structure; such structure may in part or whole be located within a required rear yard, but not closer to the rear lot line than the minimum side yard setback applicable to the lot where such structure shall be located.
6. An accessory structure, unless attached and structurally made a part of the principal structure, shall not be closer than ten (10) feet to any other building or structure on the lot or parcel.
7. Accessory structures and uses shall comply with all applicable area, bulk, and yard regulations.
8. In the RR and SR Districts accessory structures are restricted as follows:

The total area of all accessory buildings/ structures shall not exceed sixteen hundred (1600) sq. ft. On parcels of three (3) acres or more, the total area of all accessory buildings/ structures shall not exceed twenty-five hundred (2500) sq. ft. nor shall the combined area of all accessory buildings/ structures be larger than the square footage of the principal structure.

SECTION 16.03: ACCESSORY USES – (Cont.)

In the UR District, the total sq. ft. area of all accessory structures located on a lot or parcel, including an attached or detached garage, shall not exceed one thousand (1000) sq. ft.

9. Accessory structures in the UR District containing less than 700 square feet shall maintain all of the same required setbacks as the principal structure except that the rear yard setback may be reduced to five (5) feet. Also in the UR District, accessory structures containing 700 or more square feet shall maintain the required rear yard setback for the principal structure. Any accessory structures in the RR, and the SR Districts shall maintain the required setback for the principal structure.
10. The maximum height of detached accessory structures in the UR, RR, and SR Zoning Districts shall not exceed eighteen (18) feet in height, as defined in Article 2, Definitions, Section 2.02, Building Height, except where restricted by other section(s) of the Zoning Ordinance. Accessory structures attached to the principal structure for permitted residential uses shall not exceed the maximum allowed height of the principal structure. Detached accessory structures, for permitted nonresidential uses, may be constructed to equal the permitted maximum height for principal structures in the respective zoning district.
11. Shipping containers, cargo containers, semi-trailers, and soft-sided accessory structures are prohibited.

SECTION 16.04: DETAILED ACCESSORY USE REGULATIONS

The following accessory uses and structures constitute accessory uses and structures when they comply in all respects with the standards set forth below:

A. HOME OCCUPATIONS

It is the intent of this section to regulate the operation of home occupations so that the average neighbor, under normal circumstances, will not be aware of their existence. Any resident desiring to conduct a home occupation shall initially apply for and receive a zoning compliance certificate in accordance with *Article 26, Administration and Enforcement, Section 26.03, Zoning Compliance Certificate*, and *Section 26.04, Application Requirements for Zoning Compliance Certificates* and annually thereafter apply for and receive a temporary permit, from the Zoning Administrator, subject to the following regulations:

1. Any occupation which is customarily, in whole or in part, conducted in a residence and not in an accessory structure, may be conducted in any dwelling unit, provided that all of the following criteria are met:
 - a. The occupation must be clearly incidental and subordinate to the use of the dwelling as a residence.

SECTION 16.04: DETAILED ACCESSORY USE REGULATIONS - (Cont.)

- b. No outdoor display or storage of materials, goods, supplies, or equipment used in the home occupation shall be permitted on the premises.
- c. There shall be no visible evidence that the residence is being operated as a home occupation.
- d. A maximum of one (1) person other than the members of the immediate family residing in the dwelling shall be employed in the home occupation.
- e. Off-street parking shall be provided on the premises, as required by *Article 21* or as otherwise required under the provisions of this Ordinance.
- f. A home occupation use shall not generate nuisances such as traffic, on-street parking, noise, vibration, glare, odors, fumes, electrical interference, or hazards to any greater extent than what is usually experienced in the residential neighborhood.
- g. Such use shall be permitted only within a dwelling occupied by the proprietor and shall not utilize more than twenty (20) percent of the total floor area of a dwelling unit.
- h. No commodity other than what has been produced or processed on the premises shall be sold there.
- i. The home occupation shall not require the use of a vehicle requiring a commercial license.

B. PRIVATE STABLES AND RECREATION/COMMERCIAL STABLES

- 1. The minimum lot area for private stables shall be ten (10) acres.
 - a. When horses are fed by grazing or pasture for at least one (1) season of the year, there shall be a minimum of one (1) acre of pasture per horse.
 - b. When horses are not pastured but are fed indoors or in a dry lot, no minimum pasture area per horse shall be required.
 - c. If horses are kept inside a building, one (1) stall shall be provided for each horse. A tie down stall shall be a minimum of four (4) feet by eight (8) feet; a box stall shall be minimum of ten (10) feet by ten (10) feet.

SECTION 16.04: DETAILED ACCESSORY USE REGULATIONS - (Cont.)

2. The following minimum setbacks shall be provided in addition to the requirements as outlined in *Article 19, Performance Requirements, Section 19.13 through Section 19.19, The Schedule of District Regulations and Minimum Performance Standards*.
 - a. Stables, corrals, and piles of manure, feed, and bedding shall be located at least seventy-five (75) feet from any street or lot line, in order to minimize odor and nuisance problems. Pasture may extend to the line of a required buffer yard; however, when all of the runoff from a corral or exercise area is controlled and directed over a two-hundred (200) foot long grass swale before reaching the property line, the corral or unvegetated exercise area may be located at a minimum of forty (40) feet from any street right-of-way or lot line.
 - b. Manure piles shall be stored, removed, and/or applied in accordance with the *Small Farms, Livestock Buildings and Equipment, Michigan State University Extension and Michigan Agricultural Experiment Station Bulletin No. NRAES-6/MWPS-27 regulations*; however, manure shall not be applied on land that is closer than one hundred (100) feet to a residential lot line.
3. A one hundred (100) foot wide area of vegetation cover, exclusive of pasture area, shall be maintained between any corral, unvegetated exercise area, manure pile, or manure application area and any surface water or well, in order to minimize runoff, prevent erosion, and promote quick nitrogen absorption.
4. In areas with a slope of five (5) percent or less, corrals, unvegetated exercise areas, and manure piles shall be one hundred and fifty (150) feet from a well and two hundred (200) feet from any surface water, unless the water is upgrade or there is adequate diking to comply with the *Marquette County Health Department Standards*.
5. Corrals, unvegetated exercise areas, manure piles, and manure application are prohibited in areas with slopes greater than five (5) percent in ten (10) year floodplains, in waterways, and on soils classified as very poorly drained by the *U.S.D.A. Soil Conservation Service Soil Survey for the Marquette-Humboldt Area, 1977*.
6. Manure shall not be stockpiled closer than one hundred (100) feet from a well or to any surface water, unless the water is upgrade or there is adequate diking to comply with the *Marquette County Health Department Standards*.
7. Special events, such as shows, exhibitions, and contests, shall be permitted only when a zoning compliance permit has been granted. Such events are subject to the requirements of this Article as outlined in *Section 16.05, Temporary Uses, and Section 16.06, Specific Temporary Uses Permitted*.

SECTION 16.04: DETAILED ACCESSORY USE REGULATIONS – (Cont.)

C. PRIVATE SWIMMING POOLS AND TENNIS COURTS

1. Pools and Tennis courts, including but not limited to aprons, walls, and equipment rooms.
 - a. Shall not protrude into any required yard.
 - b. Shall not be operated as a business or a private club.
2. Additionally, pools shall be fenced or otherwise protected against intrusion.

D. GENERAL BUSINESS (GB) DWELLING UNITS

1. Dwelling unit(s) may be authorized in the General Business (GB) Zoning District, if a permitted principal use exists; but shall not exceed fifty-percent (50%) of the permitted use's gross floor area.

SECTION 16.05: TEMPORARY USES

A. AUTHORIZATION

Temporary Uses are authorized and permitted as provided for in this section and *Article 15, Principal Uses Permitted in Districts, Section 15.05, the Use vs. District Nomograph.*

B. COMPLIANCE

A Temporary Use shall not be established unless a Zoning Compliance Certificate has been issued.

C. USE LIMITATIONS

1. A principal use or structure, together with any temporary uses of structures, shall not jointly exceed the land use intensity class criteria specified in *Article XVIII, Performance Requirements*, or any standard contained in this Ordinance.
2. Signs in connection with a temporary use shall not be permitted except in accordance with the requirements of *Article 22, Signs*.

SECTION 16.06: SPECIFIC TEMPORARY USES PERMITTED

A. CARNIVAL OR CIRCUS

1. Permitted in designated districts with approval of the Zoning Administrator.
2. The maximum length of permit shall be fifteen (15) days.

SECTION 16.06: SPECIFIC TEMPORARY USES PERMITTED – (Cont.)

3. No structure or equipment shall be located within five hundred (500) feet of any residence.

B. CHRISTMAS TREE SALES

1. Permitted in designated districts with approval of the Zoning Administrator.
2. The maximum length of permit for display and open-lot sales shall be forty-five (45) days.

C. CONTRACTOR'S OFFICE AND CONSTRUCTION EQUIPMENT SHEDS

1. Such uses are permitted in any district with the approval of the Zoning Administrator where the use is incidental to a construction project. An office or shed shall not contain sleeping or cooking accommodations.
2. The maximum length of permit shall be one (1) year and may be renewed by written request.
3. An office or shed shall be removed upon completion of construction project.

D. EVENTS OF PUBLIC INTEREST

1. Permitted in designated districts with approval of the Zoning Administrator.
2. Events may include but are not limited to outdoor concerts, auctions, snowmobile events, etc.

E. REAL ESTATE SALES OFFICE

1. Such uses are permitted in designated districts with the approval of the Zoning Administrator for any new subdivision approved in accordance with *The Marquette Township Subdivision Control Ordinance* as a temporary sales office.
2. The maximum length of permit shall be one (1) year and may be renewed by written request.
3. The office shall be removed upon completion of the development of the subdivision, unless a model home has been used as a temporary sales office.

F. SEASONAL SALES OF FARM PRODUCTS

1. Sales are permitted in designated districts with the approval of the Zoning Administrator on parcels having a minimum area of eighty-thousand (80,000) square feet and a minimum road frontage of two hundred (200) feet.

SECTION 16.06: SPECIFIC TEMPORARY USES PERMITTED – (Cont.)

2. If the site is used for growing a minimum of fifty (50) percent of the farm produce sold, the owner or operator of the site may import a maximum of five (5) farm produce products not grown on the site for seasonal sale.
3. If the site has a minimum area of two hundred thousand (200,000) square feet and a minimum road frontage of three hundred (300) feet, the owner or operator of the site may import a maximum of ten (10) farm produce products not grown on the site for seasonal sale.
4. The maximum length of permit shall be for three (3) months of each calendar year.
5. Sales areas, including the produce stands, shall not be located within the right-of-way of any street or highway. Entrances and exits to the parking lot shall be a minimum of thirty (30) feet from any intersection.

G. HORSE SHOW OR EXHIBITION

This is a permitted use in designated districts with the approval of the Zoning Administrator for a commercial or private stable for special events, including but not limited to shows, exhibitions, and contests.

H. TEMPORARY SHELTER

When fire or natural disaster has rendered a single-family residence unfit for human habitation, the temporary use of a mobile home located on the single family lot during rehabilitation of the original residence or construction of a new residence is permitted with the approval of the Zoning Administrator and subject to the following additional regulations.

1. Required water and sanitary facilities must be provided.
2. The maximum length of permit shall be six (6) months, however, the Zoning Administrator may extend the permit for a period or periods not to exceed sixty (60) days in the event of extenuating circumstances. Application for the extension shall be made at least fifteen (15) days prior to expiration of the original permit.
3. At the time of permit issuance, the applicant shall provide written consent to the Township, authorizing them to remove the mobile home within thirty (30) days of permit expiration or issuance of a certificate of occupancy for the new residence, and to store the mobile home at the owner's expense if the owner fails to have it removed on their own initiative.

ARTICLE 16 – DETAILED USE REGULATIONS

SECTION 16.06: SPECIFIC TEMPORARY USES PERMITTED – (Cont.)

I. TENT THEATER

1. Permitted in designated districts with the approval of the Zoning Administrator.
2. The maximum length of permit shall be five (5) months per calendar year.

SECTION 16.07: ADDITIONAL REGULATIONS

- A. A carnival or circus, tent theater, horse show, or exhibition and all events of public interest shall be subject to the following additional regulations:
1. Documentations from the *Marquette County Health Department* stating that adequate arrangements for temporary sanitary facilities have been provided.
 2. Permanent or temporary lighting shall not be installed without an electrical permit and inspection.
 3. All uses shall be confined to the dates specified on the permit.
 4. Hours of operations shall be limited to those specified on the permit.
 5. The site shall be cleared of all debris at the end of the special event and cleared of all temporary structures within thirty (30) days after the closing event. A cash bond for a minimum of Twenty-five Dollars (\$25.00) and not to exceed Five Thousand Dollars (\$5,000.00) shall be posted or a signed contract with a disposal firm shall be required as part of the application for a zoning compliance certificate to ensure that the premises will be kept free of all debris during and after the event.
 6. Public parking for the exclusive use of the facility shall be provided, and a stabilized drive to the parking area shall be maintained. It shall be the responsibility of the applicant to guide traffic to and from these areas and to prevent patrons from unlawful parking.
 7. Traffic control requirements as specified by the local law enforcement authority shall be arranged for by the applicant.
 8. A cash bond for a minimum of Twenty-five Dollars (\$25.00) and not to exceed Five Thousand Dollars (\$5,000.00) shall be posted with the Township to ensure the repair of any damage resulting to any public right-of-way as a result of the event.
 9. The serving of alcoholic beverages shall not be permitted without authorization from the Township Board and a permit from the State Liquor Control Commission and any other such permits that may be required.

SECTION 16.08: SEXUALLY EXPLICIT ENTERTAINMENT

A. PURPOSE

In the development and execution of this Ordinance, it is recognized that there are some uses which, because of their very nature are recognized as having serious objectionable operational characteristics, particularly when located so as to have a deleterious effect upon the adjacent areas. Special Detailed Use regulations are necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These Detailed Use regulations are itemized in this section. The primary control or regulation is for the purpose of preventing the location of these uses within specified distances from residentially zoned land, single or multiple family dwellings, a church or other religious institution, or a public park or land zoned for such use.

B. DEFINITIONS

1. For the purpose of this section, “specified sexual activities” is defined as:
 - a. Human genitals in a state of sexual stimulation or arousal;
 - b. Acts of human masturbation, sexual intercourse, or sodomy;
 - c. Fondling or other erotic touching human genitals, pubic region, buttock or female breast.
2. For the purpose of this section, “specified anatomical areas” are defined as:
 - a. Less than completely and opaquely covered: (a) human genitals, pubic region, (b) buttock and (c) female breast below a point immediately above the top of the areola; and
 - b. Human male genitals in a discernable turgid state, even if completely and opaquely covered.
3. As used in this section, “sexually explicit entertainment” is the offering for observation by patrons or members of the public, whether or not a fee, compensation or other goods and services are sold or offered in conjunction therewith, of entertainment which is distinguished or characterized by an emphasis on acts depicting, suggesting, describing, displaying or relating to “specified sexual activities” or “specified anatomical areas.”
4. As used in this section “adult bookstore” is an establishment having as a substantial or significant portion of its stock and trade, videos, books, magazines or other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” as the same as defined [herein](#), or an establishment with a segment or section devoted to the sale or display of such material.

SECTION 16.08: SEXUALLY EXPLICIT ENTERTAINMENT – (Cont.)

5. For the purpose of this section, adult motion picture or video theater is defined as: an enclosed building used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specific anatomical areas” as the same is defined herein, for observation by patrons therein.
6. For the purpose of this section “used” is defined as: a continuing course of conduct of exhibiting “specified sexual activities” and/or “specified anatomical areas” in a manner which appeals to a prurient interest.

C. RESTRICTIONS AND PROHIBITIONS

1. No persons shall use, establish, build, operate, or allow to be operated an adult bookstore, an adult motion picture theater, an adult video rental store, or sexually explicit entertainment in any building or on any lands:
 - a. Within one thousand (1,000) feet from any residentially zoned lands, or;
 - b. Within one thousand (1,000) feet from any church or other religious institution, school, or public park.
2. An adult bookstore, an adult motion picture theater, or an adult video rental store is only permitted within a GB, General Business District, and shall be located within such District subject to the restrictions of this section relating to distance separations as set forth in Section C.1. above.
3. No person shall use or allow to be used, any land or building within the Charter Township of Marquette for sexually explicit entertainment, if any portion of such land or building is occupied, used, owned or leased by a license or permittee under any license or permit issued by the Michigan Liquor Control Commission.
4. Sexually explicit entertainment is only permitted in a GB, General Business District, and shall be located within such District subject to the restrictions of this section relating to distance separations as set forth in Section C.1. above.

A. PURPOSE

The purpose of this section is to define the various types of care facilities and to specify the zoning districts where these facilities may locate in accordance with the various requirements and performance standards as outlined in this Ordinance.

The regulations which apply have been developed in accordance with the requirements of *The Federal Fair Housing Amendments Act of 1988*, and state statutes including *The Child Care Organizations Act, P.A. 116 of 1973, as amended* and *The Adult Foster Care Licensing Act, P.A. 218 of 1979, as amended*.

SECTION 16.09: CARE FACILITIES – (Cont.)

B. DEFINITIONS

For purposes of this section, the following terms shall have the meanings as ascribed to them:

1. Adult Care Facilities

The following definitions are based upon *The Adult Foster Care Licensing Act, P.A. 218 of 1979, as amended*:

- (a) **An Adult Foster Care Facility** is a governmental or nongovernmental establishment that provides foster care to adults. It includes facilities and foster care homes for adults who are aged, mentally ill, develop-mentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. An adult foster care facility does not include nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation center, or a residential center for persons released from or assigned to a correctional facility.
- (b) **An Adult Foster Care Congregate Facility** is an adult foster care facility with the approved capacity to receive more than twenty (20) adults to be provided with foster care.
- (c) **An Adult Foster Care Family Home** is a private residence with the approved capacity to receive six (6) or fewer adults to be provided with foster care for five (5) or more days a week and for two (2) or more consecutive weeks. The adult foster care family home licensee must be a member of the household and an occupant of the residence.
- (d) **An Adult Foster Care Small Group Home** is a facility with the approved capacity to receive twelve (12) or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation.
- (e) **An Adult Foster Care Large Group Home** is a facility with approved capacity to receive at least thirteen (13) but not more than twenty (20) adults to be provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation.

2. Child Care Facilities

The following definitions are based upon *The Child Care Organization Act, P.A. Act 116 of 1973, as amended*:

- (a) **A Child Caring Institution** means a child care facility which is organized for the purpose of receiving minor children for care, maintenance, and supervision, usually on a twenty-four (24) hour basis, in a building maintained for that purpose, and

SECTION 16.09: CARE FACILITIES – (Cont.)

- (b) operates throughout the year. It includes a maternity home for the care of unmarried mothers who are minors, an agency group home, and institutions for mentally retarded or emotionally disturbed minor children. It does not include hospitals, nursing homes, boarding schools, or an adult foster care facility in which a child has been placed.
- (c) **A Family Day Care Home** is a private home in which one (1) but less than seven (7) minor children are received for care and supervision for periods less than twenty-four (24) hours a day, unattended by a parent or guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.
- (d) **A Foster Family Group Home** is a private home in which more than four (4) but less than seven (7) minor children, who are not related to an adult member of the household by blood, marriage, or adoption, are provided care for twenty-four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.
- (e) **Group Day Care Home** is a private home in which seven (7) but not more than twelve (12) minor children are received for care and supervision for periods less than twenty-four (24) hours a day unattended by a parent or legal guardian, excepting children related to an adult member of the family. Includes a home that gives care to an unrelated child for more than four (4) weeks in a calendar year. Halfway Houses
- (f) **Halfway House – Recovery**, is a facility licensed by the Michigan Department of Public Health to provide substance abuse treatment and support services in addition to room and board to recovering alcoholics and drug abusers.
- (g) **Halfway House – Rehabilitation** is a facility licensed by the Michigan Department of Corrections or the Federal Bureau of Prisons which provides supervision and rehabilitation support services in addition to room and board to criminal offenders.

C. APPLICATION OF REGULATIONS

1. Family Day Care Homes

- a. **A State Registered Family Day Care Home** shall be considered a residential use of property and shall be permitted use in all Residential Districts.
- b. **A State Licensed Group Day Care Home** shall be considered a special land use and may be permitted upon approval and issuance of a Special Land Use Permit in Residential Districts when the following performance standards have been satisfied.

SECTION 16.09: CARE FACILITIES – (Cont.)

- c. **Performance Standards:** The following standards apply to group day care homes only. Family day care homes are exempt from all special use permit standards not required of similarly zoned dwellings.

(1) A *Group Day Care Home* shall not be located closer than 1,500 feet to any of the following facilities as measured along a street, road, or other public thoroughfare excluding an alley:

A. Another licensed group day care home.

B. An adult foster care large group home licensed by the State of Michigan.

C. A facility offering substance abuse treatment and rehabilitation services to seven (7) or more people which is licensed by the State of Michigan.

D. A community correction center, resident home, halfway house or other similar facility which houses an inmate population under the jurisdiction of the Department of Corrections.

(2) All outdoor play areas shall be enclosed by a non-climbable fence that is at least forty-eight (48) inches high.

Forty-eight inches is the minimum height necessary to “secure” children in a yard. A taller fence may provide additional security and a better buffer. When establishing a fencing standard for day care uses, the Standard should be consistent or at least compatible with other local fence standards.

(3) The property (landscaping and architecture) shall be maintained in a manner that is consistent with the character of the neighborhood. A group day care home should not require exterior modifications to the dwelling nor should the front yard be the location of play equipment, except on a corner lot.

(4) One (1) identification sign shall be permitted. Such sign face shall not be greater than two (2) square feet, shall be mounted flush to a wall, made of material that is compatible with the dwelling unit, and shall not be illuminated. Sign text shall be limited to the name of the day care operator and address.

(5) One (1) off-street parking space shall be provided for each non-family employee of the group day care home in addition to the parking normally required for the residence. A driveway may be used to fulfill this requirement.

(6) Family day care homes shall be inspected by the Zoning Administrator at the time of occupancy. Group day care homes shall be inspected by the same agency prior to the issuance of any special conditional use permit and annually thereafter to ensure continued conformance with the Ordinance.

SECTION 16.09: CARE FACILITIES – (Cont.)

2. Adult Foster Care Homes

- a. **A State Licensed Adult Foster Care Home** which provides supervision or care, or both, to six (6) or fewer persons shall be considered a residential use of property and shall be permitted in all Residential Districts.
- b. **A State Licensed Adult Foster Care Small Group Home** which provides supervision or care, or both, to more than six (6) but less than thirteen (13) persons shall be considered a Special Land Use in the Urban Residential (UR) District. A Special Use Permit shall be issued if the Adult Foster Care Use meets the following performance standards. A state licensed Adult Foster Care Large Group which provides supervision or care, or both, to more than twelve (12) persons shall be a Special Land Use in the Urban Residential District. A Special Use Permit shall be issued if the Adult Foster Care Use meets the following performance standards;
- c. **Performance Standards:** The following are standards which apply to adult foster care small group homes that care for more than six persons.
 - (1) A state licensed adult foster care small group home shall not be located within fifteen hundred (1,500) feet of another similar state licensed facility.
 - (2) One (1) on-site parking space shall be provided for each employee in addition to the parking required for the dwelling unit. The driveway may be used for this purpose.
 - (3) The property (architecture and landscaping) shall be maintained in a manner that is consistent with the character of the neighborhood.
 - (4) Notice to neighbors and/or neighborhood associations is highly recommended, though not required, to promote the integration of adult foster care residents into the neighborhood.

If the proposal does not meet the above criteria, a variance may be sought according to the procedures and standards as outlined in *Article XXIII, Zoning Board of Appeals, Section 23.05, Variances, and Section 23.06, Variance Standards.*

- d. **Adult Foster Care Large Group Homes** shall adhere to the following standards:
 - (1) A state licensed adult foster care large group home shall not be located within fifteen hundred (1,500) feet of another similar state licensed facility.
 - (2) One (1) on-site parking space shall be provided for each employee in addition to the parking required for the dwelling unit or other accessory uses.
 - (3) A designated passenger loading/unloading area of adequate dimensions shall be provided near a barrier-free entrance to the facility.

SECTION 16.09: CARE FACILITIES – (Cont.)

- (4) A loading/unloading area of adequate dimensions shall be provided for delivery vehicles servicing the facility.
- (5) A landscaped buffer shall be provided along all property lines that abut a less intense land use (or name zoning districts) and around the visible perimeters of all parking and loading/unloading areas.
- (6) All exterior lighting of entryways, parking spaces, or loading/unloading areas shall not reflect onto adjacent properties and, preferably, should be motion activated.
- (7) Notice to neighbors and/or neighborhood association is highly recommended, though not required, to promote the integration of adult foster care residents into the neighborhood.

If the proposal does not meet any of the above criteria, a variance may be sought according to the procedures and standards outlined in *Article 24, Zoning Board of Appeals, Section 24.05, Variances, and Section 24.06, Variance Standards.*

3. Halfway Houses - Recovery and Rehabilitation

- a. **A State Licensed Residential Substance Abuse Facility** shall be considered a permitted use in the Development District when the following Performance Standards have been satisfied.
- b. **Performance Standards:** The following standards apply to Small Recovery or Rehabilitation Halfway Houses.
 - 1. A state licensed residential substance abuse or state or federally licensed correctional facility shall not be located within fifteen hundred (1500) feet of another similar state licensed facility.
 - 2. One (1) on-site parking space shall be provided for each employee in addition to the parking required for the dwelling. The driveway may be used for this purpose.
 - 3. The property (architecture and landscaping) shall be maintained in a manner that is consistent with the character of the neighborhood.
 - 4. Notice to neighbors is highly recommended, though not required to promote the integration of the halfway house into the neighborhood.
 - 5. A recovery or rehabilitation halfway house shall be located in an area reasonably accessible to public transportation, employment and vocational activities as well as other community resources and agencies which may be utilized by the facility's residents, or provisions must be made so that the

SECTION 16.09: CARE FACILITIES – (Cont.)

6. facility's residents have ready access to these services and agencies when necessary.

If the proposal does not meet in any of the above criteria, a variance may be sought according to the procedures and standards outlined in *Article 24, Zoning Board of Appeals, Section 24.05, Variances, and Section 24.06, Variance Standards.*

- c. ***Large Recovery or Rehabilitation Halfway Houses*** shall adhere to the following standards:

1. A state licensed residential substance abuse or state or federally licensed correctional facility shall not be located within fifteen hundred (1,500) feet of another similar state licensed facility.
2. One (1) on-site parking space shall be provided for each employee in addition to the parking required for the dwelling unit.
3. A designated passenger loading/unloading area of adequate dimensions shall be provided near a barrier-free entrance to the facility.
4. A loading/unloading area of adequate dimensions shall be provided for delivery vehicles to service the facility.
5. A landscape buffer shall be provided along all property lines that abut a less intense land use and around the visible perimeters of all parking and loading/unloading areas.
6. All exterior lighting of entryways, parking spaces, or loading/unloading areas shall not reflect onto adjacent properties and, preferably, should be motion activated.
7. A recovery or rehabilitation halfway house shall be located in an area responsibly accessible to public transportation, employment, and vocational activities as well as other community resources and agencies which may be utilized by the facility's residents, or provisions must be made so that the facility's residents have ready access to these services and agencies when necessary.
8. Notice to neighbors and/or neighborhood associations is highly recommended though not required, to promote the integration of adult foster care residents into the neighborhood.

If the proposal does not meet all of the above criteria, a variance may be sought according to the procedures and standards as outlined in *Article 24, Zoning Board of Appeals, Section 24.05, Variances, and Section 24.06, Variance Standards.*

SECTION 16.10: ALTERNATIVE ENERGY

A. PURPOSE

It has become increasingly desirable in time of rising energy costs and shortages to look to alternative energy sources, solar and wind, for both residential and commercial uses. While utilization of these sources may reduce greenhouse gas emissions, implementation without realistic standards can cause problems visually and operationally both on and off site. These regulations are designed to balance rights of all parties and assist in benefitting the end user and the community as a whole in minimizing visual impacts and the potential for nuisance.

SECTION 16.10: ALTERNATIVE ENERGY

B. SOLAR ENERGY

Solar energy equipment consists of photovoltaic solar arrays and/ or a solar collection system. In addition to local ordinances and Marquette County Building Codes, they may also be subject to Restrictive Covenants or Owner's Association and/or Condominium Bylaws for specific sites. Common building code issues to address include exceeding roof load, unacceptable heat exchangers, improper wiring, inadequate separation from potable water supplies, etc. Potential zoning issues can include sideyard/bufferyard obstruction, exceeding height limits, visual degradation due to improper siting, off-premise vegetation growth affecting efficiency of ground mounted systems, etc. These items and other situation specific issues will be addressed upon application, site plan preparation and submittal, and a Public Hearing conducted by the Planning Commission.

C. WIND ENERGY

1. DEFINITIONS

Ambient Sound Level: The amount of background noise at a given location prior to the installation of a Wind Energy System (WES) which may include, but not be limited to, traffic, machinery, lawnmowers, human activity, and the interaction of wind with the landscape. The ambient sound level is measured on the dB(A) weighted scale as defined by the American National Standards Institute (ANSI) and is the sound pressure level exceeded 90% of the time (L90).

Commercial Freestanding Tower: Any tower except those used for Meteorological Tower (MET) measurement or Wind Energy Systems (WES).

Decibel (Db): The unit of power ratio equal to one tenth of a bell.

Noise: Any activity which creates or produces sound regardless of frequency exceeding the ambient noise levels at the property line of any property.

Noise Contour: The graphic depiction of the extent to which an average noise level affects the area surrounding a source of noise.

SECTION 16.10: ALTERNATIVE ENERGY – (Cont.)

Noise, Decibel (dB): A unit for measuring the amplitude of sounds, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure of 20 micropascals.

Practically defined; the loudness of sound is measured in decibels. Whispering is approximately 30 decibels; conversational speech, 60; a garbage disposal, 80. Sound above 85 decibels may damage delicate hearing cells in the inner ear.

Meteorological Tower (MET): Includes the tower, base plate, anchors, guy cables and hardware, anemometers (wind speed indicators), wind direction vanes, booms to hold equipment anemometers and vanes, data logger, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics for no more than a three (3) year period to record instantaneous wind information or to characterize the wind resource at a given location.

Non-Participating Parcel: A parcel of real estate that is neither a Project Parcel nor a Participating Parcel.

Participating Parcel: A parcel of real estate that is not a Project Parcel, but is subject to an agreement between the owner and developer allowing the construction of all or part of a LWES closer to a Participating Parcel property line or habitable structure than would be permitted in the absence of such an agreement.

Project Parcel: The parcel or parcels of real estate on which all or any part of a LWES will be constructed.

Tower Height: The height above average grade of the fixed portion (hub) of the tower.

Total Extended Height: For a *Horizontal Axis Wind Turbine* it is the distance from the average grade to highest point of the rotor blade and for a *Vertical Axis Wind Turbine* it is the distance from the average grade to the highest point of the wind turbine.

Wind Energy System (WES): A means of generating electrical power through the utilization of wind power which is further defined on the basis of capacity as:

Small Wind Energy System (SWES): A tower mounted system which includes the foundation, tower, generator, blades, wire or other components used in the system and which is primarily intended to reduce residential on-site consumption of utility power. The nameplate capacity rating shall not exceed sixty (60) kilowatts and the tower height shall not exceed one hundred (100) feet.

Medium Wind Energy System (MWES): A tower mounted system which includes the foundation, tower, generator, blades, wire or other components used in the system and which is primarily intended to reduce commercial, municipal, or industrial on-site consumption of utility power. The nameplate capacity is rated for more than sixty (60) kilowatts to up to a maximum of three hundred (300) kilowatts and the tower height shall not exceed one hundred sixty-four (164) feet.

Large Wind Energy System (LWES): A tower mounted system which includes the foundation, tower, generator, blades, wire or other components used in the system and which is primarily intended to supply electricity to a grid system for off-site customers. The nameplate capacity is rated to be more than three hundred (300) kilowatts and the tower height will exceed one hundred sixty-four (164) feet.

2. **METEOROLOGICAL TOWERS (MET) AND WIND ENERGY SYSTEMS (WES)**

a. **METEOROLOGICAL TOWERS (MET TOWER)**

Meteorological Towers (Met Towers) are permitted as a Temporary Conditional Use in the same districts as any Wind Energy System (WES). Met Towers shall be permitted for not more than twelve (12) months for a Small Wind Energy System (SWES), twenty-four (24) months for a Medium Wind Energy System (MWES) and thirty-six (36) months for a Large Wind Energy System (LWES), and are subject to all applicable requirements and application procedures for Small Wind Energy Systems (SWES) regulated under Section b below.

b. **SMALL WIND ENERGY SYSTEMS (SWES)**

The primary use for this Small Wind Energy System, is for residential, on-site consumption of utility power produced by a generator of sixty (60) kilowatts or less and located on a tower not to exceed one hundred (100) feet in height above grade.

All applications shall be accompanied by the following informational requirements:

- i. A completed Application Form, a Plot or Site Plan {Article 18- Site Plan Review, Section 18.03 (A) or Section 18.06} and a statement with supporting evidence, as specified in Article 17- Special Land Uses, Section 17.03 (C) APPLICATION PROCEDURE.
- ii. Evidence of compliance with a setback of 110% of the total extended height of the Small Wind Energy System (SWES), from public road Right-of-Ways, overhead utility lines and all property lines. Guy wire anchors, if required, shall be placed a minimum of fifteen (15) feet from any property line and shall be clearly visible to a height of six (6) feet above grade.

ARTICLE 16 – DETAILED USE REGULATIONS

SECTION 16.10: ALTERNATIVE ENERGY – (Cont.)

- iii. The Small Wind Energy System (SWES) specifications including the manufacturer, & model number, etc.; rotor diameter; tower height, type with drawings; tower foundation drawings.
- iv. The method of restricting access to ground mounted electric/ control equipment and tower access to a height of ten (10) feet above grade.
- v. Description of lightning protection and location of all underground wiring.
- vi. Artificial lighting is prohibited unless required by the Federal Aviation Administration.
- vii. Copies of written utility notification and permission to interconnect with the electric grid, unless the system is to be installed off-grid.
- viii. Documentation that the rotor blade clearance will be a minimum of twenty (20) feet above grade.
- ix. Evidence that turbine blade, shadow flicker will not fall on public roadways or off-site habitable structures.
- x. A detailed description of the automatic braking, governing or feathering system to prevent uncontrolled blade rotation or over-speeding.
- xi. Submission of a sound level analysis prepared by the turbine manufacturer or a Professional Engineer indicating that noise emissions from the Small Wind Energy System (SWES) will not exceed fifty (50) dB(A) measured at the property lines. This sound pressure level may be exceeded during short-term events such as utility outages and/or severe wind storms. In the event the ambient sound pressure level exceeds 50 dB(A), the standard shall be ambient plus 5 dB(A).
- xii. A Small Wind Energy System (SWES) that is out-of-service for a continuous 12-month period will be deemed to have been abandoned. The Zoning Administrator may issue a Notice of Abandonment to the Owner of a SWES that is deemed to have been abandoned. The Owner shall have the right to respond to the Notice of Abandonment within thirty (30) days from receipt of the Notice of Abandonment. The Zoning Administrator shall withdraw the Notice of Abandonment and notify the Owner of such withdrawal if the Owner provides information that demonstrates the SWES has not been abandoned.

SECTION 16.10: ALTERNATIVE ENERGY – (Cont.)

- xiii. If the Small Wind Energy System (SWES) is determined to be abandoned, the Owner of the SWES shall remove the wind generator and the tower at the Owner's sole expense within ninety (90) days of receipt of the Notice of Abandonment. If the Owner fails to remove the wind generator and tower, the Zoning Administrator shall submit a recommendation to the Township Board to pursue legal action to have the wind generator and tower removed at the Owner's expense.

c. MEDIUM WIND ENERGY SYSTEMS (MWES)

The primary use of this system is for commercial, municipal, or industrial on-site consumption of utility power produced by a generator rated at more than sixty (60) kilowatts up to a maximum of three hundred (300) kilowatts and located on a tower not to exceed one hundred sixty-four (164) feet in height above grade.

All applications shall be accompanied by the informational requirements of Section b above except amended as follows:

- i The Site Plan shall comply with the applicable requirements of Article 18- Site Plan Review, Section 18.06 REQUIRED INFORMATION.
- ii Medium Wind Energy System (MWES) specifications including manufacturer & model numbers, etc.; rotor diameter; tower height, type & professionally certified drawings; professionally certified tower foundation drawings.
- iii The method of restricting access to ground mounted electric/ control equipment and tower access to a height of twelve (12) feet above grade.
- iv Demonstration that the rotor blade clearance is a minimum of thirty (30) feet above grade.
- v Submission of a sound level analysis prepared by a Professional Engineer indicating that noise emissions from the Medium Wind Energy System (MWES) will not exceed forty-five (45) dB(A) measured at the property lines. This sound pressure level may be exceeded during short-term events such as utility outages and/or severe wind storms. In the event the ambient sound pressure level exceeds 45 dB (A), the standard shall be ambient plus 5 dB (A).

SECTION 16.10: ALTERNATIVE ENERGY – (Cont.)

A Medium Wind Energy System (MWES) that is out-of-service for a continuous 12-month period will be deemed to have been abandoned. The Zoning Administrator may issue a Notice of Abandonment to the Owner of a MWES that is deemed to have been abandoned. The Owner shall have the right to respond to the Notice of Abandonment within thirty (30) days from receipt of the Notice of Abandonment. The Zoning Administrator shall withdraw the Notice of Abandonment and notify the Owner of such withdrawal if the Owner provides information that demonstrates the SWES has not been abandoned.

If the Medium Wind Energy System (MWES) is determined to be abandoned, the Owner of the MWES shall remove the wind generator and the tower at the Owner's sole expense within ninety (90) days of receipt of the Notice of Abandonment. If the Owner fails to remove the wind generator and tower, the Zoning Administrator shall submit a recommendation to the Township Board to pursue legal action to have the wind generator and tower removed at the Owner's expense.

d. **LARGE WIND ENERGY SYSTEMS (LWES)**

NOTE A: The construction of a Large Wind Energy System (LWES) is typically preceded by an investigation of on-site wind characteristics to assess suitability for power generation. This generally involves wind monitoring over several months with the installation of a Meteorological Tower (Met Tower), which due to its height, would necessitate an application for and approval of a Temporary Use Permit.

Prospective applicants are apprised that the Charter Township of Marquette has initially adopted basic regulations for Large Wind Energy System (LWES) to assist developers in site assessment and up-front planning to minimize potential problems.

Upon granting a Special Use for a Meteorological Tower in districts where LWES are conditionally permitted, the Charter Township of Marquette Planning Commission will commence work to complete this section of the ordinance within eleven (11) months. Topics to be addressed may include, but are not limited to, Road Use and Restoration Plan, Design Site Plan, Aircraft Protection, Blasting Plan, Avian & Wildlife Impact, Microwave and Electromagnetic Interference, Shadow Flicker Analysis, Noise & Testing Parameters, Lightning & Stray Voltage Assessment, Security & Emergency Response Plan, Emergency Shutdown Plan, Decommissioning & Site Restoration Plan and Bonding/Financial Guarantee Agreement, etc.

SECTION 16.10: ALTERNATIVE ENERGY – (Cont.)

The primary use of this system is to supply electricity to a grid system for off-site customers produced by a generator rated at more than three hundred (300) kilowatts, and located on a tower exceeding one hundred sixty-four (164) feet in height above grade. Property may be owned or leased by the developer.

LARGE WIND ENERGY SYSTEMS (LWES) WILL BE INITIALLY SUBJECT TO THE FOLLOWING REQUIREMENTS:

- (1) The Site Plan shall comply with the applicable requirements of Article 18- Site Plan Review, Section 18.06 REQUIRED INFORMATION.
- (2) Turbine rotor blade clearance shall be a minimum of fifty (50) feet above grade.

NOTE B: Noise related to Large Wind Energy System (LWES) installations is a serious concern for impacted communities and the emergent wind industry. Available information about the negative effects of these systems upon individuals appears to be contradictory, although research completed and in progress appears to support the potential for public health risks for a segment of the population and other negative impacts upon property. Progress within the wind industry is continuous with increasingly higher generating capacity available in individual wind turbines. More study is required to assess the impact of these industrial-sized systems on the health, safety, and welfare of people residing, pursuing recreation and/or working in their general vicinity. Options presently available to reduce Large Wind Energy System (LWES) noise emissions involve reducing the sound power at the source or increasing the distance between source and receiver.

(3) SETBACKS

- (a) Each Large Wind Energy System (LWES) shall be setback 150% of the total extended height of the LWES from any Participating Parcel or Project Parcel property boundary lines.
- (b) Each Large Wind Energy System (LWES) shall be setback 200% of the total extended height of the LWES from any public road Right-of-Way and any overhead utility line.
- (c) Each Large Wind Energy System (LWES) shall be located sixteen hundred (1600) feet from any single family or seasonal dwelling located on a Participating Parcel.

SECTION 16.10: ALTERNATIVE ENERGY – (Cont.)

- (d) Each Large Wind Energy System (LWES) shall be located thirty three hundred (3300) feet from any single family or seasonal dwelling located on a Non-Participating Parcel.

(4) SOUND EMISSION TESTING

All testing, modeling, and analysis of each Large Wind Energy System (LWES) shall conform to the measurement standards and protocols of The American Standards Institute (ANSI) S12.9, Parts 1-5; (ANSI) S12.17; (ANSI) S12.18 and International Electric Code (IEC) 61400 - 11 and be performed by a qualified Professional Consultant/Engineer selected by the Charter Township of Marquette and paid for by the applicant via an Escrow Account established by the Township.

- (a) In order to establish long-term background noise, the pre-construction La90 and Lc90 ambient sound levels are to be measured at the property lines of Non-Participating Parcels during night time hours of 9:00 PM to 6:00 AM.
- (b) Post-construction operating sound levels are to be measured within nine (9) months of a fully operational Large Wind Energy Systems (LWES) installation at the property lines of Non-Participating Parcels during night time hours of 9:00 PM to 6:00 AM. The maximum noise emission at any Non-Participating Parcels containing a single family or seasonal dwelling shall not exceed the following limits:
 - i Maximum Emission Level - 40dB(A)
 - ii Maximum Emission Level - 55 dB(C)
 - iii Maximum emission above preconstruction ambient level - La90 + 5dB
 - iv Maximum emission above preconstruction ambient level - Lc90 + 5dB
 - v Emission Spectra Imbalance - $Lc90 + 5dB - (La90 + 5dB) \leq 20dB$

ARTICLE 16 – DETAILED USE REGULATIONS

SECTION 16.10: ALTERNATIVE ENERGY – (Cont.)

Each limit (i) through (v) above is independent and exceeding any of the limits will be determined to be evidence of non-compliance. The Zoning Administrator shall immediately inform the operator of non-compliance with the Emission Limits. The Large Wind Energy System (LWES) shall be removed from operation until such time as compliance with noise levels can be demonstrated. (End Amend. 08-02-10)

Information in the Sounds Emission testing section is based in part upon “The How To Guide To Siting Wind Turbines To Prevent Health Risks From Sound” by G. W. Kamperman and R. R. James Version 2.1, dated October 28, 2008.

SECTION 16.11: PARK & RIDE

1. Park & Ride land use may only be located in the zoned, General Business (GB) Zoning District and Development District (DD).
2. Park & Ride land use shall be subject to the review and approval requirements set forth in Article 14 – ACCESS MANAGEMENT REGULATIONS, ARTICLE 17 SPECIAL LAND USES, ARTICLE 18 – SITE PLAN REVIEW, ARTICLE 20 – MISCELLANEOUS PROVISIONS, and ARTICLE 21 – OFF-STREET PARKING REQUIREMENTS.
3. A Park & Ride Lot shall not have more than 150 parking stalls in a single development.

SECTION 16.12: TINY HOMES

1. In addition to complying with of other relevant Sections of this Ordinance, except for minimum square footage requirements, petitioners desiring to site and/or construct a Tiny Home (*as defined in Section 2.02*) shall also provide the following information to be considered for a special land use permit:
 - a. Marquette County Building Permit(s)
 - b. Marquette County Health Department Permit(s)
 - c. Off-street parking conforming to residential single-family dwelling units under Article 21.
 - d. Connection to a public sewer and water supply in compliance with the Marquette Township requirements, or to such private facilities as approved by the Marquette County Health Department.

SECTION 16.13: SHORT-TERM RENTALS

1. In addition to complying with other relevant sections of this Ordinance, petitioners desiring to conduct a short-term rental unit (as defined in Article 2), the petitioner shall also provide the following information in order to be considered for a special use permit:

ARTICLE 16 – DETAILED USE REGULATIONS

- a. Fire code review by the Marquette Township Fire/Rescue Department every two (2) years.
- b. A Marquette Township Business License.
- c. Off-street parking conforming to residential single-family dwelling units under Article 21.

CONTENTS OF ARTICLE 17

SPECIAL LAND USES

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ARTICLE 17: SPECIAL LAND USES

SECTION 17.01: PURPOSE

Special Land Uses are those which have some impact or uniqueness such that their effect on the surrounding environment cannot be determined in advance of the use being proposed for a particular location. Prior to approval, a review of the location, design, configuration, and impact is conducted by comparing the proposed use to fixed standards. This review determines whether the proposed use should be permitted by weighing the public need for, and the benefit to be derived from the proposed use, against any local impact which it may cause. The review considers the proposal in terms of existing zoning and land use in the vicinity of the proposed use, the effects of the proposed use on planned and proposed public and private developments, whether and to what extent the proposed use at that particular location for which it is suggested is a necessary or desirable development in the interest of the public convenience or general welfare of the area or Township. It is important to provide control and reasonable flexibility in requirements for certain kinds of uses to not only allow practical latitude for the investor, but to also maintain adequate provision for the security of the health, safety, convenience, and general welfare of the community's inhabitants. In order to accomplish this dual objective, provisions have been made in this Ordinance for flexibility within individual district regulations. Detailed consideration of certain specified activities as each may relate to proposed conditions of location, design, size, operation, intensity of use, generation of traffic and traffic movements, concentration of population, processes and equipment employed, amount and kind of public facilities and services required, together with many other possible factors must be considered. Land and structure uses possessing unique characteristics are designated as SPECIAL USES and may be authorized by the issuance of a SPECIAL USE PERMIT with such conditions and safeguards attached as deemed necessary for the protection of the public welfare. The following sections, together with previous references in other articles, designate what uses require a Special Use Permit.

SECTION 17.02: APPLICABILITY

Any use which is permitted as Special Land Use denoted by the letter "S" in *Article 15, Principal Uses Permitted in Districts, Section 15.05, Use vs. District Nomograph*, of this Ordinance shall comply with this Article.

SECTION 17.03: APPLICATION PROCEDURE

- A. **APPLICANT** - Any person owning or having an interest in the subject property may file an application for one or more Special Use Permits provided for in this Ordinance.
- B. **APPLICATION** – Applications shall be submitted through the Zoning Administrator to the Planning Commission. Each application shall be signed by both the property owner and the applicant and 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.

SECTION 17.03: APPLICATION PROCEDURE – (Cont.)

C. INFORMATION REQUIRED IN APPLICATION.

Applications provided by the Zoning Administrator shall be fully executed and accompanied by a minimum of two (2) copies of the following information. Certain specific items of required information may be waived at the discretion of the Zoning Administrator if deemed appropriate. However all of the following information shall not be waived for all Trails (snowmobile) and Trails (all terrain vehicles).

1. Applicant's name and address in full.
2. Statement identifying the landowner, if not the applicant, and the applicant's relationship to the landowner (i.e., land contract vendee, purchaser, optionee, designated delegated agent, etc.)
3. Property boundary survey/map and legal description with the seal of the registered surveyor who prepared them.
4. Uses and structures existing on the land.
5. Existing zoning of the parcel in question along with zoning district classifications of all adjacent properties.
6. For non-residential developments proposed to contain 50,000 square feet or more of gross floor area in one or more buildings in one or more development phases, a traffic analysis which relates the trip generation likely from the proposed development to existing street volume capacities.
7. For residential developments proposed to contain 50,000 square feet or more of gross floor area in one or more development phases, the following:
 - a. A traffic analysis which relates the trip generation likely from the proposed development to existing street volume capacities.
 - b. An analysis of the impacts of the proposed developments upon schools and parks.
8. Site plan or plot drawn to scale, and containing information specified in *Article XVII, Site Plan Review, Section 17.03, Required Plan Approvals and Section 17.06, Required Information*.
9. Preliminary plans and outline specifications identifying the Proposed Special Land Use as listed in *Article 15, Principal Uses Permitted in Districts, Section 15.05, the Use vs. District Nomograph*, and in accordance with the performance criteria specified in *Article 19, Performance Requirements*.
10. Supporting documents from relevant public agencies.

SECTION 17.03: APPLICATION PROCEDURE – (Cont.)

D. ZONING ADMINISTRATOR

To help assure full disclosure of relevant information to all potentially impacted review and/or approval agencies having jurisdiction within the proposed site development or special use area, the Zoning Administrator shall direct one (1) copy of the complete plot plan or site plan to be transmitted to each of the following agencies determined necessary for their review and comment.

1. Marquette County Road Commission.
2. Marquette County Health Department.
3. Marquette County Drain Commissioner.
4. Michigan Department of Transportation.
5. School district – Superintendent of Schools.
6. Marquette Township Fire Chief.
7. Chief of the local law enforcement agency.
8. Affected utility companies.
9. Nearby operating railroads which may be affected by the Special Land Use.
10. Charter Township of Marquette Department of Public Works.
11. Other federal, state, county, or local agencies which may be impacted by the proposed development.

The Zoning Administrator shall transmit the remaining copies of the application and supporting documentation to the Planning Commission for their review. The Planning Commission shall proceed with scheduling a public hearing regarding the request.

SECTION 17.04: REVIEW AND FINDING PROCESS

A. PLANNING COMMISSION PUBLIC HEARING

The Planning Commission shall review the complete application for a Special Use Permit at its next regular scheduled meeting following filing by the Zoning Administrator and, if required, shall set a date for the public hearing within forty-five (45) days thereafter. A public hearing shall be required for a Special Land Use to be located in the Development District (DD), if the proposed Special Land Use is located adjacent with existing Residential Land Use and/ or adjacent with a designated Residential Zoning District; i.e. Scenic Resource (SR), Rural Residential (RR), or Urban Residential (UR). The Township Clerk shall publish one (1) notice of public hearing, not less than fifteen (15) days in advance of such hearing and shall notify by regular mail or personal delivery the parties of interest and all property owners and occupants of all structures within three hundred (300) feet of the boundaries of the subject property.

SECTION 17.04: REVIEW AND FINDING PROCESS – (Cont.)

In situations where a single structure contains four (4) or more dwelling units, businesses, or organizations, notice must be given to the manager or owner of the structure who shall be requested to post notice at the primary entrance of the structure. The notice shall describe the special nature of the land use request; the legal description, and a location map of the property; specify the date, time, and place of the hearing; indicate when and where written comments will be received concerning the request.

B. PLANNING COMMISSION DECISION

The Planning Commission may deny, approve, or approve with conditions, a request for a Special Land Use approval. The decision on a Special Land Use shall be incorporated in a statement containing the conclusions relative to the Special Land Use under consideration which specifies the basis for the decision, and any conditions imposed.

SECTION 17.05: CONDITIONS ON SPECIAL LAND USE APPROVALS

Every special land use permit shall be conditioned upon the proposed development fully complying with all requirements of this Ordinance and, where applicable, the Township Subdivisions Regulations and any other pertinent federal, state, county, or local statutes or ordinances. The violation of any condition contained in a special land use permit shall be a violation of this Ordinance.

SECTION 17.06: GENERAL USE STANDARDS

An application for a Special Land Use permit shall not be approved unless the Planning Commission specifically finds the proposed Special Land Use to be appropriate in the location for which it is proposed. This finding shall be based on the following criteria:

- A. The proposed use shall be in harmony with the general purpose, goals, objectives, and standards of the Comprehensive Plan of the Charter Township of Marquette, this Ordinance, or any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the Township.
- B. There shall be a community need for the proposed use at the proposed location; in the light of existing and proposed uses of a similar nature in the area and of the need to provide or maintain a proper mix of uses both within the Township and also within the immediate area of the proposed use:
 - 1. The proposed use in the proposed location shall not result in either a detrimental over concentration of a particular use within the Township or within the immediate area of the proposed use.

ARTICLE 17 – SPECIAL LAND USES

SECTION 17.06: GENERAL USE STANDARDS – (Cont.)

2. The area for which the use is proposed is not better suited for or likely to be needed for uses which are permitted as a matter of right within that district, in light of policies or provisions of the Comprehensive Plan, this Ordinance, or other plans or programs of the Township.
- C. The proposed use at the proposed location shall not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or rights-of-way, or other matters of welfare, either as they now exist or as they may in the future be developed as a result of the implementation of provisions and policies of the Comprehensive Plan, this Ordinance, or any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the Township to guide growth and development.
- D. The proposed use in the area under consideration shall be adequately serviced by and will not impose an undue burden on any of the improvements, facilities, utilities, and services specified in this subsection. Where improvements, facilities, utilities, or services are not available or adequate to service the proposed use in the proposed location, the applicant shall, as part of the application and as a condition to approval of the proposed Special Land Use permit, be responsible for establishing the ability, willingness, and a binding commitment to provide the improvements, facilities, utilities, and services in sufficient time and in a manner consistent with the Comprehensive Plan, this Ordinance, and other plans, programs, maps, and ordinances adopted by the Township to guide its growth and development. The approval of the Special Land Use permit shall be conditional upon the improvements, facilities, utilities, and services being provided and guaranteed by the applicant.
- E. The proposed use in the proposed location shall fully comply with the requirements set forth in this Ordinance and shall be consistent with the intent and purpose of *Article 15, Principal Uses Permitted in Districts*, and *Article XVIII, Performance Requirements*.

SECTION 17.07: CONDITIONS AND SAFEGUARDS

- A. Prior to granting any Special Use Permit, the Planning Commission may impose any additional conditions or limitations upon the establishment, location, construction, maintenance, or operation of the use authorized by the Special Use Permit which may be necessary for the protection of the public interest. Conditions imposed shall further be designed to protect natural resources, the health, safety, and welfare, as well as the social and economic well being of those who will utilize the land use, or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole. The conditions shall be consistent with the general standards as established in this Ordinance.

SECTION 17.07: CONDITIONS AND SAFEGUARDS – (Cont.)

- B. Conditions and requirements stated as part of the Special Use Permit authorization shall be a continuing obligation of Special Use Permit holders. The Zoning Administrator shall make periodic investigations of developments authorized by Special Use Permit to determine compliance with all requirements.
- C. Special Use Permits may be issued for time periods as determined by the Planning Commission. Special Use Permits may be renewed in the same manner as originally applied for.
- D. In authorizing a Special Use Permit, the Planning Commission may require that a cash deposit, certified check, bond, letter of credit, or other financial guarantee acceptable to the Township, of adequate sum be provided by the developer prior to the issuance of the Special Use Permit to ensure installation of such necessary improvements including but not limited to drives, walks, utilities, parking, landscaping, etc. The financial guarantee shall be deposited with the Township Clerk at the time of issuance of the permit authorizing the use or activity. Upon completion of significant phases of the scheduled improvements, the Planning Commission shall authorize a proportional rebate of the financial guarantee.
- E. Continuance of a Special Use Permit shall be withheld by the Planning Commission only upon its determination that:
 - 1. The required conditions, as prescribed in conjunction with the issuance of the original permit, required the use to be discontinued after a specified time period.
 - 2. Violations of the conditions pertaining to the granting of the Special Use Permit continue to exist more than thirty (30) days after written order to correct the violation has been issued by the Zoning Administrator.
- F. All plans, specifications, and statements submitted with the application for a Special Use Permit shall become, along with any changes ordered by the Planning Commission, a part of the conditions of any Special Use Permit issued.
- G. An application for a Special Use Permit which has been denied wholly or in part by the Planning Commission shall not be resubmitted until one (1) year or more has expired from the date of such denial, except on grounds of newly discovered evidence or proof of changed conditions sufficient to justify reconsideration by the Township.

SECTION 17.08: DECISION RECORD

A. WRITTEN RECORD

The Zoning Administrator shall maintain a written record of Special Use Permits issued in accordance with the requirements of this Ordinance. The record shall contain:

- 1. All written materials produced as a result of the proceedings.
- 2. All written statements received regarding the proposed special use.

SECTION 17.08: DECISION RECORD – (Cont.)

3. A written statement of findings of fact together with the final decision and supporting reasons. The decision must include a statement of facts, the decision, the basis for the decision, and any conditions imposed on the Special Land Use.

SECTION 17.09: AMENDMENTS TO PERMITS FOR SPECIAL LAND USES

Following the issuance of a Special Land Use permit pursuant to the provisions of this Ordinance, such permit may be amended, varied, or altered only in accordance with the standards and procedures established by this Article for its original approval.

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ARTICLE 18: SITE PLAN REVIEW

SECTION 18.01: PURPOSE

The purpose of site plan review is to ensure that a proposed land use or activity is in compliance with local ordinances and state and federal statutes. The term “Site Plan” includes all documents, plans, and drawings associated with a site plan as required by the Zoning Ordinance. The site plan should specifically denote the detailed intent of the petitioner. The specified standards and required procedures contained herein are intended to promote the orderly development of the Township, assure compliance with all applicable federal, state, and local ordinances, promote the public, health, safety, and welfare of Township residents and the public at large, preserve taxable values, pedestrian and traffic safety, and move the Township towards sustainability.

SECTION 18.02: EXCEPTIONS

Wherever conflict may arise between the *Required Information* to be provided with an application for site plan review as stated in *Section 18.06 of this Article*, with the requirements as set forth in *Public Act 96 of 1987, as amended*, relative to mobile home parks, the state statute shall prevail. All other required information items noted in this section shall, however, be provided as stated herein.

SECTION 18.03: REQUIRED PLAN APPROVALS

Site plan review is required for all proposed land uses and activities containing at least 10,000 sf of impervious surface, or impervious surface occupying at least 50% of a lot, whichever is less. An exception to the above shall be that plot plan review and not site plan review is required for Trails (non-motorized), regardless of the amount of impervious surface. Other proposed land uses and activities, involving at least 500 sf of impervious surface, shall be shown on a plot plan in accordance with the following requirements:

A. **PLOT PLANS.**

The following information shall be submitted to the Zoning Administrator for review.

1. A legal description or survey map of the site.
2. All lot lines and dimensions of the lot.
3. All existing and proposed buildings/building uses on the lot, showing exterior dimension and closest distance to lot lines.
4. For buildings set back 100' or more from a public street right-of-way accessible by motor vehicles, the location of any driveway access to a street or lot line, sufficient to show compliance with *Section 21.07, Emergency Vehicle Access*.
5. The location of any road or easement on or adjacent to the site.
6. Natural features affecting development (rock, bluff, water, wetland).

ARTICLE 18 – SITE PLAN REVIEW

SECTION 18.03: REQUIRED PLAN APPROVALS – (Cont.)

7. All well and septic locations, or water and sewer lateral locations, as applicable.
8. If bufferyards are required, a landscaping plan showing compliance with *Section 19.04, Bufferyards*.
9. For non-residential uses containing at least one principal building and for multi-family developments of five or more units, the following additional information:
 - a. The location of all existing and proposed drives and parking area sufficient to show compliance with *Section 21.06, Design Standards*.
 - b. The location of proposed planting and screening, fencing, and signs.
 - c. For sites of an acre or more in size, the surface water drainage pattern, and any existing and proposed surface water impoundments.
10. For trails (non-motorized) an accurate map, which identifies the trail locations by points with 100' intervals. The trail shall be accurately shown on the map with the method of determining the accuracy and the margin of error stated on the map.

B. PLOT PLANS REVIEWED BY THE PLANNING COMMISSION.

The following types of land use, development, or changes shall be submitted through the Zoning Administrator for review by the Planning Commission. The Zoning Administrator shall review other plot plans.

1. New trails (non-motorized) which equal one mile or more in length.
2. Relocation of existing trails (non-motorized), or a portion thereof, equaling one mile or more in length.

SECTION 18.04: SITE PLAN REVIEW AND APPROVAL AUTHORITY

The Township of Marquette, with the assistance of its designated Zoning Administrator, is the legal entity charged with review and approval of all site plan documents, except that the Planning Commission is the official designated legal entity charged with the review and approval of all site plan documents for the following types of developments:

- A. Developments involving one or more special uses as specified in *Article 17 Special Land Uses of this Ordinance*.
- B. New developments or redevelopments containing:

ARTICLE 18 – SITE PLAN REVIEW

SECTION 18.04: SITE PLAN REVIEW AND APPROVAL AUTHORITY – (Cont.)

1. A gross floor area of 5,000 square feet or more in one or more principal buildings. This does not apply to single-family residential home construction unless Section 18.04B.4 does apply.
2. Expansion of one or more existing principal buildings by 1,000 square feet or more, if the expanded gross floor area combined with the existing gross floor area will total 5,000 square feet or more. This does not apply to single-family residential home and accessory building construction unless Section 17.04B.4 does apply.
3. Service stations.
4. Lots proposed to contain five (5) or more single-family detached dwellings, and lots proposed to contain fewer than five (5) such dwellings which necessitate the dedication of a new public or private street, right-of-way, or access easement.
5. Extraction of earth products.
6. Trails (snowmobile), and Trails (all terrain vehicles).
7. All developments or redevelopments in which Article 14 Access Management Regulations, Section 14.01.B. applies to except that single-family detached dwellings shall be a plot plan reviewed by the Zoning Administrator.

Certain specific items of required information may be waived by the Zoning Administrator, if determined to be inapplicable to a specific site or site development proposal. Site Plan Review and not merely a plot plan review, shall be required for all developments listed in this Section 18.04B and shall be in accordance with Section 18.06: Required Information.

SECTION 18.05: PROCEDURES FOR SITE PLAN REVIEW

- A. Upon request, an application form shall be provided to the petitioner by the Zoning Administrator. All questions on the form shall be completed, signed by the petitioner or representative, and returned to the Zoning Administrator. The proposed site plan, specifications, and the required payment of a non-refundable fee, as outlined in *Article 26, Section 26.14, Fees*, shall accompany the application.

If the Zoning Administrator determines that the site plan submission does not include all of the required information, a written notice of denial, including the reasons for rejection, along with instructions for revising the submission to make it acceptable, will be provided to the petitioner within thirty (30) days of the original submission.

SECTION 18.05: PROCEDURES FOR SITE PLAN REVIEW – (Cont.)

It shall be the responsibility of the Zoning Administrator to forward the completed application along with all other final plan documents to the Planning Commission in those site plan reviews for which the Planning Commission has jurisdiction for review and consideration at their next regularly scheduled meeting if all of the required information has been received at least ten (10) days prior to the date of the next regularly scheduled meeting. To help assure full disclosure of relevant information to all potentially impacted review and/or approval agencies having jurisdiction within the proposed site development area, the Zoning Administrator shall direct one (1) copy of the complete site plan to be transmitted to each of the following agencies determined necessary for their review and comment:

1. Marquette County Road Commissioner.
2. Marquette County Health Department.
3. Marquette County Drain Commissioner.
4. Michigan Department of Transportation.
5. School District – Superintendent of Schools.
6. Charter Township of Marquette Fire Chief.
7. Chief of the local law enforcement agency.
8. Affected utility companies.
9. Nearby operating railroads which may be affected by the proposed plan.
10. Charter Township of Marquette Department of Public Works.
11. Other federal, state, county, or local agencies which may be impacted by the proposed development.

The Zoning Administrator or, in those site plan reviews for which the Planning Commission has jurisdiction, the Planning Commission shall base its review and evaluation of the site plan upon the *Appropriate Schedule of District Regulations and Minimum Performance Standards, Sections 19.13 through 19.20, and the General Standards for Site Plan Approval, Section 18.07.*

SECTION 18.06: REQUIRED INFORMATION

- A. Every application will be accompanied by the following applicable informational requirements as determined by the Zoning Administrator or the Planning Commission.
1. An application form as provided by the Zoning Administrator fully completed and signed by the petitioner or representative.
 2. A minimum of four (4) full-size hard copies of all plans, documents and/or drawings, and one digital set containing the following information and data for all proposed land uses and activities as determined necessary by the Zoning Administrator.
 3. A complete legal description of the parcel(s) as it appears on the deed and the total site area of the proposed site in acres.

SECTION 18.06: REQUIRED INFORMATION – (Cont.)

4. A fully dimensioned map/drawing, at a scale of 1"=50' or less, showing all relevant data including buildable setbacks, spatial relationship of all buildings, scale, directional arrow, original dates, revision dates, if any, and a vicinity sketch or location map (1"=500' or less) showing all abutting properties, and properties directly across the street(s) up to 500' from the site's property line, and property owner names for any such properties.
5. The name of the proposed project/development/activity.
6. The name, address, and telephone number of all fee interest holders and type of ownership/interest.
7. Any deed restrictions or covenants affecting the proposed plan and future on or off-site development.
8. The size, shape, location, and use of all existing and proposed structures.
9. The location of all existing and proposed driveways, curb cuts, and points of ingress and egress.
10. The location, names, and widths of all existing and proposed public or private rights-of-way including roads, railroads, easements, clear view triangles, utility licenses, and the jurisdiction or ownership status of each.
11. The existing and proposed zoning classification and/or land use intensity of the plan site and all adjacent or abutting properties, and if platted, the liber and page numbers of records plats.
12. The designated access locations for fire vehicles and emergency apparatus along with fire lane widths, type of road surfacing, and any turnaround areas along with all relevant dimensions.
13. The existing and proposed pavement widths, condition, and type, and the location of any acceleration or deceleration lanes existing or proposed.
14. The existing or proposed vehicular, bicycle, and pedestrian circulation systems including all relevant dimensions; parking space sizes and numbers; designated handicapped parking areas and numbers; customer/employee parking areas, and all such other information as required in *Article XX*.
15. The location, size, and depth as may be required for all public or private utility lines, individual service leads, storage tanks, and fire hydrants existing and/or proposed to service the project.

SECTION 18.06: REQUIRED INFORMATION – (Cont.)

16. The definition, location, and relevant dimensions of all loading areas, truck docks, service drives, and truck wells.
17. The location of all permanent or temporary signs, existing or proposed, including their design, area, size, height, illumination, and the type of construction.
18. A complete landscaping plan, including the location of all greenbelts and bufferyards, fencing, or screening, with specific indication of all landscape materials to be utilized.
19. The location of all proposed trash and refuse receptacles and the method to be used for screening these areas.
20. A complete set of architectural floor plans including all relevant square footage calculations, exterior building elevations, and the existing and proposed building grades and heights. Multiple unit proposals shall include all density and area calculations.
21. Any existing and/or proposed exterior lighting plans for parking areas, and general information regarding maximum illumination and candlepower of proposed lighting systems.
22. The existing and proposed topography of the site with elevations based upon North American Vertical Datum of 1988 and mapped utilizing two (2) feet minimum contour intervals; five (5) foot intervals may be used where grades are in excess of ten (10) percent. All benchmark locations, descriptions, and elevations shall be noted.
23. The notation of any significant or distinctive features which may be desirable to protect as natural features including all beaches, bluffs, dunes, shorelands, ravines, ravine buffers, and steep slopes.
24. The location and names of all existing and proposed water courses, water bodies, floodplains, wetland surface drainageways, basins and facilities, either natural or manmade.
25. All available information on sub-surface water table depths or elevations, along with the quantity and quality of potential potable water supplies as required.
26. All available information relative to on-site soil conditions, profiles, inventories, borings, and the source of all related reference material.
27. The nature, size, type, and specific location of any forest or vegetative cover.

ARTICLE 18 – SITE PLAN REVIEW

SECTION 18.06: REQUIRED INFORMATION – (Cont.)

28. If the application relates to property scheduled for phased development, the proposed layout for the total projected development shall be indicated, and the projected scope and time period shall be estimated for each additional phase.
29. All applicable calculations in accordance with *Article 19, Performance Requirements*, referring the basic information cited in *Section 19.03, Performance Standards*.
30. The seal of the licensed engineer, architect, landscape architect, surveyor, or planner who prepared the plan.
31. Any such other information as may be required and/or deemed necessary by the Planning Commission or Zoning Administrator to properly and adequately evaluate the proposed project site plan or land use activity, and to assure the public health, safety and welfare of the existing and future residents and businesses.

SECTION 18.07: GENERAL STANDARDS FOR SITE PLAN APPROVAL

- A. The following general standards for site plan approval shall be utilized by the Zoning Administrator and, for site plan reviews under its jurisdiction, by the Planning Commission as part of the review process.
 1. The site plan shall be organized into a document reflecting adequate consideration of the various design alternatives in accommodating the physical site characteristics and constraints. The site plan shall further reflect the use of lands in accordance with their character and adaptability providing for orderly development within the framework of this Ordinance.
 2. The proposed land use and activity will be established in conformance with the requirements of the existing or proposed zoning district for the site, and shall be developed in such manner as to maximize the harmony and compatibility with the surrounding area.
 3. Any adverse effects created on-site by the proposed land use or activity shall be minimized utilizing effective landscaping design and screening techniques.
 4. The natural features of the site shall be protected and preserved in their original state in so far as practical wherever they can be utilized to enhance the development of the site.
 5. The proposed plan shall reflect a proper relationship between existing and proposed streets and highways within the vicinity. Every structure shall have adequate pedestrian access to public right-of-way, walkway, or other common use areas.

ARTICLE 18 – SITE PLAN REVIEW

SECTION 18.07: GENERAL STANDARDS FOR SITE PLAN APPROVAL – (Cont.)

6. All buildings and structures within the proposed site plan shall be accessible on all sides to emergency vehicles and emergency apparatus systems unless otherwise determined acceptable by the Marquette Township Fire Chief. Emergency vehicle access shall be available to the site by a public street and provided through the site for general and emergency vehicular access.
7. To complete the Site Plan Review (SPR) process, and to assure compliance with the requirements of the Township Life Safety and Pre-Fire Plan Review, the applicant shall submit three (3) complete sets of the final electrical/mechanical plans for all proposed on-site buildings, as submitted to the Marquette County Building Codes Department, to the Township Zoning Administrator for review and comment by the Township Fire Marshall. A written response, within ten (10) days from the date of submission, from the Township Fire Marshall to the applicant with copies provided to the Zoning Administrator and the Planning Commission shall be required prior to final Site Plan Approval by the Planning Commission.
8. Physical improvements to the site, including vehicular and pedestrian circulation systems, water and sewer service, storm drainage, electric power, and telephone utilities, as well as land balance, grading, and erosion control measures shall be designed and constructed in accordance with the requirements of the individual, federal, state, county, or local agencies adopted standards and specifications.
9. Adequate measures shall be taken to control and minimize adverse impacts to neighboring areas due to on-site land uses or activities. Nuisance controls, addressing problems of noise, vibration, smoke, odor, glare, light, heat, and drifted or fugitive materials shall be incorporated into the plan as required and in accordance with *Article XVIII, Performance Requirements, and the Schedule of District Regulations and Minimum Performance Standards for each District*.
10. A storm water management plan, which addresses on-site surface runoff problems and which can be integrated into a general drainage scheme for the area, shall be provided to assure against any adverse affects to neighboring or off-site property owners as well as to users of the site. Such plan shall indicate that no water run-off will occur onto any abutting property, greater than that occurring prior to development, unless appropriate riparian rights are secured from any such abutter. For any property located within the Whetstone Creek Drainage District or within a platted subdivision outside the Badger Creek Drainage District, all on-site water run-off greater than that occurring prior to development, shall be accommodated on the site itself.
11. Accessibility (ingress and egress) to the site shall be designed to assure safety and convenience to the general public. All parking areas located within the proposed site plan shall be in compliance with the requirements set forth in *Article 21, Off-Street Parking Requirements*.

ARTICLE 18 – SITE PLAN REVIEW

SECTION 18.07: GENERAL STANDARDS FOR SITE PLAN APPROVAL – (Cont.)

12. Exterior lighting plans shall anticipate adverse impact to adjacent properties; therefore, adequate design considerations shall be required to deflect or limit excessive light and glare which could impede the vision of drivers on adjacent roads or become a nuisance to adjacent property owners.
13. All development in Marquette Township is strongly encouraged to use green building and site design techniques. Green building and site design techniques are techniques that significantly reduce or eliminate the negative impact of building and site development on the environment and on the building occupants. Green building and site design and construction practices address sustainable site planning, protection of water and water efficiency, energy efficiency, conservation of materials and resources, and indoor environmental quality.

SECTION 18.08: ZONING ADMINISTRATOR/PLANNING COMMISSION REVIEW

Upon receipt of the complete site plan submission along with the receipt of comments from any affected federal, state, county, or local approving agencies, the Zoning Administrator or the Planning Commission for site plan review under its jurisdiction shall proceed with the review of the site plan documents to determine compliance with the requirements and general intent of the Zoning Ordinance. The Planning Commission for site plan reviews under its jurisdiction may, at its option may schedule and conduct a public hearing prior to the final approval of any site plan required by this Ordinance.

Within forty-five (45) days (unless extended by the Zoning Administrator) of the complete site plan submission, the Zoning Administrator or, for site plan reviews under its jurisdiction, the Planning Commission through the Zoning Administrator shall respond to the petitioner with a written approval, approval with conditions of modification, or disapproval. If approved, the Zoning Administrator and additionally the Planning Commission Chairperson, for site plan reviews under its jurisdiction shall sign and date three (3) complete sets of the site plan. One (1) approved, signed and dated set shall be returned to the petitioner and the other two (2) copies shall be retained by the Township for record purposes. If the site plan is disapproved, the reason(s) will be set forth in writing and forwarded to the petitioner by the Zoning Administrator.

SECTION 18.09: REVISIONS-MODIFICATIONS-CORRECTIONS- EXPANSIONS TO AN APPROVED SITE PLAN

Once a site plan has been reviewed and approved by the Zoning Administrator or, for site plan reviews under its jurisdiction, by the Planning Commission, it shall become a part of the record of approval. Subsequent actions relating to the authorized activity shall be consistent with the approved site plan unless a minor change, conforming to the procedures set forth in this Ordinance, is mutually agreed upon by the petitioner and the Zoning Administrator or Planning Commission. Any major changes requested specifically by the petitioner shall require a resubmission of the revised site plan in accordance with *Section 18.06 of this Article*, and will require payment of an additional review fee. Any expansion of an approved site plan and/or existing development involving 10,000 sf or more of impervious surface shall require submittal of a site plan for such expansion. If such expansion involves at least 500 sf, but less than 10,000 sf

ARTICLE 18 – SITE PLAN REVIEW

of impervious surface, a plot plan shall instead be submitted, in accordance with *Section 18.03 of this Article*.

SECTION 18.10: FINANCIAL GUARANTEES

To ensure compliance with certain provisions of the Zoning Ordinance requiring bufferyards and landscaping, and with any conditions imposed thereunder by the Planning Commission or Zoning Administrator, the Planning Commission or Zoning Administrator shall require that a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Township in the amount of one percent of the 1% of the estimated cost of improvements associated with a project or aspect thereof for which site plan approval is sought be deposited with the Township Clerk to insure faithful completion of the affected improvements.”

The performance guarantee shall be deposited at the time of the issuance of the zoning compliance permit authorizing the activity or project. The Township may not require the deposit of the performance guarantee prior to the time when the Township is prepared to issue the permit. The Township shall establish procedures whereby a rebate of any cash deposits in reasonable proportion to the ratio of work completed on the required improvements will be made as work progresses.

SECTION 18.11: FINAL APPROVAL OF PROJECT

When the site has been substantially developed in compliance with the approved site plan documents, the petitioner shall request an on-site inspection by the Zoning Administrator. The joint on-site inspection shall require the review and approval of all the required plan elements to the satisfaction of the Zoning Administrator in accordance with the requirements as set forth in this Ordinance. After the joint field inspection has been completed, and the site has been approved by the Zoning Administrator, a letter of acceptance will be forwarded to the petitioner. If there are deficiencies on the site and the improvements are not in compliance with the approved site plan documents, a similar letter setting forth the reasons for such denial shall be sent to the petitioner. Until such time as the stated deficiencies are corrected, an official letter of acceptance will not be authorized.

SECTION 18.12: TIME LIMIT TO IMPLEMENT APPROVED SITE PLAN

The approved site plan shall be implemented and all required improvements completed no later than two (2) years after the date of initial approval. The Zoning Administrator or, for site plan reviews under its jurisdiction, the Planning Commission, at its option, may authorize a one (1) year extension to the initial approval if extenuating circumstances justify an extension of time.

SECTION 18.13: ORDINANCE INTERPRETATION AND APPEALS

An individual aggrieved by an action of the Zoning Administrator or Planning Commission in the approval, or denial of a site plan submission may appeal any interpretations of this Ordinance to the Township Zoning Board of Appeals for their review and final determination. The factual basis for the appeal must be specific, in writing and filed with the Township Clerk within seven (7) days after the date of the decision of the Planning Commission. An appeal shall stay action on the issuance of any permit pursuant to an approved site plan.

ARTICLE 18 – SITE PLAN REVIEW

SECTION 18.14: ZONING BOARD OF APPEALS PROCEDURE

The Zoning Board of Appeals shall review the record of action taken on the final site plan and shall determine whether the record supports the action taken. No new evidence shall be presented. The

Zoning Board of Appeals shall approve the final site plan if the requirements of this Section and other applicable ordinance requirements are met. The Zoning Board of Appeals shall make written findings in support of its opinion on the appeal.

SECTION 18.15: AS-BUILT SITE PLAN

Upon completion of the installation of required improvements as shown on the approved site plan, the property owner shall submit to the Zoning Administrator one (1) reproducible copy of an “as-built” site plan, certified by a licensed professional as noted in *Section 18.06, Required Information, Item 30*, at least ten (10) days prior to the anticipated occupancy of any building.

SECTION 18.16: LAND CLEARING

Grading, clearing, cutting and filling, excavating or tree removal associated with site development shall be consistent with an approved site plan pursuant to *Article 18, Site Plan Review, Section 18.08: Zoning Administrator/Planning Commission Review*, including any required bufferyards and landscaping that are part of an approved site plan. Such activity shall not proceed without first obtaining any necessary soil erosion and sedimentation control permits, wetland permits or floodplain permits, as applicable.

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ARTICLE 19: PERFORMANCE REQUIREMENTS

SECTION 19.01: PURPOSE

Traditionally, zoning ordinances have been designed to minimize land use conflicts by attempting to group compatible land uses together. These land use groups are then relegated to districts which have been pre-arranged into patterns intended to minimize the differences between adjacent districts. The districting system has not always worked efficiently in practice because when zoning ordinances are formulated, it is impossible to foresee all future development patterns. The desires of property owners also often do not conform to district regulations and conflicts invariably arise. Therefore, the purpose of this Article is to not only specify the schedule of district regulations but, also to apply minimum performance standards applicable for each individual situation. Performance requirements are intended to minimize the possible adverse impacts of new developments on adjacent land uses. The requirements will vary depending on a number of factors including the zoning district in which the parcel is located, the natural physical limitations of the site, the type and intensity of the proposed land use, the intensity of existing adjacent land use, the zoning district of adjacent land, the existing land use and/or the zoning district across the street and the size of the parcels.

SECTION 19.02: DEFINITIONS

Terms used in the text and tables of this Article are defined in *Article II, Definitions*.

SECTION 19.03: PERFORMANCE STANDARDS

The Schedule of District Regulations and Minimum Performance Standards for each of the eight (8) specific zoning districts are designated on the nomographs in *Sections 19.13 through 19.21, of this Article*, and contain the minimum standards applicable to the various uses permitted within each of the zoning districts. The nomographs summarize many requirements governing allowable land uses within each zoning district. Different zoning districts provide varying requirements depending upon the type of land use proposed.

The following formulas are to be utilized to assist the developer in estimating site adequacy for proposed development requiring a site plan.

ARTICLE 19 – PERFORMANCE REQUIREMENTS

SECTION 19.03: PERFORMANCE STANDARDS – (Cont.)

A. **ESTIMATING SITE ADEQUACY (ALL DEVELOPMENTS REQUIRING A SITE PLAN; FOR 5+ UNIT MULTI-FAMILY DWELLING DEVELOPMENT, See Sub-Section B., First)**

1. Total site area; (=) _____ sq. ft.;
2. Less the larger of any required bufferyards or setback areas (-) _____ sq. ft.;
- (exclude areas occupied by roadways) and less any required parking lot planting strips/open space (see Article 19, Sections 19.04 & 19.05 and Article 21, Section 21.06 A. 9 & 10);
3. Less required or planned parking area*, whichever is greater; (-) _____ sq. ft.;
4. Less access roadways and aisles**;
- (-) _____ sq. ft.;
5. Less required or planned loading area***, whichever is greater; (-) _____ sq. ft.;
6. Sub-total (lines 3 through 5) (=) _____ sq. ft.;
- * Number of parking spaces x 180 sf (see Article 21, Section 21.04 for Required Number of Parking Spaces).
- ** Number of parking spaces x 320 sf.
- *** Number of loading spaces x 400 sf (see Article 21, Section 21.08 for Required Number of Loading Spaces).
7. Required Open Space (Line 6 x applicable Open SpaceRatio (=) _____ sq. ft.;
- from Article 19, Section 19.13 through 19.19 x line 6);
8. Any additional open space required (If Line 7 is greater than (-) _____ sq. ft.;
- (line 2, additional open space is required, estimated by entering the difference between line 7 and line 2);

NOTE: If line 7 is less than line 2, no additional open space is required.

9. Any other miscellaneous site area, excluding actual building site; (-) _____ sq. ft.;
10. Total site area exclusive of building site(s) (=) _____ sq. ft.;
- (sum of lines 2, 6, 8 and 9);
11. Remainder of site available for building site(s) (=) _____ sq. ft.;
- (line 1 minus line 10);

ARTICLE 19 – PERFORMANCE REQUIREMENTS

SECTION 19.03: PERFORMANCE STANDARDS – (Cont.)

12. Planned gross floor area of proposed building(s); (=)_____sq. ft.;
13. Portion of gross floor area planned for ground floor; (=)_____sq. ft.;
14. Estimated site adequacy:
- a. Site is estimated to be adequate if line 13 is less than line 11 _____sq. ft.;
 - b. Site is estimated to be inadequate if line 13 is greater than _____sq. ft.;
 - line 11. (check here);

NOTE: If line 14 b is checked, (a) a different, larger site is needed, or (b) the existing site needs to be expanded if feasible, or (c) the building size needs to be reduced or, alternatively, the ground floor area has to be reduced where a 2+ story building is planned or feasible to be planned.

B. ESTIMATING SITE ADEQUACY (5+ UNIT MULTI-FAMILY DWELLINGS)

1. Total lot area (=)_____sq. ft.;
2. Preliminary required lot area:
- a. Required lot area for first three to four units 16,000 sq. ft.;
 - b. Added lot area required for additional dwelling units:
 - (1) 4,000 sq. ft./3 BR unit (#3 BR units x 4,000 sf)=; (+)_____sq. ft.;
 - (2) 3,200 sq. ft./2 BR unit (#2 BR units x 3,200 sf)=; (+)_____sq. ft.;
 - (3) 2,400 sq. ft./1 BR unit (#1 BR units x 2,400 sf)=; (+)_____sq. ft.;
 - (4) 1,600 sq. ft./studio or eff. Unit (+)_____sq. ft.;
 - (# studio/eff. units x 1,600 sf)=;
 - c. Total (sum of lines 2a through 2b.4.) (=)_____sq. ft.;
3. Gross Site Area (=)_____sq. ft.;
- (Enter line 1 here, and on line A.1. If larger than line 2.c., above, proceed with balance of estimating procedure under Sub-section A).

NOTE: If line 1 is less than line 2.c., the planned number and/or mix of dwelling units is not allowable on this site. Either the size of the development has to be reduced, the site enlarged, or a different, larger site sought.

SECTION 19.04: BUFFERYARDS

A. PURPOSE AND INTENT

A Bufferyard is a designated strip of land, unit of yard or open area of plantings surrounding a land use which screens or blocks vision, noise pollutants, or other negative by-products associated with that use. In the case of very intense land uses abutting considerably less intense uses, the addition of structural components such as berms, fences, or walls may also be a part of a Required Bufferyard. Bufferyards provide visual barriers which block out the glare of lights, signs, and other visual nuisances, and in addition, natural or planted Bufferyards function in two ways to block noise. Distance and plant material reduce the intensity of noise, and wooded areas introduce the background sounds of trees, wind, birds, and while these background noises do not actually reduce noise, they make it less noticeable and therefore less annoying. Bufferyards shield the source of the noise from view, which tends to distract attention from the nuisance and thereby minimizes its perceived impact. They may also serve as a protective or safety barrier insofar as they block physical passage. Heavily planted Bufferyards also reduce air pollution, dust, dirt, and litter however, the ultimate purpose of the Bufferyard is to mitigate any potentially negative impact between Adjacent Parcels which differ in Land Use Intensity (LUI).

1) Bufferyards and Land Use Intensity (LUI)

Article 15: Principal Uses Permitted in Districts, classifies all land uses permitted within a District according to their type and degree of Land Use Intensity (LUI), or impact which they may impose on the Adjacent land use. Accordingly, all land use categories are assigned a Land Use Intensity (LUI) Number, ranging from I - VI. Greater Land Use Intensities are reflected by the higher (LUI) Numbers, and are typically the result of increased on-site activities due to additional vehicular and/or pedestrian traffic, along with the impact of associated noise, congestion, glare, larger buildings and increased storm water run-off. While the specific Zoning District controls whether a land use is permitted to locate within that District, the Land Use Intensity (LUI) Number, is the basis for determining the type and extent of the Required Bufferyard. Therefore, by utilizing a combination of distance/space, natural features, landscape manipulation, berms, fences, or walls, the Required Bufferyard is designed to create the necessary screening between varying Land Use Intensities (LUI), and to establish a transitional, land use intensity-gradient between Existing, Altered, Expanded, Proposed, or Vacant Land Uses on Adjacent parcels.

B. PRESERVATION OF EXISTING WOODLANDS AND VEGETATIVE COVER

Marquette Township has been endowed with beautiful woodlands and forests along with native and naturalized vegetative cover, therefore, it is strongly recommended and encouraged that these natural areas be preserved, and any pre-construction, on-site clearing and land balance be very limited in scope or completely discouraged until a detailed inventory of on-site natural features, including site topography, can first be identified.

SECTION 19.04: BUFFERYARDS – (Cont.)

In many instances, natural woodlands and existing vegetative cover is very desirable to retain as they are already effectively buffering adjacent areas, and being native to the area, can be expected to thrive with little or low-maintenance if left in their natural state. Preservation of the existing tree and plant materials may be utilized to fulfill a part or all of the Bufferyard requirements as outlined in this Section.

1) Tree Preservation

Approximately 90-95% of tree root systems are in the top 3 feet of soil with more than 50% within the top foot. Root zones, typically extend 2 to 3 times the distance from the tree trunk to the tips of the branches, and this area should also be protected from any on-site pre-construction activities. Maintaining positive drainage away from existing trees and protecting roots from drainage and compaction are also essential in preserving existing trees

C. LOCATION OF BUFFERYARDS

Bufferyards, create screening between differing land use intensities adjacent with each other, and generally are to be located along the outer perimeter of a lot or parcel and extend to the lot or parcel boundary line. Bufferyards shall not extend into, nor be located on any part of an existing or future proposed road or dedicated public or private street Right-of-Way. It is recognized however, that the specific Bufferyards, as outlined within this Section may not always “fit” the variety of on-site scenarios which may exist, due to variations in terrain along with site specific limitations. Utilization of a Natural Bufferyard or by choosing one or a combination of the several Options A-F as shown in Table III, provides the flexibility to make cost tradeoffs in deciding which Option is best. Depending on the size of the parcel, flexibility may become extremely relevant. A narrow Bufferyard can impose a considerable developmental constraint on a small site however, on a large parcel, very little buildable land will be lost. The Zoning Administrator and/or the Planning Commission are therefore, authorized to address unforeseen and unique on-site situations and to approve the appropriate Bufferyard Required in accordance with the spirit and intent of this ordinance. Fences, berms, retaining walls, plantings, and/or hedges shall be located on the property burdened with the Bufferyard requirement, unless there is a written agreement to the contrary, with the adjacent land owner(s), and recorded in accordance with the requirements set forth in Section 19.05, F. All Required Bufferyards shall be located as close as possible to the property line(s) consistent with future maintenance requirements. When mixed, on-site, Land Use Intensities (LUI) are proposed, as in a Planned Unit Development (PUD), a line separating the different Land Use Intensities (LUI) shall be identified on the site plan and the Required Bufferyards shall be provided as detailed in this Section. When a Bufferyard is required under this Section as well as in Section 21.06, G-2a, the more restrictive requirement shall apply.

SECTION 19.04: BUFFERYARDS – (Cont.)

D. BASIC ELEMENTS OF BUFFERYARD COMPOSITION

The following four (4) Basic Elements of Bufferyard Composition are manipulated through design to create the Required Bufferyard screening and to establish the transitional, land use intensity-gradient between Land Use Intensities (LUI) for existing, altered, expanded, proposed, or vacant land uses on adjacent parcels.

- 1) Distance/Space
- 2) Plant Material Type
- 3) Plant Material Density
- 4) Structural Elements or Land Forms

E. PROCEDURE TO IDENTIFY REQUIRED BUFFERYARD TYPE

The following procedures apply to all of Proposed, Altered and/or Expanded land uses:

- 1) ***To IDENTIFY the Type of Bufferyard required between AN EXISTING LAND USE ADJACENT WITH A PROPOSED LAND USE, follow this procedure:***
 - a) ***IDENTIFY The Land Use Intensity (LUI) Number of the Proposed Land Use: Refer to Use -vs- District Nomograph, Article 15, Principal Uses Permitted in Districts, Section 15.05, Table 15;***
 - b) ***IDENTIFY The Land Use Intensity (LUI) Number of the Existing Land Use Adjacent with the Proposed Land Use by referring to the above referenced a), Use -vs- District Nomograph in Table 15, Section 15.05;***
 - c) ***IDENTIFY the Type of Bufferyard required Along the Boundaries of the Proposed Land Use by referring to the nomograph in Table I of this Section; Proposed Land Use Intensity (LUI) No. -vs- Adjacent Land - Existing Land Use Intensity (LUI).***
- 2) ***To IDENTIFY the Type of Bufferyard required between a PROPOSED LAND USE AND ADJACENT VACANT LAND, follow this procedure:***
 - a) ***IDENTIFY The Zoning District of the Proposed Land Use and the Adjacent Vacant Land by referring to the zoning map and the nomograph in Table II of this Section; Zoning District of Adjacent Vacant Land -vs- Proposed Land Use Intensity (LUI) No.***
 - b) ***IDENTIFY the Land Use Intensity (LUI) Number of the Proposed Land Use in the first column under Proposed LUI No.***

ARTICLE 19 – PERFORMANCE REQUIREMENTS

SECTION 19.04: BUFFERYARDS – (Cont.)

- c) **IDENTIFY the Required Bufferyard Type** located at the intersection of the **Zoning District of Adjacent Vacant Land** with the **Proposed Land Use Intensity (LUI) Number** in the first column.

Table 1						
PROPOSED LAND USE INTENSITY (LUI) NO. -VS- ADJACENT LAND – EXISTING LAND USE INTENSITY (LUI)						
<u>PROPOSED</u> LUI NO.	ADJACENT LAND – EXISTING LAND USE INTENSITY (LUI)					
	I	II	III	IV	V	VI
I	*	A/B	C	D	E	E
II	A/B	*/B	A/B	C	D	E
III	C	A/B	*/A	A/B	C	D
IV	D	C	A/B	*/A	A/B	C
V	E	D	C	A/B	*/A	A/B
VI	F	E	D	C	A/B	*/A

Table 2								
ZONING DISTRICT OF ADJACENT VACANT LAND -VS- PROPOSED LAND USE INTENSITY (LUI) NO.								
<u>PROPOSED</u> LUI NO.	ZONING DISTRICT OF ADJACENT VACANT LAND							
	SR	RR	UR	DD	GB	SB	RP	FR
I	*/A	*/A	A/D	C/D	E	F	*/A	*/A
II	*/A	A	*/A	C/D	D	E	*/A	*/A
III	C	C	C	B/C	C	D	C	C
IV	D	D	D	A/B	B	B	D	D
V	E	E	E	*/A	A	A	E	E
VI	F	F	F	C	B	*/A	F	F

ARTICLE 19 – PERFORMANCE REQUIREMENTS

*No Bufferyard required.: Where two (2) Bufferyards are noted, i.e. A/B or */A, the Zoning Administrator and/or the Planning Commission shall make the final determination regarding Required Bufferyards. In instances where an Existing, Proposed, Altered, or Expanded, Commercial or Industrial Land Use Intensity (LUI) will have frontage on a County Primary or Local Road, if the area across the adjacent Right-of-Way is residentially zoned, the Required Bufferyard option shall be determined by the Zoning Administrator and/or the Planning Commission.

F. REQUIRED BUFFERYARD TYPE AND ALTERNATE OPTION

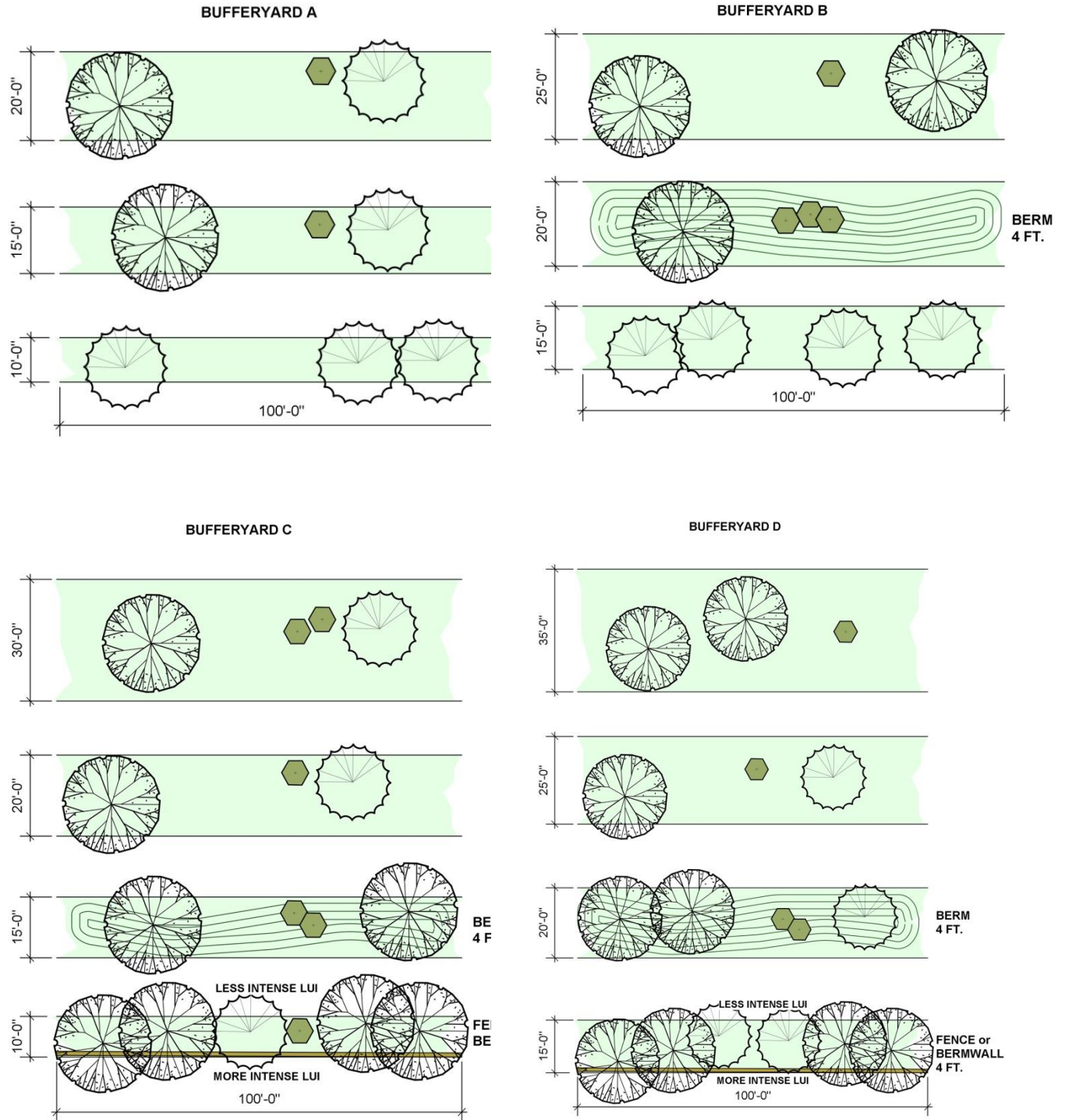
For each type of Required Bufferyard, several **Configuration Options** are illustrated in **Table III, Required Bufferyard Type, Alternate Options A thru F**, and all of the several options are designed to function as impact mitigators. At the option of the developer, an alternate approach to fulfill the Bufferyard requirements may be satisfied by compliance with either Items 1 or 2 of the following requirements:

1. The creation of any one or a combination of the illustrated **Required Bufferyard Type Options, A thru F** as outlined in **Table III**.
2. By preservation of **Natural Bufferyards**, utilizing the existing on-site, un-disturbed natural features, topography, woodlands, and native vegetative cover, with approval contingent upon fulfillment of the following requirements:
 - a) All areas to be designated as **Natural Bufferyards** shall be appropriately located as outlined in **Section 19.04 C, of this Article** and shall provide the **required** width and contain adequate **density** for screening purposes.
 - b) Assurance by the developer that adequate screening of any negative impacts will be mitigated by utilizing the Natural Bufferyard(s).
 - c) Written approval for any Natural Bufferyard(s) shall be granted by the Zoning Administrator and/or the Planning Commission and secured by the developer as a part of the requirements for Site Plan Review (SPR) as outlined in Article XVII.

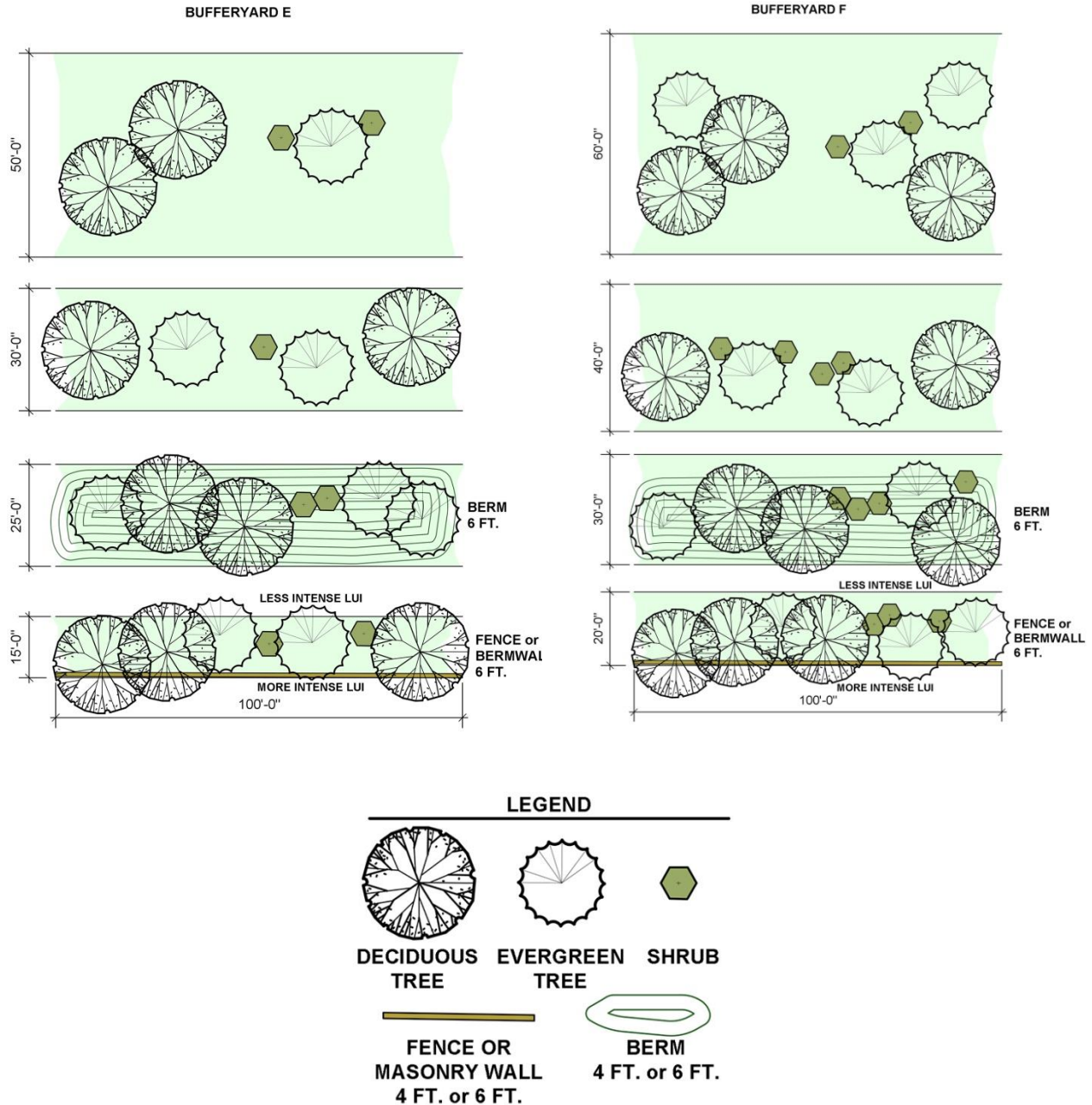
ARTICLE 19 – PERFORMANCE REQUIREMENTS

G. TABLE III: REQUIRED BUFFERYARD TYPE ALTERNATE OPTIONS A THRU F

Note: *Required Bufferyards, A thru F, are shown in terms of the width of Bufferyard and number of plant units required per one hundred (100) linear feet of Bufferyard.*



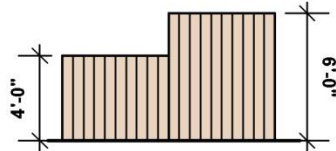
ARTICLE 19 – PERFORMANCE REQUIREMENTS



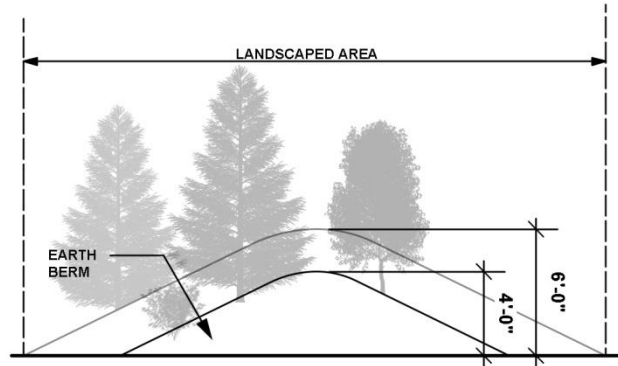
Note:

The total Required Bufferyard shall be located on the burdened property unless there is a written agreement, to the contrary with the adjacent land owner(s) and recorded in accordance with the requirements set forth in Section 19.04 P., Contractual Reduction.

H. TYPICAL SCREENING OPTIONS

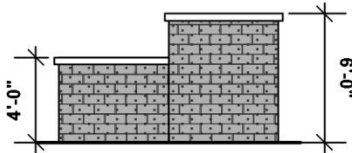


WOOD FENCE: 4 FT. OR 6FT.

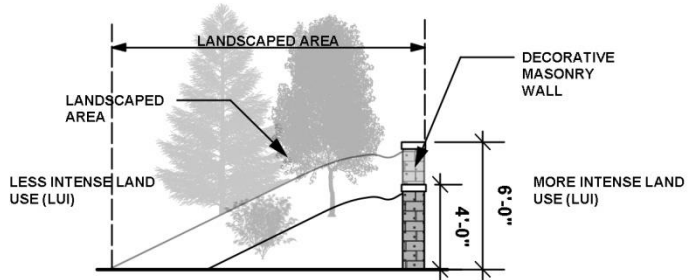


BERM: 4 FT. OR 6FT.

B4: 4 FT. EARTH BERM
B6: 6 FT. EARTH BERM



MASONRY WALL: 4 FT. OR 6FT.



BERM WALL: 4 FT. OR 6FT.

BW4: 4 FT. DECORATIVE MASONRY WALL
BW6: 6 FT. DECORATIVE MASONRY WALL

Note

The total Required Bufferyard shall be located on the burdened property unless there is a written agreement, to the contrary with the adjacent land owner(s) and recorded in accordance with the requirements set forth in Section 19.04 P., Contractual Reduction.

I. SUGGESTED TREES, PLANT MATERIAL AND STRUCTURE TYPES

1. Deciduous trees, (eight to ten feet (8' - 10') high and one and one-half (1 - 1½") caliper minimum.
2. Evergreen trees four to five feet (4' - 5') high.
3. Shrubs three to four feet (3' - 4') high and branched minimum.
4. Related considerations:

ARTICLE 19 – PERFORMANCE REQUIREMENTS

SECTION 19.04: BUFFERYARDS – (Cont.)

a) **Hardy Trees for Zones 2 & 3**

Small to Medium (15' to 35')

Hedge Maple
Amur Maple
Black Cherry
Dolgo Crabapple
Siberian Crabapple
Cockspur Hawthorn
Blackhaw Viburnum
Nannyberry Viburnum
Russian Olive

Large (35' to 60')

Sugar Maple varieties
Red Maple varieties
Norway Maple varieties
Amur Cork Tree
American Yellowwood
Bicolor Oak
Swamp White Oak
Little-Leaf Linden
Ohio Buckeye

Evergreen Trees (Large)

American Arbor-vitae
Canadian Hemlock
Eastern Red Cedar
European Larch
Scotch Pine

White Pine
Black Hills Spruce
Colorado Green Spruce
Englemans Spruce
Norway Spruce

b) **Marginal Trees - Zone 4**

Amur Cork Tree
Ginkgo
River Birch
Red Oak
Pin Oak

Austrian Pine
Red Pine
White Fir
Sweetgum
Tulip Tree

c) **Hardy Shrubs - Zone 2 & 3**

Arrowwood Viburnum
Wayfaring Tree
Nannyberry
European Cranberry
American Cranberry
Burning Bush
Redosier Dogwood
Siberian Dogwood
Fragrant Sumac
Staghorn Sumac

Common Juniper
Creeping Juniper
Bush Cinquefoil
Canada Yew
Amur Privet
Tatarian Honeysuckle
Mugo Pine
American Elder
Winterberry

d) **Invasive Plants & Plants Prohibited**

Box Elder
Tree of Heaven
Silver Maple
Jack Pine
American Elm
Catalpa

Ash (all varieties)
Poplars
Aspen
Horse Chestnut
Honeysuckle
Multiflora Rose

SECTION 19.04: BUFFERYARDS – (Cont.)

e) **Wetland Invasive Plants Prohibited**

Phragmites
Purple Loosestrife

f) **Suggested Salt Tolerant Plants**

1) **Good Salt Tolerance**

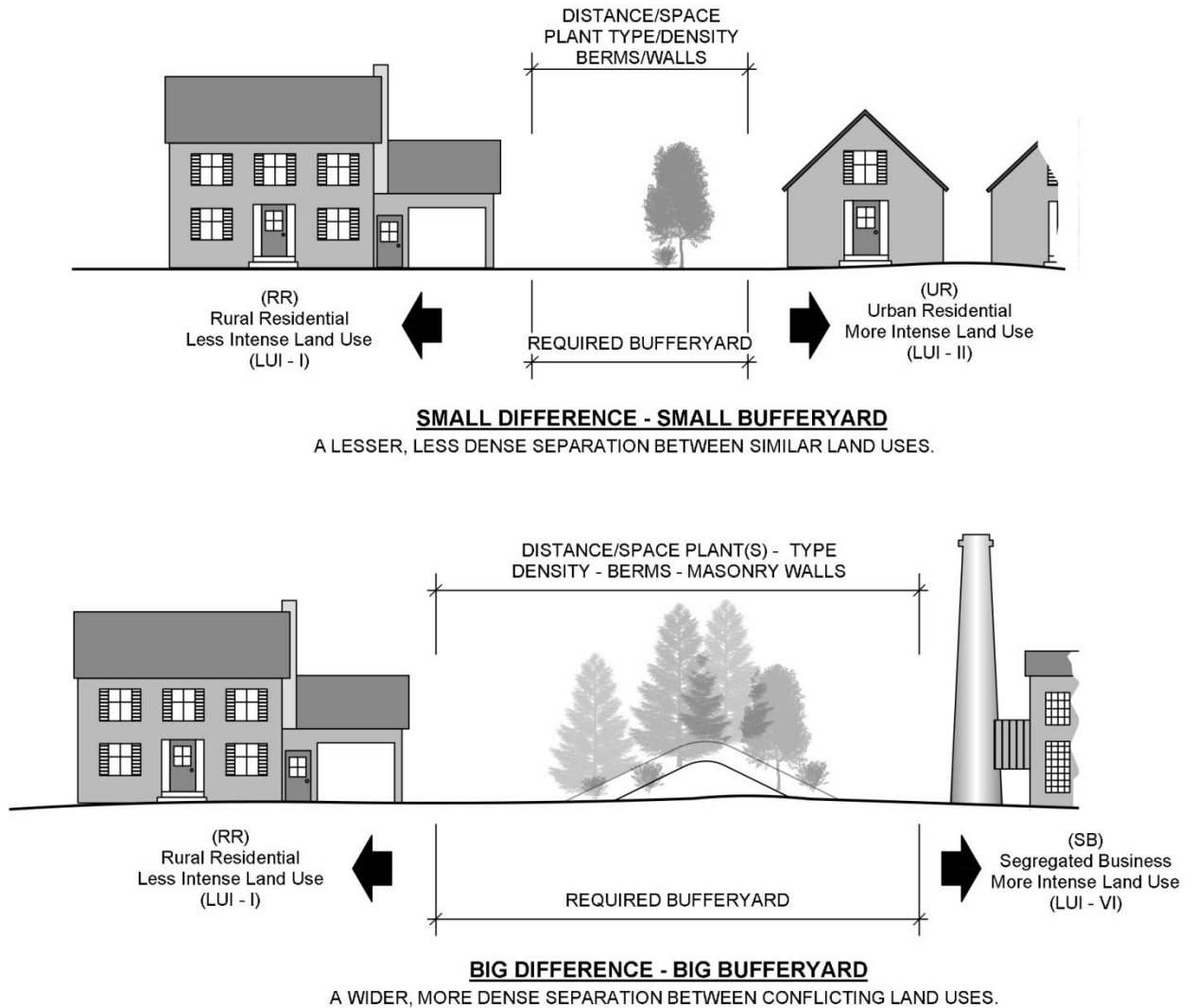
Honerlocust
Russian Olive
Hawthorn Species
Red Oak
Austrian Pine
Norway Maple
Sweetgum
Mugho Pine
Redosier Dogwood

2) **Moderate Salt Tolerance**

Arborvitae
Juniper Species
Eastern Red Cedar
Siberian Crabapple
Poplar Species
Scotch Pine
White Fir
Red Pine
Tatarian Honeysuckle

SECTION 19.04: **BUFFERYARDS** – (Cont.)

J. **TRANSITIONAL LAND USE INTENSITY (LUI) GRADIENT SCHEMATIC**



Note

The total Required Bufferyard shall be located on the burdened property unless there is a written agreement, to the contrary with the adjacent land owner(s) and recorded in accordance with the requirements set forth in Section 19.04, P. Contractual Reduction.

SECTION 19.04: BUFFERYARDS – (Cont.)

K. USE

To provide flexibility, a larger Bufferyard may be used for passive recreation and may contain pedestrian, bike, or equestrian trails, provided however, that no plant material is eliminated, the total width of the Required Bufferyard is maintained, and all other requirements of this Ordinance are accommodated. The following are examples of recreational uses which shall not be permitted within Bufferyards:

- 1) Play Fields
- 2) Ski Hills
- 3) Stables
- 4) Swimming Pools
- 5) Tennis Courts
- 6) Trails for Motorized Vehicles
- 7) Ice Skating Rinks

L. INCREASE OF LAND USE INTENSITY

If an Existing Land Use is Altered or Expanded, increasing the intensity from the Existing Land Use Intensity (LUI) Number to a Higher LUI Number, the Zoning Administrator and/or the Planning Commission, during Site Plan Review (SPR) and/or the zoning compliance review process, shall determine if additional Bufferyard is required and of what type and to what extent.

M. OWNERSHIP OPTIONS

Required Bufferyards may remain in the ownership of the original developer, ownership may be specified within the deed restrictions and subsequently conveyed, or ownership may be transferred to any consenting grantees, such as adjacent landowners, a park authority, forest preserve district or similar entity, the Charter Township of Marquette, or an open-space or conservation group, provided that any such conveyance shall guarantee the protection and continued maintenance of the Required Bufferyards.

N. RESPONSIBILITY

When a Proposed Land Use is the **First** to develop on a ***Vacant Parcel***, the owner of the ***Proposed Land Use*** shall provide all necessary Bufferyard(s) in accordance with the requirements set forth in this ordinance and as specified in ***Table II, Adjacent Vacant Land - vs- Existing Zoning District***. Since the adjacent vacant land may not be developed for some time after the ***First*** Land Use Intensity (LUI) is established, this provision is intended to address the uncertainty regarding the specific responsibility for Bufferyards which would ultimately be required. (See also Item P., Contractual Reduction).

O. EXCESS BUFFERYARD

If the Required Bufferyard to be located **between** the ***Proposed Land Use Intensity (LUI)*** and the ***Adjacent Vacant Land*** is **Greater** than that required between the ***Proposed Land***

SECTION 19.04: BUFFERYARDS – (Cont.)

Use Intensity (LUI) and the subsequent Land Use Intensity (LUI) of the adjacent vacant land, owners may pursue one of the following options:

1. The subsequent Land Use Intensity (LUI), proposed on the **Adjacent Vacant Land** may provide one-half (1/2) of the Bufferyard required by this Section. The **First Proposed Land Use Intensity (LUI)**, may then expand its use into the original Bufferyard, provided that the resulting, total Bufferyard Required, and located between the two Land Use Intensities (LUI), also meets the requirements of this Section.
2. The owner initiating the **First Proposed Land Use** may enter into agreement with the **Adjacent Landowner(s)** to utilize the existing Bufferyard(s) to accommodate the requirements for Bufferyard Type for both Land Uses. (See also Item P., Contractual Reduction).

P. CONTRACTUAL REDUCTION

When an Existing Land Use is located Adjacent with Vacant Land, the owners of the affected properties may submit a contractual agreement whereby the Required Bufferyard(s) for the Existing Land Use is reduced or waived, provided that the owner of the subsequent Proposed Land Use, to be located on the **Vacant Land** sometime into the future, agrees to develop at no greater Land Use Intensity (LUI) than a specified **Land Use Intensity (LUI) Number**. If additional Bufferyard is required in the future, it shall be provided on the **Adjacent Vacant Land** by the existing or future owners of such land, and shall not be less than what was reduced or waived under the contractual agreement. The contractual agreement is intended to provide a procedural method which avoids the possibility of reserving larger than Required Bufferyards in areas where the owners of **Adjacent Vacant Land** have proposed plans for the ultimate use of their land, which do not include a **Land Use Intensity (LUI)** requiring a larger Bufferyard. The contract agreement shall be recorded with the Marquette County Register of Deeds Office and a copy of the recorded document shall be filed with the Township Zoning Administrator.

Q. MAINTENANCE

In the event that the owner of a Required Bufferyard fails to maintain the Required Bufferyard in accordance with the standards of this ordinance, the Charter Township of Marquette, after reasonable notice and demand that the deficiencies be corrected in accordance with the approved site plan or other Township directives, may enter upon the Bufferyard and/or Open Space and perform the necessary maintenance. The cost of such maintenance shall be charged directly to the owner(s) of the Bufferyard and/or open space. Dead or damaged planting(s) shall be replaced with acceptable materials as soon as possible barring weather related conditions.

R. ADDITIONAL ON-SITE OPEN SPACE

The more stringent of the Bufferyard requirements for Parking Lot Screening or Open Space Requirements as noted within Article XX - Off-Street Parking Requirements, Section 20.06: Design Standards, of this ordinance shall apply. Additional On-Site Open Space

ARTICLE 19 – PERFORMANCE REQUIREMENTS

SECTION 19.04: BUFFERYARDS – (Cont.)

shall be required, if application of any Required Open Space Ratio results in a greater amount of Open Space than that required by the more stringent of Bufferyard requirements for Parking Lot Planting Strips or Open Space requirements.

SECTION 19.05: REQUIRED OPEN SPACE

A. **USE**

Required open space, including any required bufferyard and parking lot open spaces, may be used as either a site amenity, or for recreation, agriculture, resource protection and other purposes specified in this section. All developments which are required by this Ordinance to provide open space shall meet the following requirements:

1. *Land Designated as Open Space:* Shall be maintained as open space and may not be separately sold, subdivided, or developed except as provided by this Ordinance.
2. *Required Open Space:* Shall be designated on the site plan or plot plan and shall:
 - a. Indicate the location of all areas to be reserved as open space. The specific design of open space areas shall be sensitive to the physical constraints and design characteristics of the site.
 - b. Designate the type of open space which will be provided.
 - c. Specify the manner in which the open space shall be perpetuated, maintained, and administered.
3. *Types of Open Space:* Which may be provided to satisfy the requirements of this Ordinance, together with continued maintenance required for each type, are as follows:
 - a. *Natural Areas:* Are areas of undisturbed vegetation or areas replanted with vegetation after construction. Woodlands, woodland swamps, prairies, and wetlands are specific types of natural areas. Required maintenance shall include removal of litter, dead tree and plant materials, and brush. Natural watercourses are to be maintained as free-flowing streams devoid of debris. Stream channels shall be maintained so as not to alter floodplain levels.
 - b. *Agricultural Uses:* No specific maintenance is required for agricultural uses.
 - c. *Garden Plots:* Are the division of open space into plots for cultivation as gardens by residents. Required maintenance shall include weeding, fallowing, and/or tilling.
 - d. *Common Open Space:* Is land within or related to a development, not individually owned or dedicated for public use, which is designed and intended for the

SECTION 19.05: REQUIRED OPEN SPACE – (Cont.)

common use or enjoyment of the residents of a development and may include such complementary structures and improvements as are necessary and appropriate.

- e. *Greenways*: Are linear green belts linking residential areas with other open space areas. Greenways may contain bicycle, bridle, or footpaths. Connecting greenways between residences and recreational areas are encouraged. Required maintenance shall include a minimum removal and avoidance of hazards, nuisances, or unhealthy conditions.
- f. *Lawns and Planting Areas*: Consist of grass with or without trees, and shrubs and other low to medium height plantings. Required maintenance shall include mowing.
- 4. *Impervious Surfaces*: In required open space areas shall be limited and supplemental. In Rural Residential Districts, impervious surfaces in common open space areas shall be limited to pedestrian, bicycle, cross-country skiing and snowshoe trails or paths.
- 5. *The Minimum Dimensions*: For open space shall be ten (10) feet, and the minimum areas shall be one hundred (100) square feet.
- 6. *Common Open Space Land*: Shall be freely accessible to all residents of a development with the exception that agricultural land uses may restrict access. This exception applies only to land actively used for agricultural purposes.

B. PERPETUATION OF REQUIRED COMMON OPEN SPACE

Open space areas shall be reserved and maintained so that their use and enjoyment as open space shall not be diminished or destroyed. Open space areas may be owned, preserved, and maintained as required by this Section utilizing the following vehicles or combinations thereof to accommodate the requirements of this Ordinance.

- 1. Dedication of open space to the Charter Township of Marquette or an appropriate public agency, provided that the Township or a public agency is willing to accept the dedication.
- 2. Common ownership of the open space by a homeowner's association which assumes full responsibility for its maintenance.
- 3. Dedication of development rights of open space may be made to an appropriate public agency with ownership remaining with the developer or homeowner's association. Maintenance responsibility shall remain with the property owner.
- 4. Deed restricted private ownership which shall prevent development and/or subsequent subdivision of the open space land and provide for the maintenance responsibility.

ARTICLE 19 – PERFORMANCE REQUIREMENTS

SECTION 19.05: REQUIRED OPEN SPACE – (Cont.)

5. In the event that the owner of the required open space fails to maintain the open space areas in accordance with the standards of this Ordinance, the Charter Township of Marquette, shall, after reasonable notice and demand that deficiency of maintenance be corrected in accordance with the site plan, enter upon the open space and perform necessary maintenance. The cost of such maintenance shall be charged directly to the owners of the open space.

SECTION 19.06: MINIMUM FLOOR AREA FOR DETACHED SINGLE-FAMILY AND TWO-FAMILY DWELLING

Every detached single and two-family dwelling, excluding seasonal dwellings in the UR, SR, RR & RP districts, shall have a floor area of not less than 1,000 and 1,600 square feet respectively, exclusive of unfinished basements, garages, porches and breezeways. A single-family dwelling, including mobile homes and manufactured housing, shall have a minimum exterior breadth/caliper/width of twenty (20) feet in the RR, SR, UR and DD districts (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. *(The minimum floor area and minimum exterior breadth/caliper/width dimensions provided in Section 19.06, shall not apply to Tiny Home(s), as defined in Article 2.)*

SECTION 19.07: SPECIAL HOUSING TYPE DEFINITIONS

A. LOT LINE HOUSE

A dwelling type consisting of a detached single family residence, located on an individual lot. The dwelling may be situated on a side lot line and a minimum five (5) foot wide maintenance easement shall be provided for the property owner. Exterior windows are prohibited for that portion of the structure which abuts the lot line. The side yard requirements apply to the remaining undeveloped side lot area. Placement of the garage or other non-living space abutting the side lot line is encouraged.

B. TWIN HOUSE

A dwelling type consisting of an attached single family residence located on an individual lot. The dwelling is attached to another single family dwelling at a side lot line through the use of one (1) or more of the following alternatives.

1. A common party wall through the garage portion of adjacent structure.
2. An architectural wall detail which does not form interior room space between any two (2) units.
3. A common party wall that meets all fire resistance and sound transmission requirements of the building codes. The side yard requirement applies to the remaining undeveloped side lot area. The attached dwellings shall be typified insofar as possible by characteristics commonly associated with single family dwellings in the

ARTICLE 19 – PERFORMANCE REQUIREMENTS

Township, including the expression of individuality of each dwelling unit, privacy, and a sense of spaciousness.

SECTION 19.08: TWO-FAMILY AND MULTI-FAMILY DWELLINGS

In addition to meeting the other performance criteria for two-family or multi-family uses in a specific zoning district, the following standards shall also apply:

- A. Multiple family buildings designed, erected, or used for ten (10) or more families shall not be located closer than fifty (50) feet to any Rural Residential Zoning District Boundary. If the Planning Commission determines that the adjoining property will eventually assume similar development, they may waive the fifty (50) foot minimum setback requirements.
- B. A single building or connected buildings shall not exceed two hundred (200) feet in any zoned district except the Development District with the approval of the Zoning Administrator. All buildings shall be so arranged as to permit emergency vehicle access as specified in *Article 21, Section 21.07*.
- C. The distance of separation between grouped buildings shall be minimum of twenty-five (25) feet.
- D. Entrances to a multiple family structure shall not be located closer than twenty-five (25) feet from any street intersection.
- E. The provision of required open space area shall be based upon the *Schedule of District Regulations and Minimum Performance Standards, Section 19.13 through 19.19, of this Article*. Fifty (50) percent of the common open space area as defined in *Section 19.06, Required Open Space, Item A, 3d*, shall include such complementary structures and improvements as are necessary and appropriate and shall be approved by the Zoning Administrator or, where allowable as a special use, by the Planning Commission.
- F. A two-family dwelling building shall have a minimum exterior breadth/caliper/width of twenty (20) feet in any district in which such structures are permitted (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.

ARTICLE 19 – PERFORMANCE REQUIREMENTS

SECTION 19.09: INSTITUTIONAL (PUBLIC OR QUASI-PUBLIC) USES OR STRUCTURES ALLOWABLE IN RURAL RESIDENTIAL AND URBAN RESIDENTIAL DISTRICTS

- A. Institutional uses (schools, public buildings and similar non-residential uses, etc.) allowable in residential districts may have an adverse effect on residential properties if not properly located and designed. Therefore, the following performance standards shall be accommodated prior to the development of Institutional (public or quasi-public) Land Uses or structures in Rural Residential and Urban Residential Districts:
1. Hazardous areas, including public utility substations, must be adequately fenced and screened to avoid accidents and obscure and buffer the proposed use.
 2. All allowable institutional land uses shall front on a state trunkline or county primary road (arterial or collector) unless otherwise approved by the Zoning Administrator, or for uses under its jurisdiction, by the Planning Commission.
 3. Primary vehicular access shall be from a state trunkline or county primary road, to eliminate or minimize the impact of traffic generated by the institutional use upon the residential area.
 4. Proposed institutional sites shall be chosen which offer natural or man-made barriers that could lessen the effect of the intrusion of an institutional use into an established residential area.
 5. Institutional uses shall not be located so as to cause costly public improvements.
 6. Institutional structures shall not be located closer than fifty (50) feet to adjacent property lines of lots located in Rural Residential or Urban Residential districts.

SECTION 19.10: OFFICE, PUBLIC SERVICE, COMMERCIAL AND ENTERTAINMENT AND INDUSTRIAL STRUCTURES OR USES

- A. In addition to accommodating the performance criteria for office, public service, commercial and entertainment and industrial structures or uses, the following standards shall be fulfilled prior to development of such uses:
1. Where one (1) or more lot lines abut an existing legally conforming single family residential use, an elevation drawing of the proposed structure shall be submitted to the Planning Commission for review and approval. The Planning Commission may require that office and/or commercial structures be constructed with a residential facade and be designed at a residential scale (mass) and character. The proposed structure shall not be closer to such lot line(s) than the proposed building height, as measured in feet.

SECTION 19.11: STANDARDS OF OPERATION

- A. In addition to meeting the other performance criteria for each type of land use, the following standards of operation shall also be accommodated:
1. *Vibration.* All machinery shall be so mounted and operated as to prevent transmission of ground vibration exceeding a displacement of 0.003 of one (1) inch, as measured at the property line.
 2. *Odor.* The emission of noxious odors or matter in quantities that are readily detectable at any point along lot lines when diluted in the ratio of one (1) volume of odorous air to four (4) or more volumes of clean air so as to produce a public nuisance or hazard beyond lot lines is prohibited.
 3. *Gases.* The escape or emission of any gas which is injurious, destructive, or explosive shall be unlawful and shall be abated.
 4. *Glare and Heat.* Any operation producing intense glare or heat shall be performed within an enclosure so as to completely obscure and shield such operation from direct view from any point along the lot line, except during the period of construction of the facilities to be used and occupied.
 5. *Light.* Exterior lighting shall be installed so that the surface of the source of light shall reflect light away from any residential use. No more than one (1) foot-candle power of light shall cross a lot line five (5) feet above the ground in a Rural Residential or Urban Residential district.
 6. *Drifted and Blown Materials.* The drifting or airborne transmission to areas beyond the lot line of dust, particles, or debris from any open stockpile shall be unlawful and shall be abated.
 7. *Sewage Wastes.* All sewage discharged into the public sewers shall be subject to the *Marquette Township Ordinance for Wastewater and Wastewater Collection* as amended, and *Department of Natural Resources Standards and Limitations* or criteria set forth therein.
 8. *Outdoor Storage.* The open storage of any viewable equipment, vehicles and all viewable materials including wastes, shall be screened from public view, from public streets and from adjoining non-forested properties by an enclosure consisting of a wall or an obscuring fence of a height of not less than six (6) feet to obscure stored materials.

SECTION 19.12: SCHEDULE OF DISTRICT REGULATIONS AND MINIMUM PERFORMANCE STANDARDS

A. INTRODUCTION.

The following tables set forth the various requirements applicable to each of the listed generalized land use categories, grouped by their respective land use intensities (L.U.I.'s I through VI). See *Section 15.04, Table 15*, for a detailed listing of specified principal uses allowed by zoning districts, and grouped under each of the generalized land use categories shown in the following tables. For applicable additional regulations, also see:

Article 16

Article 17

Article 18

Article 19

Article 20

Article 21

Article 22

ARTICLE 19 – PERFORMANCE REQUIREMENTS

Section 19.13:		SCHEDULE OF DISTRICT REGULATIONS AND MINIMUM PERFORMANCE STANDARDS																							
Scenic Residential District [SR]		Plan Review Req'd [Art. 18]	Minimum Requirements for Public Road Access				Public Utilities On Site Facilities Required Permits				Structural Standards			Site Plan Financial Guarantee [Sec. 18.10]	Detailed Use Regulations Area & Open Space Requirements [See Sec. 19.04, 19.05 & 19.06]										
General L.U.I. [Sec. 15.02]	Generalized Land Use Category and Intensity See Table 15 to determine the intensity of the specific principal use and whether it is allowed by Right [Y] or Special Use [S]	Site/Plot Plan [Sec. 18.03]	State Trunkline	Co. Primary Road	Local	Seasonal	Public Utilities		On-Site Permits				Max. Building Height c. Accessory Struct.		Minimum Floor Area [sq.ft./unit]	Signs Table 22	Minimum Lot Size		Maximum Depth : Width	Maximum Gross Density (DU /AC)	Min. Open Space Ratio [O.S.R.]	Minimum Yard Setbacks			
							Water	Sewer	Septic System	Water Well	Soil Erosion	Surf. Drainage					AREA sq ft. or Acres	Width				Front	Rear	One	Total of Two
IV	Real Estate Office	R			R				R	R	R	R	35'		A	R	10 Acres	250'	4:1			50'	50'	25'	25'
I	Forestry Non-Commercial	R				R					R	R	35'		A	R					50'	50'	25'	25'	
III	Ice Skating Rinks (Outdoor)	R			R																				
III	Indoor Recreation (<5,000 s.f.)	R			R				R	R	R	R	35'		A	R	5 Acres	250'	4:1	0.20	0.80	50'	50'	25'	25'
I	Nature Areas/Open Space	R																							
II	Park, Public/Private	R			R				R	R	R	R	35'		A	A	5 Acres	250'	4:1	0.20	0.80	50'	50'	25'	25'
III	Playground	R			R				R	R	R	R	35'		A	A	5 Acres	250'	4:1	0.20	0.80	50'	50'	25'	25'
III	Pool, Public (Indoor/Outdoor	R			R						R	R	20'		A	R	5 Acres	250'	4:1	0.20	0.80	50'	50'	25	25'
III	Ski Areas	R			R				R	R	R	R	35'		A	A	5 Acres	250'	4:1	0.20	0.80	50'	50'	25'	25'
III	Tennis Courts	R			R						R	R	35'		A	A	5 Acres	250'	4:1	0.20	0.80	50'	50'	25'	25'
III	Trails, Non-Motorized	R																							
I	Residential Rental Dwelling	R			R				R	R	R	R	35'	400a	A	A	5 Acres b.	250'	4:1	0.20	0.80	50'	50'	25'	25'
III	Campgrounds	R			R				R	R	R	R	35'	1,000	A	A	2 Acres b.	250'	4:1	0.20	0.80	50'	50'	25'	25'
I	Season Residential Dwelling (cabin, camp, cottage)	R			R				R	R	R	R	35'	400a	A	A	5 Acres b.	250'	4:1	0.20	0.80	50'	50'	25'	25'
II	Single Family Attached	R			R				R	R	R	R	35'	800a	A	A	5 Acres b.	250'	4:1	0.20	0.80	50'	50'	25'	25'
I	Single Family Detached	R			R				R	R	R	R	35'	800a	A	A	5 Acres b.	250'	4:1	0.20	0.80	50'	50'	25'	25'
III	Emergency Service Center	R			R				R	R	R	R	35'		A	A	5 Acres.	250'	4:1	0.20	0.80	50'	50'	25'	25'
II	Adult Foster Care Home	R			R				R	R	R	R	35'		A	A	5 Acres.	250'	4:1	0.20	0.80	50'	50'	25'	25'
II	Adult Foster Care Large Home	R			R				R	R	R	R	35'		A	A	5 Acres.	250'	4:1	0.20	0.80	50'	50'	25'	25'
II	Adult Foster Care Small Home	R			R				R	R	R	R	35'		A	A	5 Acres.	250'	4:1	0.20	0.80	50'	50'	25'	25'
III	Bed and Breakfast - Large	R			R				R	R	R	R	35'		A	A	5 Acres.	250'	4:1	0.20	0.80	50'	50'	25'	25'
II	Bed and Breakfast - Large	R			R				R	R	R	R	35'		A	A	5 Acres.	250'	4:1	0.20	0.80	50'	50'	25'	25'
III	Church/Worship Center	R			R				R	R	R	R	35'		A	A	5 Acres.	250'	4:1	0.20	0.80	50'	50'	25'	25'
IV	Community Center - Public	R			R				R	R	R	R	35'		A	A	5 Acres.	250'	4:1	0.20	0.80	50'	50'	25'	25'
III	Convent/Monastery	R			R				R	R	R	R	35'		A	A	5 Acres.	250'	4:1	0.20	0.80	50'	50'	25'	25'
IV	Schools – Public/Private	R			R				R	R	R	R	35'		A	A	5 Acres.	250'	4:1	0.20	0.80	50'	50'	25'	25'

a. 400 sq ft cabin, camp, cottage (seasonal) or caretaker dwelling unit, 800 sq ft/duplex dwelling unit, 1,000 sq ft/single family detached dwelling unit, except 600 sq ft/single family detached dwelling converted from a pre-existing dwelling.

b. On county primary road, minimum parcel; size may be reduced to 1 acre minimum, width of 150' (with maximum gross density of 0.92 DU/AC).

ARTICLE 19 – PERFORMANCE REQUIREMENTS

Section 19.14:		SCHEDULE OF DISTRICT REGULATIONS AND MINIMUM PERFORMANCE STANDARDS																								
Rural Residential District [RR]		Plan Review Req'd [Art. 18]	Minimum Requirements for Public Road Access				Public Utilities On Site Facilities Required Permits						Structural Standards			Site Plan Financial Guarantee [Sec. 18.10]	Detailed Use Regulations Area & Open Space Requirements [See Sec. 19.04, 19.05 & 19.06]									
General L.U.I. [Sec. 15.02]	Generalized Land Use Category and Intensity See Table 15 to determine the intensity of the specific principal use and whether it is allowed by Right [Y] or Special Use [S]	Site/Plot Plan [Sec. 17.03]	State Trunkline	Co. Primary Road	Local	Seasonal	Public Utilities		On-Site Permits				Max. Building Height e. Accessory Struct.	Minimum Floor Area [sq. ft./unit] g	Signs Table 22		Minimum Lot Size		Maximum Depth : Width	Maximum Gross Density (DU/AC)	Min. Open Space Ratio [O.S.R.]	Minimum Yard Setbacks f.				
							Water	Sewer	Septic System	Water Well	Soil Erosion	Surf. Drainage					AREA sq ft. or Acres	Width				Front	Rear	One	Total of Two	
I	Agriculture	R			R				R	R	R	R	30'		A	R	10 Acres	150'	4:1			35'	25'	10'	25'	
I	Forestry Non-Commercial	R				R					R	R	20'		A	R						35'	25'	10'	25'	
I	Recreation Indoor/Outdoor	R				R					R	R	20'		A	R	40,000	150'	4:1			35'	25'	10'	25'	
I	Residential Dwelling	R			R				R a	R b		R	30'	1,000 c	R		40,000	150'	4:1	1.09	.80	35'	25'	10'	25'	
II	Residential Dwelling	R			R		R	R				R	30'	1,000 c	R		20,000	120'	4:1	2.18	.80	35'	25'	10'	25'	
II	Public Service	R			R							R	R		A	R						35'	25'	10'	25'	
II	Recreation Indoor/Outdoor	R			R							R	R	20'	A	R	40,000	150'	4:1		.80	35'	25'	10'	25'	
II	Special Residential & Institutional	R			R				R a	R b	R				A	R	40,000	150'	4:1		.80	35'	25'	10'	25'	
III	Public Service	R		R					R a	R g	R	R	30'		A	R						35'	25'	10'	25'	
III	Recreation Indoor/Outdoor	R			R				R a	R b	R	R	30'		A	R	40,000	150'	4:1			35'	25'	10'	25'	
III	Special Residential & Institutional	R		R					R a	R b	R	R	30'		A	R	40,000	150'	4:1		.40	35'	25'	10'	25'	
IV	Residential Dwelling	R			R				R a	R b	R	R	30'	1,000 c	B		20,000 d	120' d	4:1		.80	35'	25'	10'	25'	
	[Model Home/Unit]																									
V	Recreation/Commercial	R				R			R a	R b	R	R	30'		A	R	40,000	150'	4:1			35'	25'	10'	25'	
VI	Public Service	R				R						R	R	30'	A	R	40,000	150'	4:1		.80	35'	25'	10'	25'	

For ALTERNATIVE ENERGY District Regulations and Performance Standards See Section 19.20.

- a. Except sewer where available.
- b. Except water where available.
- c. 1000 sf/single family detached dwelling, except 600 sf/single family detached dwelling converted from a pre-existing seasonal dwelling; and except 400 sf/caretaker dwelling unit.
- d. 20,000 sf & 120' with water & sewer, 40,000 sf & 150' without water & sewer.
- e. Accessory Buildings / Structures attached to the Principal Structure shall not exceed the maximum height of the Principal Structure. The maximum height of all Detached Accessory Buildings/ Structures shall not be greater than Eighteen (18) feet , as defined in Article II, Definitions, Section 2.02: Building Height. (Amend. 08-02-10)
- f. An Accessory Building / Structure, unless attached and structurally made a part of the Principal Building/Structure, shall not be closer than Ten (10) feet to any other Building/ Structure located on the lot or parcel.
- g. The total area of all Accessory Buildings/ Structures shall not exceed Sixteen Hundred (1600) sq. ft. On parcels of Three (3) acres or more, the total area of all Accessory Buildings/ Structures shall not exceed Twenty-five Hundred (2500) sq. ft. The combined area of all Accessory Buildings / Structures shall not be larger than the square footage of the Principal Structure.

ARTICLE 19 – PERFORMANCE REQUIREMENTS

Section 19.15:		SCHEDULE OF DISTRICT REGULATIONS AND MINIMUM PERFORMANCE STANDARDS																											
Urban Residential District [UR]		Plan Review Req'd [Art. 18]	Minimum Requirements for Public Road Access				Public Utilities On Site Facilities Required Permits						Structural Standards			Site Plan Financial Guarantee [Sec. 18.10]	Detailed Use Regulations Area & Open Space Requirements [See Sec. 19.04, 19.05 & 19.06]												
General L.U.I. [Sec. 15.02]	Generalized Land Use Category and Intensity See Table 15 to determine the intensity of the specific principal use and whether it is allowed by Right [Y] or Special Use [S]	Site/Plot Plan [Sec. 18.03]	State Trunkline	Co. Primary Road	Local	Seasonal	Public Utilities		On-Site Permits				Max. Building Height f. Accessory Struct.	Minimum Floor Area [sq.ft./unit] h.	Signs Table 22		Minimum Lot Size		Maximum Depth : Width	Maximum Gross Density (DU/AC)	Min. Open Space Ratio [O.S.R.]	Minimum Yard Setbacks g.							
							Water	Sewer	Septic System	Water Well	Soil Erosion	Surf. Drainage					AREA sq ft. or Acres	Width				Front	Rear	Sides					
																								One	Total of Two				
I	Forestry Non-Commercial	R				R						R	R	20'		A							25'	25'	5'	15'			
I	Recreation Indoor/Outdoor	R				R	R						R	20'		A			120'	4:1			25'	25'	5'	15'			
I	Residential Dwelling	R				R			i.		R		R	30' f.	1,000 a.	R			40,000 i.	150' i.	4:1		.70	25'	25'	7'	14'		
II	Public Service	R				R							R	R		A	R							25'	25'	7'	14'		
II	Residential Dwelling	R a. & b.				R			R	R			R	R	30' f.	1,000 a.	A			8,000 b.	60'	4:1		5.45	.50	25'	25'	7'	14'
II	Special Residential & Institutional	R				R										A	R			12,000	90'	4:1			.50	25'	25'	5'	15'
II	Performance Subdivision	R				R			R	R			R	R	35'	800				6,000	60'	4:1			.30	20'	15'	5'	15'
III	Public Service	R				R			R	R			R	R	30'		A								25'	25'	5'	15'	
III	Recreation Indoor/Outdoor	R				R			R	R			R	R	35'		A			120'	4:1				25'	25'	5'	15'	
III	Residential Dwelling	R				R d.							R	R	35'	1,000 a.	A	R		16,000 c.	120'	4:1		10.89	.30	25'	25'	7'	14'
III	Special Residential & Institutional	R				R d.			R	R			R	R	35'		A			16,000	120'	4:1			.30	25'	25'	5'	15'

ARTICLE 19 – PERFORMANCE REQUIREMENTS

SECTION 19.15 URBAN RESIDENTIAL (UR) DISTRICT – (Cont.)

Section 19.15:		SCHEDULE OF DISTRICT REGULATIONS AND MINIMUM PERFORMANCE STANDARDS																							
Urban Residential District [UR]		Plan Review Req'd [Art. 18]	Minimum Requirements for Public Road Access				Public Utilities On Site Facilities Required Permits					Structural Standards			Site Plan Financial Guarantee [Sec. 18.10]	Detailed Use Regulations Area & Open Space Requirements [See Sec. 19.04, 19.05 & 19.06]									
General L.U.I. [Sec. 15.02]	Generalized Land Use Category and Intensity	Site/Plot Plan [Sec. 18.03]	State Trunkline	Co. Primary Road	Local	Seasonal	Public Utilities		On-Site Permits				Max. Building Height f. Accessory Struct.	Minimum Floor Area [sq.ft./unit] h.		Signs Table 22	Minimum Lot Size		Maximum Depth : Width	Maximum Gross Density (DU/AC)	Min. Open Space Ratio [O.S.R.]	Minimum Yard Setbacks g.			
	See Table 15 to determine the intensity of the specific principal use and whether it is allowed by Right [Y] or Special Use [S]						Water	Sewer	Septic System	Water Well	Soil Erosion	Surf. Drainage					AREA sq ft. or Acres	Width				Front	Rear	One	Sides Total of Two
IV	Special Residential & Institutional	R		R d.			R	R			R	R			A	R	16,000	120'	4:1		.20	25'	25'	5'	15'
IV	Residential Dwelling	R			R		R	R			R	R	35'	1,000 c.	B	R	8,000	60'	4:1		.30	25'	25'	5'	15'
	[Model Home/Unit]																								
IV	Commercial Office	R		R e.							R	R	30'				16,000	120'	4:1		.20	25'	25'	5'	15'
IV	Commercial & Entertainment	R		R e.			R	R			R	R	30'		A	R	16,000	120'	4:1		.20	25'	25'	5'	15'
V	Fast Food, Road Service, Vehicle Sales & Service	R		R e.			R	R			R	R	30'		A	R	16,000	60'	4:1		.20	25'	25'	5'	15'
V	Commercial & Entertainment	R		R e.			R	R			R	R	30'		A	R	16,000	120'	4:1		.20	25'	25'	5'	15'
VI	Public Service	R				R					R	R	30'		A	R	16,000	120'	4:1		.20	25'	25'	5'	15'

For ALTERNATIVE ENERGY District Regulations and Performance Standards See Section 18.20. (Amend. 08-02-10)

- a. 1,000 sq. ft./single family detached dwelling, except 600 sq. ft./single family detached dwelling converted from a pre-existing seasonal dwelling; 400 sq. ft./caretaker unit; 800 sq. ft./duplex and single attached dwelling unit (LUI II); in multi-family dwellings, 350 sq. ft. efficiency or studio unit; 600 sq. ft./1 bedroom unit, 800 sq. ft./2 bedroom unit and 1,000 sq. ft./3 bedroom unit (LUI III); 200 sq. ft. rooming unit.
- b. 8,000 sq. ft./single family detached dwelling; 12,000 sq. ft. duplex or 2 unit single family attached dwelling (7.26 max. DU's/ac.).
- c. 16,000 sq. ft./multi-family dwelling of 3 to 4 dwelling units (10.89 max. DU's/ac.) additional lot area required for additional dwelling units as follows: 4000 sq. ft./3 br DU; 3200 sq. ft./2 br DU; 2400 sq. ft./1 br DU; 1600 sq. ft./eff or studio DU (gross max DU density will vary according to number and mix of dwelling unit type).
- d. Werner St. West of Ontario and North Side of Bancroft St., West of Woodridge, for those specific uses asterisked in Section 14.05, Table XIV, the Use vs. District Nomograph.
- e. West side of Ontario St. between Fair & Beaudoin, for those specific uses so asterisked in Section 14.05, Table XIV, the Use vs. District Nomograph.
- f. Accessory Structures attached to the Principal Structure shall not exceed the maximum height of the Principal Structure. The maximum height of Detached Accessory Buildings/ Structures shall not be greater than Eighteen (18) feet , as defined in Article II, Definitions, Section 2.02: Building Height.
- g. An Accessory Building, unless attached and structurally made a part of the Principal Building/Structure, shall not be closer than Ten (10) feet to any other Building/ Structure on the lot or parcel.
- h. The total square foot area of all Accessory Buildings/ Structures located on a lot or parcel within a UR District, including an Attached or Detached Garage, shall not exceed 1000 sq. ft.
- i. Minimum Lot Size: 90'x135' = 12,150 sq. ft; required with public water and on-site sewer. Alternate septic drain field also required with approval from the MCHD. (Amend. 08-02-10)

ARTICLE 19 – PERFORMANCE REQUIREMENTS

Section 19.16:		SCHEDULE OF DISTRICT REGULATIONS AND MINIMUM PERFORMANCE STANDARDS																								
Development District [DD]		Plan Review Req'd [Art. 18]	Minimum Requirements for Public Road Access e.				Public Utilities On Site Facilities Required Permits						Structural Standards			Site Plan Financial Guarantee [Sec. 18.10]	Detailed Use Regulations Area & Open Space Requirements [See Sec. 19.04, 19.05 & 19.06]									
General L.U.I. [Sec. 15.02]	Generalized Land Use Category and Intensity See Table 15 to determine the intensity of the specific principal use and whether it is allowed by Right [Y] or Special Use [S]	Site/Plot Plan [Sec. 17.03]	State Trunkline	Co. Primary Road	Local	Seasonal	Public Utilities		On-Site Permits				Max. Building Height	Minimum Floor Area [sq.ft./unit]	Signs Table 22		Minimum Lot Size		Maximum Depth : Width	Maximum Gross Density (DU/AC)	Min. Open Space Ratio [O.S.R.]	Minimum Yard Setbacks				
							Water	Sewer	Septic System	Water Well	Soil Erosion	Surf. Drainage					AREA sq ft. or Acres	Width				Front	Rear	One	Total of Two	
I	Forestry Non-Commercial	R				R					R	R	20'		A	R						25'	25'	5'	15'	
I	Recreation Indoor/Outdoor	R				R					R	R	20'		A	R	20,000	100'	4:1			25'	25'	5'	15'	
I	Residential Dwelling	R			R				R	R	R	R	30'	1,000 c.			40,000 f.	100'	4:1	2.18	.70	25'	25'	10'	20'	
II	Public Service	R			R						R	R	25'		B	R						25'	25'	5'	15'	
II	Recreation Indoor/Outdoor	R			R						R	R	30'		B	R	20,000	100'	4:1			25'	25'	5'	10'	
II	Residential Dwelling	R			R		R	R			R	R	30'	1,000 d.	R		8,000 g.	60'	4:1			25'	25'	5'	15'	
II	Special Residential & Institutional	R			R		R	R			R	R	30'		B	R	20,000	100'	4:1			25'	25'	5'	15'	
II	Commercial Entertainment	R			R		R	R			R	R	40'		D	R	20,000	100'	4:1		.10	25'	25'	5'	10'	
II	Commercial Office	R			R		R	R			R	R	40'		D	R	20,000	100'	4:1		.10	25'	25'	5'	10'	
III	Public Service	R			R		R	R			R	R	40'		C	R						25'	25'	5'	10'	
III	Recreation Commercial	R			R						R	R	40'		D		20,000	100'	4:1			25'	25'	5'	10'	
III	Recreation Indoor/Outdoor	R			R		R	R			R	R	40'		C	R	20,000 h.	200'	4:1			25'	25'	5'	10'	
III	Recreation Rental Dwelling	R			R		R	R			R	R	40'	400	C	R	20,000	200'	4:1		.20	25'	25'	5'	15'	
III	Residential Dwelling	R			R		R	R			R	R	40'	1,000 f.	C		16,000 h.	120'	4:1	10.89	.20	25'	25'	5'	15'	
III	Special Residential & Institutional	R			R		R	R			R	R	40'		C	R	20,000	100'	4:1		.20	25'	25'	5'	15'	

ARTICLE 19 – PERFORMANCE REQUIREMENTS

SECTION 19.16 DEVELOPMENT DISTRICT (DD) – (Cont.)

Section 19.16:		SCHEDULE OF DISTRICT REGULATIONS AND MINIMUM PERFORMANCE STANDARDS																								
Development District [DD]		Plan Review Req'd [Art. 18]	Minimum Requirements for Public Road Access e.				Public Utilities On Site Facilities Required Permits				Structural Standards			Site Plan Financial Guarantee [Sec. 18.10]		Detailed Use Regulations Area & Open Space Requirements [See Sec. 19.04, 19.05 & 19.06]										
General L.U.I. [Sec. 15.02]	Generalized Land Use Category and Intensity See Table 15 to determine the intensity of the specific principal use and whether it is allowed by Right [Y] or Special Use [S]	Site/Plot Plan [Sec. 18.03]	State Trunkline	Co. Primary Road	Local	Seasonal	Public Utilities		On-Site Permits				Max. Building Height			Minimum Floor Area [sq-ft./unit]	Signs Table 22	Minimum Lot Size		Maximum Depth : Width	Maximum Gross Density (DU/AC)	Min. Open Space Ratio [O.S.R.]	Minimum Yard Setbacks			
							Water	Sewer	Septic System	Water Well	Soil Erosion	Surf. Drainage						AREA sq ft. or Acres	Width				Front	Rear	One	Total of Two
IV	Agricultural Support	R			R		R	R			R	R	40'		D	R	20,000	100'	4:1		.20	25'	25'	5'	10'	
IV	Commercial & Entertainment	R			R		R	R			R	R	40'		D	R	20,000	100'	4:1		.10	25'	25'	5'	10'	
IV	Commercial Office	R			R		R	R			R	R	40'		D	R	20,000	100'	4:1		.10	25'	25'	5'	10'	
IV	Light Industry	R			R		R	R			R	R	40'		D	R	20,000	100'	4:1		.10	25'	25'	5'	10'	
IV	Public Service	R			R		R	R			R	R	40'		D	R						25'	25'	5'	10'	
IV	Recreation & Commercial	R			R		R	R			R	R	40'		D	R	20,000	100'	4:1		.10	25'	25'	5'	10'	
IV	Recreation Indoor/Outdoor	R			R		R	R			R	R	40'		D	R	20,000	200'	4:1		.10	25'	25'	5'	10'	
IV	Residential Dwelling Model Home/Unit	R		R	R		R	R			R	R	40'	1,000 h.	C	R	20,000	100'	4:1		.10	25'	25'	5'	10'	
IV	Special Residential & Institutional	R			R		R	R			R	R	40'		C	R	20,000	100'	4:1		.20	25'	25'	5'	10'	
V	Agricultural Support	R			R		R	R			R	R	40'		E	R	20,000	100'	4:1		.20	25'	25'	5'	10'	
V	Commercial & Entertainment	R			R		R	R			R	R	40'		E	R	20,000	100'	4:1		.10	25'	25'	5'	10'	
V	Heavy Industry	R			R		R	R			R	R	40'		E	R	20,000	200'	4:1		.10	25'	25'	5'	10'	
V	Light Industry & Public Service	R			R		R	R			R	R	40'		E	R	20,000	200'	4:1		.05	25'	25'	5'	10'	
V	Recreation/Commercial	R			R		R	R			R	R	40'		E	R	20,000	100'	4:1		.05	25'	25'	5'	10'	
V	Recreation Indoor/Outdoor	R			R		R	R			R	R	40'		E	R	20,000	100'	4:1		.10	25'	25'	5'	10'	
V	Regional/Other Shopping	R		R			R	R			R	R	40'		D	R	20,000	220'	4:1		.10	25'	25'	5'	10'	
V	Special Residential & Institutional	R		R			R	R			R	R	40'		D	R	20,000	100'	4:1		.10	25'	25'	5'	10'	
V	Fast Food, Road Service, Vehicle Sales & Service	R			R		R	R			R	R	40'		E	R	20,000	100'	4:1		.20	25'	25'	5'	10'	
VI	Heavy Industry	R			R		R	R			R	R	40'		E	R	20,000	220'	4:1		.05'	25'	25'	5'	10'	
VI	Light Industry	R	R				R	R			R	R	40'		D	R	20,000	200'	4:1		.05'	25'	25'	5'	10'	
VI	Special Residential & Institutional			R			R	R			R	R	40'		D	R	20,000	100'	4:1		.10	25'	25'	5'	10'	
VI	Public Service ()	R				R					R	R	40'		D	R	20,000	200'	4:1		.05	25'	25'	5'	10'	

ARTICLE 19 – PERFORMANCE REQUIREMENTS

SECTION 19.16 DEVELOPMENT DISTRICT (DD) – (Cont.)

For ALTERNATIVE ENERGY District Regulations and Performance Standards See Section 19.20.

- a. Except well where water is unavailable.
- b. Except septic where sewer is unavailable.
- c. 1,000 sf/single family detached dwelling; 400sf/caretaker dwelling unit.
- d. 1,000 sf/single family detached dwellings; 800 sf/duplex or single family attached dwelling unit.
- e. Access onto, or opposite to, any residentially zoned segment of a county local road is prohibited for any commercial or industrial non-residential unless a Special Use Permit is acquired. (Applies only to passenger vehicles.)
- f. In multifamily dwellings, 350 sf/efficiency or studio, 600 sf/1 br unit, 800 sf/2 br unit, and 1,000 sf/3 br unit; in rooming houses, 200 sf/rooming unit.
- g. 8,000 sf/single family detached dwelling; 12,000 or 2 unit single family attached dwelling (7.26 max DU's/ac.)
- h. 16,000 sf/multi-family dwelling of 3 to 4 dwelling units (10.89 max. DU's/ac.) additional lot area required for additional dwelling units as follows; 4,000 sf/3 br DU; 3,200 sf/2 br DU; 2,400 sf/1 br. DU; 1,600 sf/eff. or studio DU (gross max. DU) density will vary according to number and mix of dwelling unit types.

ARTICLE 19 – PERFORMANCE REQUIREMENTS

Section 19.17:		SCHEDULE OF DISTRICT REGULATIONS AND MINIMUM PERFORMANCE STANDARDS																								
General Business District [GB]		Plan Review Req'd [Art. 18]	Minimum Requirements for Public Road Access c.				Public Utilities On Site Facilities Required Permits						Structural Standards			Site Plan Financial Guarantee [Sec. 18.10]	Detailed Use Regulations Area & Open Space Requirements [See Sec. 19.04, 19.05 & 19.06]									
General L.U.I. [Sec. 15.02]	Generalized Land Use Category and Intensity See Table 15 to determine the intensity of the specific principal use and whether it is allowed by Right [Y] or Special Use [S]	Site/Plot Plan [Sec. 18.03]	State Trunkline	Co. Primary Road	Local	Seasonal	Public Utilities		On-Site Permits				Max. Building Height	Minimum Floor Area [sq.ft./unit]	Signs Table 22		Minimum Lot Size		Maximum Depth : Width	Maximum Gross Density (DU/AC)	Min. Open Space Ratio [O.S.R.]	Minimum Yard Setbacks				
							Water	Sewer	Septic System	Water Well	Soil Erosion	Surf. Drainage					AREA sq ft. or Acres	Width				Front	Rear	Sides		
																								One	Total of Two	
I	Recreation Indoor/Outdoor	R				R					R	R	20'		A		60'	4:1			25'	25'	5'	15'		
I	Residential Dwelling	R			R		R	R				R	30'		R		8,000	60'	4:1	5.45	.20	25'	25'	5'	15'	
II	Public Service	R			R						R	R			B	R						25'	25'	5'	10'	
II	Recreation Indoor/Outdoor	R			R						R	R	30'		B	R	20,000	100'	4:1			25'	25'	10'	20'	
III	Commercial & Entertainment	R			R		R	R			R	R	50'		D	R	20,000	100'	4:1		.05	25'	25'	5'	10'	
III	Commercial Office	R			R		R	R			R	R	50'		D	R	20,000	100'	4:1		.05	25'	25'	5'	10'	
III	Public Service	R			R		R	R			R	R	40'		C	R						25'	25'	5'	10'	
III	Recreation Indoor/Outdoor	R			R		R	R			R	R	40'		C	R	20,000	100'	4:1			25'	25'	5'	10'	
III	Residential Dwelling	R			R		R	R			R	R	50'	1000 a.	C	R	16,000 b.	100'	4:1		.10	25'	25'	5'	15'	
III	Special Residential & Institutional	R			R		R	R			R	R	50'		C	R	16,000	100'	4:1		.10	25'	25'	5'	15'	

ARTICLE 19 – PERFORMANCE REQUIREMENTS

SECTION 19.17 GENERAL BUSINESS (GB) DISTRICT – (Cont.)

Section 19.17:		SCHEDULE OF DISTRICT REGULATIONS AND MINIMUM PERFORMANCE STANDARDS																								
General Business District [GB]		Plan Review Req'd [Art. 18]	Minimum Requirements for Public Road Access c.				Public Utilities On Site Facilities Required Permits						Structural Standards			Site Plan Financial Guarantee [Sec. 17.10]	Detailed Use Regulations Area & Open Space Requirements [See Sec. 19.04, 19.05 & 19.06]									
General L.U.I. [Sec. 15.02]	Generalized Land Use Category and Intensity See Table 15 to determine the intensity of the specific principal use and whether it is allowed by Right [Y] or Special Use [S]	Site/Plot Plan [Sec. 18.03]	State Trunkline	Co. Primary Road	Local	Seasonal	Public Utilities		On-Site Permits				Max. Building Height	Minimum Floor Area [sq.ft./unit]	Signs Table 22		Minimum Lot Size		Maximum Depth : Width	Maximum Gross Density (DU/AC)	Min. Open Space Ratio [O.S.R.]	Minimum Yard Setbacks				
							Water	Sewer	Septic System	Water Well	Soil Erosion	Surf. Drainage					AREA sq ft. or Acres	Width				Front	Rear	Sides		
																								One	Total of Two	
IV	Agricultural Support	R			R		R	R			R	R	50'		D	R	20,000	100'	4:1		.05	25'	25'	5'	10'	
IV	Commercial & Entertainment	R			R		R	R			R	R	50'		E	R	20,000	100'	4:1		.05	25'	25'	5'	10'	
IV	Commercial Office	R			R		R	R			R	R	50'		E	R	20,000	100'	4:1		.05	25'	25'	5'	10'	
IV	Light Industry	R			R		R	R			R	R	50'		D	R	20,000	100'	4:1		.05	25'	25'	5'	10'	
IV	Public Service	R			R		R	R			R	R	50'		D	R						25'	25'	5'	10'	
IV	Recreation/Commercial	R			R		R	R			R	R	50'		E	R	20,000	100'	4:1		.05	25'	25'	5'	10'	
IV	Recreation Indoor/Outdoor	R			R		R	R			R	R	50'		D	R	20,000	100'	4:1		.05	25'	25'	5'	10'	
IV	Special Residential & Institutional	R			R		R	R			R	R	50'		D	R	16,000	100'	4:1		.10	25'	25'	5'	10'	
V	Agricultural Support	R			R		R	R			R	R	50'		E	R	20,000	100'	4:1		.05	25'	25'	5'	10'	
V	Commercial & Entertainment	R			R		R	R			R	R	50'		E	R	20,000	100'	4:1		.05	25'	25'	5'	10'	
V	Public Service	R			R		R	R			R	R	50'		E	R						25'	25'	5'	10'	
V	Light Industry	R			R		R	R			R	R	50'		E	R	20,000	100'	4:1		.05	25'	25'	5'	10'	
V	Recreation/Commercial	R			R		R	R			R	R	50'		E	R	20,000	100'	4:1		.05	25'	25'	5'	10'	
V	Recreation Indoor/Outdoor	R			R		R	R			R	R	50'		E	R	20,000	100'	4:1		.05	25'	25'	5'	10'	
V	Regional/Other Shopping Center	R	R				R	R			R	R	50'		E	R	20,000	100'	4:1		.05	25'	25'	5'	10'	
V	Special Residential & Institutional	R		R			R	R			R	R	50'		E	R	20,000	100'	4:1		.10	25'	25'	5'	10'	
V	Fast Food, Road Service	R			R		R	R			R	R	50'		E	R	20,000	100'	4:1		.05	25'	25'	5'	10'	
	Vehicle Sales & Service	R			R		R	R			R	R	50'		E	R	20,000	100'	4:1		.05	25'	25'	5'	10'	
VI	Heavy Industry	R			R		R	R			R	R	50'		E	R	20,000	100'	4:1		.05	25'	25'	5'	10'	
VI	Light Industry	R			R		R	R			R	R	50'		E	R	20,000	100'	4:1		.05	25'	25'	5'	10'	
VI	Public Service	R				R					R	R	50'		E	R	20,000	100'	4:1		.05	25'	25'	5'	10'	

For ALTERNATIVE ENERGY District Regulations and Performance Standards See Section 19.20.

- In multi-family dwellings, 350 sq ft/efficiency or studio unit, 600 sq ft/1 bedroom, 800 sq ft/2 bedroom, 1000 sq ft/3 bedroom unit; in rooming houses, 200 sq ft/unit.
- 16,000 sq ft/multi-family dwelling of 3 to 4 dwelling units [10.89 max. DU's/AC] additional lot area required for additional dwelling units as follows:
4,000 sq ft/3 br DU; 3200 sq ft/2 br DU; 2400 sq ft/1 br DU; 1600 sq ft/eff or studio DU [gross max DU density will vary according to number and mix of dwelling unit type].

ARTICLE 19 – PERFORMANCE REQUIREMENTS

- c. Access onto, or opposite to, any residentially zoned segment of a county local road is prohibited for any commercial or industrial non-residential unless a Special Use Permit is acquired. (Applies only to passenger vehicles.)

Section 19.18:		SCHEDULE OF DISTRICT REGULATIONS AND MINIMUM PERFORMANCE STANDARDS																								
Segregated Business District [SB]		Plan Review Req'd [Art. 18]	Minimum Requirements for Public Road Access				Public Utilities On Site Facilities Required Permits						Structural Standards			Site Plan Financial Guarantee [Sec. 18.10]	Detailed Use Regulations Area & Open Space Requirements [See Sec. 19.04, 19.05 & 19.06]									
General L.U.I. [Sec. 15.02]	Generalized Land Use Category and Intensity See Table 15 to determine the intensity of the specific principal use and whether it is allowed by Right [Y] or Special Use [S]	Site/Plot Plan [Sec. 18.03]	State Trunkline	Co. Primary Road	Local	Seasonal	Public Utilities		On-Site Permits				Max. Building Height	Minimum Floor Area [sq.ft./unit]	Signs Table 22		Minimum Lot Size		Maximum Depth : Width	Maximum Gross Density (DU/AC)	Min. Open Space Ratio [O.S.R.]	Minimum Yard Setbacks				
							Water	Sewer	Septic System	Water Wall	Soil Erosion	Surf. Drainage					AREA sq ft. or Acres	Width				Front	Rear	Sides		
																								One	Total of Two	
I	Residential Dwelling	R			R				R	R		R	30'	400	A		40,000	150'	4:1		.70	30'	25'	10'	20'	
I	Forestry Non-Commercial	R				R					R	R	20'		A	R						30'	25'	10'	20'	
II	Public Service	R			R				R	R	R	R	40'		B	R						30'	25'	10'	20'	
III	Public Service	R			R				R	R	R	R	40'		C	R						30'	25'	10'	20'	
III	Recreation Indoor/Outdoor	R			R				R	R	R	R	40'		C	R	40,000	150'	4:1			30'	25'	10'	20'	
IV	Agricultural Support	R			R				R	R	R	R	40'		D	R	40,000	150'	4:1			30'	25'	10'	20'	
IV	Commercial Office	R			R				R	R	R	R	40'		D	R	40,000	150'	4:1		.10	30'	25'	10'	20'	
IV	Public Service	R			R				R	R	R	R	40'		D	R					.10	30'	25'	10'	20'	
IV	Light Industry (Amend. 03-18-97)	R			R				R	R	R	R	40'		D	R	40,000	150'	4:1			30'	25'	10'	20'	
V	Agricultural Support	R			R				R	R	R	1	40'		E	R	40,000	150'	4:1			30'	25'	10'	20'	
V	Commercial & Entertainment	R			R				R	R	R	R	40'		E	R	40,000	150'	4:1		.10	30'	25'	10'	20'	
V	Heavy Industry	R			R				R	R	R	R	40'		E	R	40,000	150'	4:1			30'	25'	10'	20'	
V	Public Service	R			R				R	R	R	R	40'		E	R						30'	25'	10'	20'	
V	Light Industry	R			R				R	R	R	R	40'		E	R	40,000	150'	4:1			30'	25'	10'	20'	
V	Recreation/Commercial (Amend. 02-19-02)	R							R	R	R	R	40'		E	R	40,000	150'	4:1			30'	25'	10'	20'	
VI	Heavy Industry	R			R				R	R	R	R	50'		E	R	40,000	150'	4:1			30'	25'	10'	20'	
VI	Light Industry	R			R				R	R	R	R	50'		E	R	40,000	150'	4:1			30'	25'	10'	20'	
VI	Public Service	R				R					R	R	50'		E	R	40,000	150'	4:1			30'	25'	10'	20'	

For ALTERNATIVE ENERGY District Regulations and Performance Standards See Section 19.20.

ARTICLE 19 – PERFORMANCE REQUIREMENTS

Section 19.19		SCHEDULE OF DISTRICT REGULATIONS AND MINIMUM PERFORMANCE STANDARDS																								
Resource Production District [RP]		Plan Review Req'd [Art. 18]	Minimum Requirements for Public Road Access				Public Utilities On Site Facilities Required Permits						Structural Standards			Site Plan Financial Guarantee [Sec. 18.10]	Detailed Use Regulations Area & Open Space Requirements [See Sec. 19.04, 19.05 & 19.06]									
General L.U.I. [Sec. 15.02]	Generalized Land Use Category and Intensity See Table 15 to determine the intensity of the specific principal use and whether it is allowed by Right [Y] or Special Use [S]	Site/Plot Plan [Sec. 18.03]	State Trunkline	Co. Primary Road	Local	Seasonal	Public Utilities		On-Site Permits				Max. Building Height	Minimum Floor Area [sq.ft./unit]	Signs Table 22		Minimum Lot Size		Maximum Depth : Width	Maximum Gross Density (DU/AC)	Min. Open Space Ratio [O.S.R.]	Minimum Yard Setbacks				
							Water	Sewer	Septic System	Water Well	Soil Erosion	Surf. Drainage					AREA sq ft. or Acres	Width				Front	Rear	Sides		
																								One	Total of Two	
I	Agriculture	R			R				R	R	R	R	30'		A	R	40 Acres					50'	25'	15'	30'	
I	Forestry Commercial	R			R				R	R	R	R	30'		A	R	40 Acres					50'	25'	15'	30'	
I	Forestry Non-Commercial	R			R				R	R	R	R	30'		A	R	40 Acres					50'	25'	15'	30'	
I	Recreation Indoor/Outdoor	R			R							R	30'		A	R	40 Acres					50'	25'	15'	30'	
1	Recreational Rental Dwelling	R				R			R	R	R	R	30'	400	A	R	40 Acres					50'	25'	15'	30'	
1	Residential Dwelling	R			R				R	R	R	R	30'	400 a.	R	R	40 Acres	600	4:1	0.02		50'	25'	15'	30'	
II	Public Service	R			R							R	R	30'		A	R					50'	25'	15'	30'	
II	Recreation Indoor/Outdoor	R			R							R	R	20'		A	R	40 Acres				50'	25'	15'	30'	
II	Residential & Institutional	R			R				R	R	R	R	30'		A	R	40 Acres					50'	25'	15'	30'	
III	Public Service	R		R					R	R	R	R	30'		A	R						50'	25'	15'	30'	
III	Recreation/Commercial	R			R				R	R	R	R	30'		A	R	40 Acres					50'	25'	15'	30'	
III	Recreation Indoor/Outdoor	R			R				R	R	R	R	30'		A	R						50'	25'	15'	30'	
III	Recreational Rental Dwelling	R			R				R	R	R	R	30'	400	A	R	40 Acres					50'	25'	15'	30'	
III	Special Residential & Institutional	R			R				R	R	R	R	30'		A	R	40 Acres					50'	25'	15'	30'	

ARTICLE 19 – PERFORMANCE REQUIREMENTS

Section 19.19 RESOURCE PRODUCTION (RP) DISTRICT – (Cont.)

Section 19.19		SCHEDULE OF DISTRICT REGULATIONS AND MINIMUM PERFORMANCE STANDARDS																								
Resource Production District [RP]		Plan Review Req'd [Art. 18]	Minimum Requirements for Public Road Access				Public Utilities On Site Facilities Required Permits						Structural Standards			Site Plan Financial Guarantee [Sec. 18.10]	Detailed Use Regulations Area & Open Space Requirements [See Sec. 19.04, 19.05 & 19.06]									
General L.U.I. [Sec. 15.02]	Generalized Land Use Category and Intensity See Table 15 to determine the intensity of the specific principal use and whether it is allowed by Right [Y] or Special Use [S]	Site/Plot Plan [Sec. 17.03]	State Trunkline	Co. Primary Road	Local	Seasonal	Public Utilities		On-Site Permits				Max. Building Height	Minimum Floor Area [sq.ft./unit]	Signs Table 22		Minimum Lot Size		Maximum Depth : Width	Maximum Gross Density (DU/AC)	Min. Open Space Ratio [O.S.R.]	Minimum Yard Setbacks				
							Water	Sewer	Septic System	Water Well	Soil Erosion	Surf. Drainage					AREA sq ft. or Acres	Width				Front	Rear	Sides		
																								One	Total of Two	
IV	Agricultural Support	R			R				R	R	R	R	30'		A	R	40 Acres					50'	25'	15'	30'	
IV	Commercial & Entertainment	R			R				R	R	R	R	30'		A	R	40 Acres					50'	25'	15'	30'	
IV	Light Industry	R			R				R	R	R	R	30'		A	R	40 Acres					50'	25'	15'	30'	
IV	Recreation/Commercial	R			R				R	R	R	R	30'		A	R	40 Acres					50'	25'	15'	30'	
IV	Special Residential & Institutional	R		R					R	R	R	R	30'		A	R	40 Acres					50'	25'	15'	30'	
V	Agricultural Support	R			R				R	R	R	R	30'		A	R	40 Acres					50'	25'	15'	30'	
V	Commercial & Entertainment	R			R				R	R	R	R	30'		A	R	40 Acres					50'	25'	15'	30'	
V	Recreation & Commercial	R			R				R	R	R	R	30'		A	R	40 Acres					50'	25'	15'	30'	
V	Road Service, Vehicle Sales & Service and Fast Food	R			R				R	R	R	R	30'		A	R	40 Acres					50'	25'	15'	30'	
V	Public Service	R			R				R	R	R	R	30'		B	R						50'	25'	15'	30'	
V	Light Industry	R			R				R	R	R	R	30'		B	R	40 Acres					50'	25'	15'	30'	
VI	Heavy Industry	R			R				R	R	R	R	40'		B	R	40 Acres					50'	25'	15'	30'	
VI	Light Industry	R			R				R	R	R	R	40'		B	R	40 Acres					50'	25'	15'	30'	
VI	Public Service	R				R					R	R	40'		B	R	40 Acres					50'	25'	15'	30'	

For ALTERNATIVE ENERGY District Regulations and Performance Standards See Section 19.20.

- a. 400 sf/cabin, camp cottage (seasonal), mobile home or caretaker dwelling unit; 1000 sf/single family detached dwelling, except 600 sf/single family detached dwelling converted from a pre-existing, seasonal dwelling.

ARTICLE 19 – PERFORMANCE REQUIREMENTS

Section 19.20:		SCHEDULE OF DISTRICT REGULATIONS AND MINIMUM PERFORMANCE STANDARDS																							
Forest Recreation District [FR]		Plan Review Req'd [Art. 18]	Minimum Requirements for Public Road Access				Public Utilities On Site Facilities Required Permits						Structural Standards			Site Plan Financial Guarantee [Sec. 18.10]	Detailed Use Regulations Area & Open Space Requirements [See Sec. 19.04, 19.05 & 19.06]								
General L.U.I. [Sec. 15.02]	Generalized Land Use Category and Intensity See Table 15 to determine the intensity of the specific principal use and whether it is allowed by Right [Y] or Special Use [S]	Site/Plot Plan [Sec. 18.03]	State Trunkline	Co. Primary Road	Local	Seasonal	Public Utilities		On-Site Permits				Max. Building Height c. Accessory Struct.	Minimum Floor Area [sq.ft./unit]	Signs Table 22		Minimum Lot Size		Maximum Depth : Width	Maximum Gross Density (DU/AC)	Min. Open Space Ratio [O.S.R.]	Minimum Yard Setbacks			
							Water	Sewer	Septic System	Water Well	Soil Erosion	Surf. Drainage					AREA sq ft. or Acres	Width				Front	Rear	Sides	
																								One	Total of Two
II	Fish Hatchery	R		R					R	R	R	R	35'		A	R	5 Acre	250'	4:1			50'	50'	25'	25'
I	Forestry - Commercial	R			R																				
I	Forestry – Non-Commercial	R				R					R	R	35''									50'	50'	25'	25'
IV	Saw Mill	R		R					R	R	R	R	35'		A	A	5 acres	250'	4:1	0.20	0.80	50'	50'	25'	25'
IV	Firewood Sales	R			R				R	R	R	R	35'		A	A	5 acres	250'	4:1	0.20	0.80	50'	50'	25'	25'
V	Logging, Contractor Operations, equipment sheds, outdoor storage, office, yard, decking area	R		R					R	R	R	R	30'		A	A	5 acres	250'	4:1			50'	50'	25'	25'
V	Scientific Research Facilities	R		R					R	R	R	R	35'		A	A	5 Acres	250'	4:1	0.20	0.80	50'	50'	25'	25'
V	Veterinary Clinic	R		R					R	R	R	R	35'		A	A	5 Acres	250'	4:1	0.20	0.80	50'	50'	25'	25'
III	Emergency Service Center	R			R				R	R	R	R	35'		A	A	5 Acres.	250'	4:1	0.20	0.80	50'	50'	25'	25'
V	Carnival/Circus	R		R					R	R	R	R	35'		A	A	5 Acres.	250'	4:1	0.20	0.80	50'	50'	25'	25'
IV	Tennis Courts, Outdoor, private	R		R					R	R	R	R	35'		A	A	5 Acres	250'	4:1	0.20	0.80	50'	50'	25'	25'
V	Trails - ATV - private	R		R							R	R	35'		A	A	5 Acres	250'	4:1	0.20	0.80	50'	50'	25'	25'
V	Trails - Snowmobile- private	R		R							R	R	35'		A	A	5 Acres	250'	4:1	0.20	0.80	50'	50'	25'	25'
III	Arboretums	R		R					R	R	R	R	35'		A	A	5 Acres	250'	4:1	0.20	0.80	50'	50'	25'	25'
III	Boat Launching Facilities	R		R							R	R	35'		A	A	5 Acres	250'	4:1	0.20	0.80	50'	50'	25'	25'
III	Ice Skating Rinks, Outdoor	R		R							R	R	35'		A	A	5 Acres	250'	4:1	0.20	0.80	50'	50'	25'	25'
III	Indoor Recreation (>5,000 s.f.)	R		R					R	R	R	R	35'		A	A	5 Acres	250'	4:1	0.20	0.80	50'	50'	25'	25'
I	Nature Areas/Open Space	R																							
II	Park, (Public/Private)	R			R				R	R	R	R	35'		A	A	5 Acres	250'	4:1	0.20	0.80	50'	50'	25'	25'
III	Playground	R			R				R	R	R	R	35'		A	A	5 Acres	250'	4:1	0.20	0.80	50'	50'	25'	25'
III	Ski Areas	R			R				R	R	R	R	35'		A	A	5 Acres	250'	4:1	0.20	0.80	50'	50'	25'	25'
III	Tennis Courts – Public, outdoor	R		R							R	R	35'		A	A	5 Acres	250'	4:1	0.20	0.80	50'	50'	25'	25'
III	Trails, Non-Motorized	R																							
III	Campgrounds	R			R				R	R	R	R	35'		A	A	5 Acres b.	250'	4:1	0.20	0.80	50'	50'	25'	25'
V	Amphitheaters	R		R					R	R	R	R	35'		A	A	5 acres	250'	4:1	0.20	0.80	50'	50'	25'	25'

ARTICLE 19 – PERFORMANCE REQUIREMENTS

Section 19.20:		SCHEDULE OF DISTRICT REGULATIONS AND MINIMUM PERFORMANCE STANDARDS																								
Forest Recreation District [FR]		Plan Review Req'd [Art. 18]	Minimum Requirements for Public Road Access				Public Utilities On Site Facilities Required Permits						Structural Standards			Site Plan Financial Guarantee [Sec. 18.10]	Detailed Use Regulations Area & Open Space Requirements [See Sec. 19.04, 19.05 & 19.06]									
General L.U.I. [Sec. 15.02]	Generalized Land Use Category and Intensity	Site/Plot Plan [Sec. 18.03]	State Trunkline	Co. Primary Road	Local	Seasonal	Public Utilities		On-Site Permits				Max. Building Height c. Accessory Struct.	Minimum Floor Area [sq.ft./unit]	Signs Table 22		Minimum Lot Size		Maximum Depth : Width	Maximum Gross Density (DU/AC)	Min. Open Space Ratio [O.S.R.]	Minimum Yard Setbacks				
	See Table 15 to determine the intensity of the specific principal use and whether it is allowed by Right [Y] or Special Use [S]						Water	Sewer	Septic System	Water Well	Erosion	Drainage					AREA sq ft. or Acres	Width				Front	Rear	One	Total of Two	
V	Sporting Goods Sales, Rental	R			R				R	R	R	R	35'		A	A	5 acres	250'	4:1	0.20	0.80	50'	50'	25'	25'	
VI	Extraction of Earth Products	R		R					R	R	R	R	30'		A	A	5 acres	250'	4:1	0.20	0.80	50'	50'	25'	25'	
III	Emergency Services Center	R		R					R	R	R	R	35'		A	A	5 Acres	250'	4:1	0.20	0.80	50'	50'	25'	25'	
V	Park and Ride	R		R					R	R	R	R	35'		A	A	5 Acres	250'	4:1	0.20	0.80	50'	50'	25'	25'	
II	Utility Facilities, (Local or Minor)	R			R				R	R	R	R	35'		A	A	5 Acres.	250'	4:1	0.20	0.80	50'	50'	25'	25'	
V	Utility Facilities, (Regional or Major)	R		R					R	R	R	R	35'		A	A	5 Acres.	250'	4:1	0.20	0.80	50'	50'	25'	25'	
IV	Utility Service Centers	R		R					R	R	R	R	35'		A	A	5 Acres	250'	4:1	0.20	0.80	50'	50'	25'	25'	
IV	Wireless Communication Facility	R		R							R	R	35'		A	A	5 Acres	250'	4:1	0.20	0.80	50'	50'	25'	25'	
V	Archery Range, Indoor	R		R							R	R	35'		A	A	5 Acres	250'	4:1	0.20	0.80	50'	50'	25'	25'	
V	Archery Range, Outdoor	R		R					R	R	R	R	35'		A	A	5 Acres	250'	4:1	0.20	0.80	50'	50'	25'	25'	
V	Concerts, Outdoor	R		R							R	R	35'		A	A	5 Acres	250'	4:1	0.20	0.80	50'	50'	25'	25'	
V	Fairground	R		R							R	R	35'		A	A	5 Acres	250'	4:1	0.20	0.80	50'	50'	25'	25'	
V	Firearm Shooting Range (indoor)	R		R					R	R	R	R	35'		A	A	5 Acres	250'	4:1	0.20	0.80	50'	50'	25'	25'	
III	State or County Recreation Bldg	R																								
V	Firearm Shooting Range (outdoor)	R			R				R	R	R	R	35'		A	A	5 Acres	250'	4:1	0.20	0.80	50'	50'	25'	25'	
III	Horse Stable (Recreation)	R			R				R	R	R	R	35'		A	A	5 Acres	250'	4:1	0.20	0.80	50'	50'	25'	25'	
III	Gold Course, Disc Course	R			R				R	R	R	R	35'		A	A	5 Acres	250'	4:1	0.20	0.80	50'	50'	25'	25'	
III	Pool, Public (Indoor, Outdoor)	R		R							R	R	35'		A	A	5 Acres	250'	4:1	0.20	0.80	50'	50'	25'	25'	
I	Cabin, Camp, Cottage (Seasonal)	R			R																					
IV	Camp, Day or Youth	R			R				R	R	R	R	35'		A	A	5 Acres b.	250'	4:1	0.20	0.80	50'	50'	25'	25'	
V	Cultural and Education Center	R			R				R	R	R	R	35'		A	A	5 Acres b.	250'	4:1	0.20	0.80	50'	50'	25'	25'	
III	Solar Energy System	R			R				R	R	R	R	35'		A	A	5 Acres b.	250'	4:1	0.20	0.80	50'	50'	25'	25'	
III	(SWES) Small Wind Energy System	R			R				R	R	R	R	35'		A	A	5 Acres b.	250'	4:1	0.20	0.80	50'	50'	25'	25'	
V	(MWES) Medium Wind Energy System	R			R				R	R	R	R	35'		A	A	5 Acres b.	250'	4:1	0.20	0.80	50'	50'	25'	25'	
VI	(LWES) Large Wind Energy System	R			R				R	R	R	R	35'		A	A	5 Acres b.	250'	4:1	0.20	0.80	50'	50'	25'	25'	
III	(MET) Meteorological Towner	R			R				R	R	R	R	35'		A	A	5 Acres b.	250'	4:1	0.20	0.80	50'	50'	25'	25'	

ARTICLE 19 – PERFORMANCE REQUIREMENTS

Section 19.21:		SCHEDULE OF DISTRICT REGULATIONS AND MINIMUM PERFORMANCE STANDARDS							
Alternative Energy Covers SR, RR, UR, DD, GB, SB & RP Zoning Districts		Plan Review Req'd (Art. XVII)	Public Road Access		On Site Required Permits		Max. Tower Height	Site Plan Financial Guarantee (Sec. 17.10)	Minimum Setbacks (Front, Rear, & Sideyards)
General L.U.I (Sec. 14.02)	Generalized Land Use Category and Intensity See Table XIV, Page 20, to determine the intensity of the specific use and whether it is allowed by Special Use (S) or at all.	Site / Plot Plan (Sec 17.03)	Local	Seasonal	Soil Erosion	Surface Drainage			
III	MET Tower a.	R	R				c.		e.
III	Solar Energy	R	R				d.		f.
III	Small WES g.	R	R				Less than 100'		e.
V	Medium WES g.	R	R		R	R	Less than 164'	R	e.
VI	Large WES g.	R	R		R	R	More than 164'	R	g.

As a matter of Public Safety, no variances are permitted to reduce any yard setbacks, in feet, from a minimum of 1.1 multiplied by the total extended height of the proposed WES.

- a. MET (Meteorological) Tower.
- b. WES - Wind Energy System.
- c. Height is not to exceed the tower height of the proposed WES.
- d. Solar height is not to exceed the maximum building height of a Residential Dwelling, L.U.I. I, located in the zoning district of the application.
- e. Setback for all yards, in feet, is a minimum of 1.1 multiplied by the total extended height of the proposed WES.
- f. Setbacks are a minimum of the front, rear, or sideyard setbacks of a Residential Dwelling, L.U.I. I, located in the zoning district of the application.
- g. Reference is made to situation specific setbacks specified in Article 16, Section 16.10 Alternative Energy D. (LWES) (1)(c).

SECTION 19.22: OUTDOOR LIGHTING

A. PURPOSE

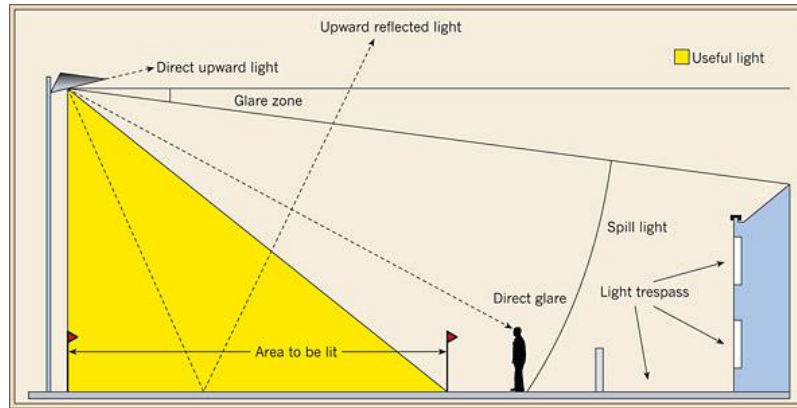
This section of the ordinance is intended to:

- 1) Promote energy-efficient and sustainable lighting practices and luminaries;
- 2) Protect residents and the surrounding environment from the adverse effects of light pollution;
- 3) Minimize adverse off-site impacts from new and existing lighting installations;
- 4) Permit reasonable uses of outdoor lighting for safety, security, productivity, commerce and enjoyment;
- 5) Protect the existing, unique qualities of Marquette Charter Township's dark sky for astronomy and enjoyment purposes and to continue to attract tourism and commerce.
- 6) Pertains to commercial, multi-family, subdivision and street lighting only.
- 7) Comply with the ***Energy Independence and Security Act of 2007***, as amended.

B. APPLICABILITY

Exterior lighting shall be installed in such a manner that the light source will be sufficiently obscured to prevent glare on public roads, and light trespass in commercial or residential areas. Exterior lighting shall be comprised of a light source and reflector so that, acting together, the light beam is controlled, directed downward, not aimed up or across a property line and is compatible with the surrounding environment. Sodium vapor lighting shall not be permitted.

- 1) New Installations. All exterior lighting installed after the effective date of this ordinance shall conform to the standards set forth herein.
- 2) Existing Installations. All outdoor lighting installed prior to the effective date of this ordinance shall be considered grand-fathered. All exterior light fixtures must be replaced or retrofitted to bring it into compliance with the applicable standards of this ordinance upon the application of zoning compliance or a building permit for any modification, repair, improvement and/or alteration to a structure, fixture, building, property and/or use.
 - a) When more than 50% of existing, on-site lamp fixtures are to be replaced, repaired or modified; all existing, on-site lamp fixtures shall result in full-compliance of this ordinance.
 - b) Any fixture which provides a mean of aiming or glare control shall be re-aimed or retrofitted to bring it into compliance immediately.
 - c) Owners of grand-fathered fixtures and installations may be asked to bring said fixtures and installations into compliance at any time if subject fixture is deemed to be a nuisance.



C. GENERAL STANDARDS

With the exception of a residential dwelling used exclusively for single-family occupancy, all new, retrofitted and/or modified outdoor lighting that is installed in Marquette Township shall be the minimum necessary, in both number of luminaries and intensity of light, to achieve the intended purpose of the lighting, and shall meet the following standards, as relevant:

- 1) All exterior lights and sign illumination shall be designed, located, installed and directed in such a manner as to:
 - a) Prevent glare or light trespass; and
 - b) Be shielded to the extent possible so as to confine the light within the target area.
- 2) In all areas adjacent to residential property, no externally mounted, direct light source shall cause light trespass (*as defined in Section C*) at the property line.
- 3) To reduce off-site glare, lighting fixtures for all parking and pedestrian areas shall be:
 - a) Full cut-off type fixtures, or
 - b) Fully shielded/recessed fixtures where the lens is recessed or flush with the bottom surface.
- 4) Lighting fixtures for building security or aesthetics and any display purposes shall be:
 - a) Top downward (not upward or sideways), and
 - b) Full cut off or fully shielded/recessed.
- 5) Lighting for site security shall be configured for motion or infrared sensor operation, except in the case of lighting required by state or federal safety standards.

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- 6) Where outdoor playing fields or other special outdoor activity areas are to be illuminated, lighting fixtures shall be specified, mounted and aimed so that:
 - a) The lighting fixture's beams fall within the primary playing area, immediate surroundings, or other site amenities.
- 7) The height of luminaries, except streetlights in public rights-of-way, shall be the minimum necessary to provide adequate illumination. Luminaries attached to the building shall be limited to the height necessary for illumination of entrances or locations not served by pole lighting.
- 8) All non-security exterior lighting shall be controlled by either a timer or photoelectric switch to be turned off during hours when a business is unoccupied.

D. WATERFRONT LIGHTING

Outdoor lighting in and around the ponds, lakes, rivers, and other waters of Marquette Township, with the exception of lighting located below the mean high water mark of coastal areas, shall not be installed or maintained so as to create a hazard or nuisance to other property owners and shall comply with the following:

- 1) Lights on docks shall be no more than three (3) feet above the dock, shall be directed downward and be full cut off fixtures.
- 2) Lights illuminating paths, stairs, decks, etc. shall not be directed towards the water and shall not direct light upwards.
- 3) All exterior lighting shall be located, mounted and shielded, so that direct illumination is not focused towards the water surface more than twenty (20) feet from shore.

E. ARCHITECTURAL & LANDSCAPE LIGHTING

- 1) All fixtures shall be aimed and/or shielded to illuminate only the target area such that no stray light from the luminaire passes above the horizontal plane.
- 2) Upward aimed facade and building lighting shall be fully shielded and fully confined from projecting into the sky by the building eaves, roofs, overhangs or structures and shall be mounted as flush with the illuminated wall as possible.
- 3) All lighting not required for safety or by the Marquette County Building Code shall be controlled by either a timer or photoelectric switch to be turned off during the hours when a business is unoccupied.

F. CANOPY & SERVICE LIGHTING

Outdoor sales and gas station service canopy lighting shall be aimed downward and installed such that the center of the fixture's luminous opening is flush with or recessed into the canopy ceiling. All lighting from the canopy must be substantially confined to the ground area directly beneath the perimeter of the canopy. All exterior lighting for canopies and/or service areas shall be of an indirect nature, emanating only from fixtures located under canopies, under eaves on the principal building or at ground level in the landscaping. Exterior lighting shall be arranged and shielded so there shall be no glare or reflections onto adjacent properties or street rights-of-way.

G. SIGNAGE LIGHTING

In addition to the requirements of this ordinance, all signs shall also comply with the provisions of Article XXI of the Zoning Ordinance, as applicable. The Zoning Administrator or designated official shall determine compliance with the provisions of this ordinance.

- 1) Lighting used for sign illumination may be mounted at any height to a maximum of fifteen (15) feet.
- 2) Illuminated signs shall not cause glare distracting to drivers, nor shall they be in such a position or such color as will hamper the readability of traffic lights or traffic signs.
- 3) Signs may be illuminated externally by a downward-directed stationary light. Sign lighting shall not be directed upwards unless the sign is affixed to the side of the building and is fully shielded and fully confined from projecting into the sky.
- 4) The requirements of this section are for the lighting of signs only. Article XXI of the Marquette Township Zoning Ordinance regulates signs and should be used in conjunction with this section.

H. FLAGPOLE LIGHTING

Flagpole lighting may be utilized as up-lighting but shall be shielded.

I. PUBLIC ROAD & SUBDIVISION LIGHTING

Marquette Township shall ensure that the installation, operation and maintenance of public road and subdivision lighting within the municipal boundaries of the Township occur in the following manner, or as determined by the Zoning Administrator. (Note: Annually, the Township Board will review and approve a street lighting plan as part of the Marquette Township Capital Improvement Plan.)

- 1) Public Road Lighting
 - a) At the intersection of two or more public roads, and at the entrance to a public cul-de-sac from a public road.

ARTICLE 19 – PERFORMANCE REQUIREMENTS

- b) At the apex or apogee of any curve on a public road estimated to be greater than forty (40) degrees. *This requirement may be waived by the Township if the curve is within two hundred (200) feet of a lighted intersection.*
 - c) At hills or short-sight distances and near land forms on a public road that may limit vision, as may be determined by the Township.
 - d) Half way between platted blocks or as close to half way, as determined by the Marquette Board of Light & Power and/or Zoning Administrator; regarding the utilization of existing utility poles. At no time shall a light fixture be installed in the platted area with a distance greater than 300 feet between fixtures.
 - e) At the terminus of dead-end streets.
 - f) The final location of the public road light will be determined by the Township in conjunction with the supplying power utility, the County Road Commission and/or the Michigan Department of Transportation in regards to the availability of service and set-back requirements, respectively.
- 2) Standard Lamp and Fixture
- a) Each designated public local road light location shall have a downcast, shielded LED fixture on a pole.
 - b) The light fixture shall be a shielded, LED style unit with the optics flush to the fixture, as provided by the Marquette Board of Light and Power or other designated lighting contractor. At an intersection, the arm fixture shall be aimed towards that intersection point.
- 3) Existing Public Road Lights
- a) Existing street lights operated by the Township that do not meet the standards as set forth within this document will be “grand-fathered” into the requirements provided herein and may be replaced by shielded, downcast LED fixtures at such time as may be determined by the Township.
- 4) Subdivision Street Lighting
- a) The proprietor-developer of a subdivision shall, at the time of submitting the final plat to the Township Board for approval, submit a street lighting plan and cost estimate prepared by a professional engineer for the area proposed to be subdivided. The street lighting plan shall have the minimum lighting requirements as set forth by the Township for public streets, including the same standards for lamps, fixtures, attachments, poles and their placement.
 - b) The proprietor/developer shall deposit with the Township, at the time the final plat is submitted, a cash or other security acceptable to the Township in an amount equal to the estimated cost of construction of such street lighting plan. Costs shall be obtained from the Board of Light and Power or other approved lighting contractor or supplier.
 - c) Upon completion of the street lighting by the proprietor/developer, in accordance with the plan submitted as approved by the Township, and

ARTICLE 19 – PERFORMANCE REQUIREMENTS

upon the assignment of such lighting to the Township, the cash deposit or other security shall be refunded to the proprietor/developer.

J. ENFORCEMENT

This ordinance shall be enforced by the Marquette Township Zoning Administrator or designated official, per the provisions in Article XXV – Administration & Enforcement of this Zoning Ordinance. The Zoning Administrator or designated official shall investigate suspected violations and issue notices of violation requiring corrective action, and shall have the ability to assign penalties for non-compliance. The Zoning Administrator or designated official shall also have the ability to use the services of an outside expert or lighting consultant to determine if a light fixture or lighting array is in compliance with the provisions of this ordinance; in the event of a violation of the ordinance, the cost of the expert who undertook the lighting evaluation shall be passed onto the owner of the property determined to be in violation.

K. ORDINANCE INTERPRETATION & APPEALS

An individual aggrieved by an action of the Zoning Administrator may appeal any interpretations of this Ordinance to the Township Zoning Board of Appeals for their review and final determination. The factual basis for the appeal must be specific, in writing and filed with the Township Clerk within seven (7) days after the date of the decision of the Zoning Administrator. An appeal shall stay action on the issue in question.

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ARTICLE 20: MISCELLANEOUS PROVISIONS

SECTION 20.01: INTENT

The purpose of this Article is to establish regulations controlling miscellaneous items which have not been specifically addressed within other parts of this Ordinance, but yet are applicable to all zoning districts within the Township.

SECTION 20.02: UNSAFE BUILDINGS AND STRUCTURES

Nothing in this Ordinance shall preclude compliance with an official order issued by the Zoning Administrator or other appropriate authority to correct, improve, strengthen, or restore to a safe condition any building, structure, or any part thereof declared to be unsafe.

SECTION 20.03: ADEQUATE ACCESS-LOTS OF RECORD

Any one (1) lot of record created before the effective date of this Ordinance, and not having frontage on a public street or right-of-way, shall not be occupied without provision for adequate access to a public right-of-way or street. Minimum adequate access may be provided by an easement or other right-of-way not less than twenty (20) feet wide, connecting the parcel with the public street or right-of-way. Specific access situations may require review by the Planning Commission and the Zoning Board of Appeals if a variance is required.

SECTION 20.04: BUILDING SITE GRADES

The finished grade adjacent to the outside walls of any new building constructed or altered shall be designed to direct surface drainage away from the building walls and to direct surface flow into proper swales, inlets, or basins. Land balance and site drainage plans shall be in accordance with all requirements set forth in Ordinances, rules, regulations or procedures established by the Marquette County Drain Commissioner.

SECTION 20.05: POTABLE WATER SUPPLY AND SANITATION FACILITIES

After the effective date of this Ordinance, all buildings and structures erected for human occupancy, to be utilized for a dwelling unit, business, industrial use, or for recreational purposes shall be provided with a safe, sanitary, potable water supply along with a safe, and effective system for the collection, treatment, and disposal of human, commercial, or industrial waste. Installation of these systems shall comply with all relative statutory requirements of the State of Michigan and the Marquette County Health Department Sanitary Code.

If the Marquette County Health Department does not require well and septic permits, then the building or use is exempt from the requirements in Sections 19.14-19.20 which would otherwise require such permits. A copy of any required well, septic or other Marquette County Health Department permit shall be submitted to the Zoning Administrator prior to approval of the Zoning Compliance Certificate.

SECTION 20.06: RELOCATION OF BUILDINGS AND STRUCTURES

Existing buildings or structures within or outside of the Charter Township of Marquette shall not be relocated or moved onto any site, lot, or parcel of land within the Township unless the building design and construction are deemed to be safe by the County Building Inspector and the class of any such residential building, be not less than the typical classes of houses within the neighborhood to which such building is to be relocated, as documented in the Township Assessor's public records, which records reference the commonly accepted classes of single family detached houses officially designated by the Michigan State Tax Commission's "Assessor's Manual," as amended. The building or structure shall be located upon the proposed site in accordance with all state, county, and township requirements and shall comply with the criteria outlined in *Article 19, Performance Requirements*. All appeals by aggrieved parties shall be filed with the Zoning Administrator in writing within fifteen (15) days of the written decision of the Zoning Administrator regarding compatibility. The Zoning Administrator shall notify the Zoning Board of Appeals and forward all relative information for their review and subsequent decision in accordance with *Article 24, Zoning Board of Appeals, Section 24.07, Appeals*. A written authorization or moving permit shall be issued by the Zoning Administrator for the placement of an existing building or structure upon a lot or parcel only upon evidence of full compliance with all requirements noted in this Ordinance.

SECTION 20.07: PRIOR BUILDING PERMITS

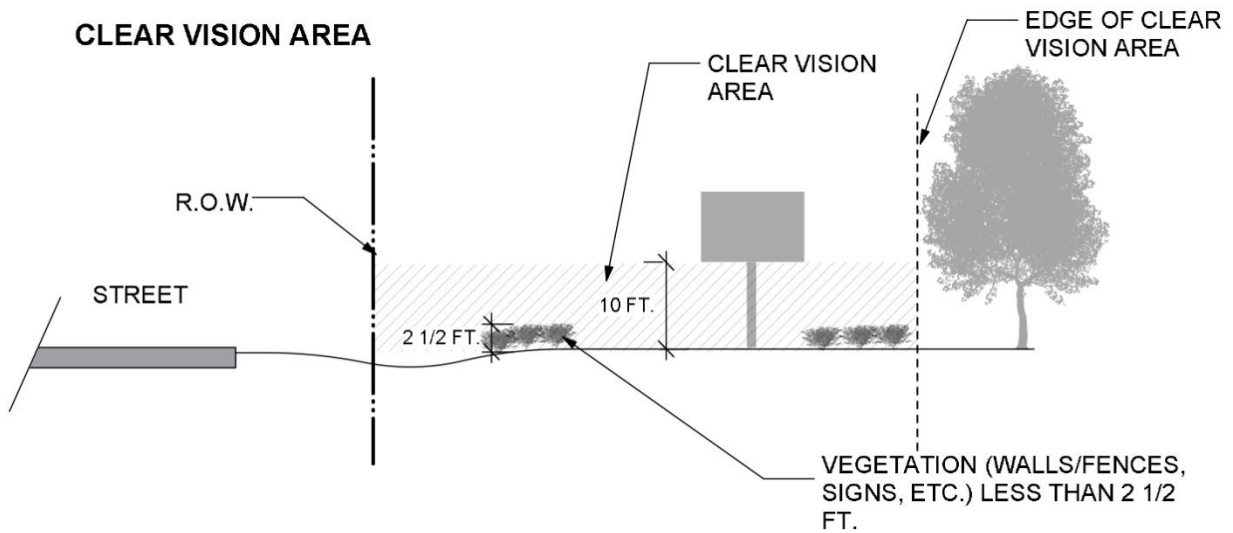
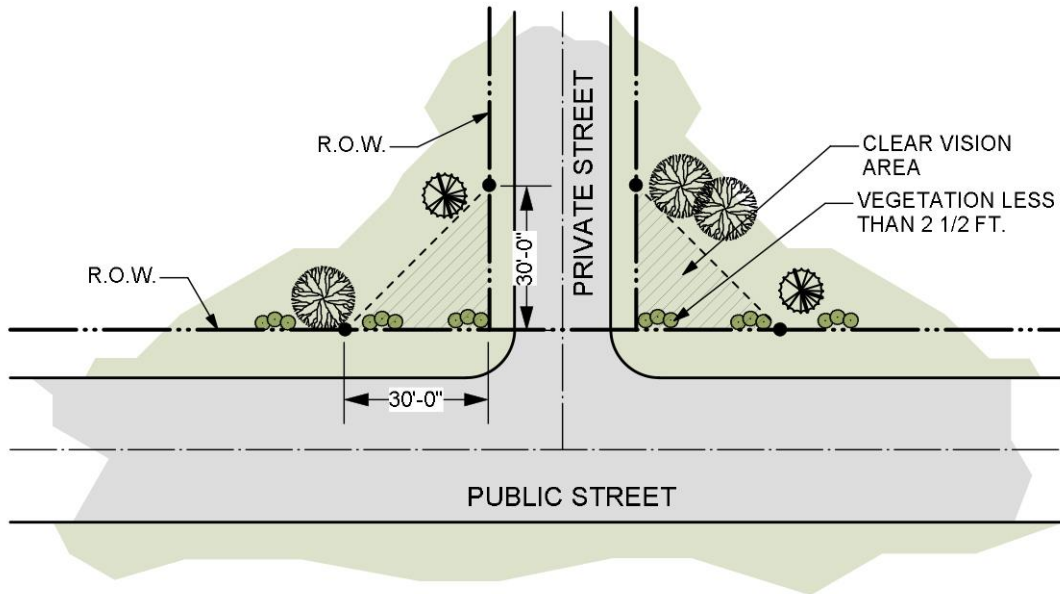
Any building permit issued prior to the effective date of this Ordinance shall be valid even though not conforming to the provisions of this Ordinance, provided that construction is commenced within ninety (90) days after the adoption date of this Ordinance and carried on diligently without interruption, as weather permits, for a continued period until completed.

SECTION 20.08: CLEAR VISION AREAS, FENCES, WALLS, AND SCREENS

In order to provide a clear view of intersecting roadways to the motorist, there shall be triangular areas of clear vision at the intersection of any public and/or private roadway formed by the right-of-way lines of the two (2) intersecting roadways and a line connecting the point on each right-of-way line thirty (30) feet from the intersection of the right-of-way lines. No building, fence, wall, sign, screen or planting shall be located or maintained in any way which could obstruct vision or interfere with traffic visibility between a height of two and one-half (2-1/2) and ten (10) feet, within the triangular area described, nor shall it obstruct vision at any curve or intersection roadway entrance.

The determination of vision obstruction at curves and driveway entrances shall be made by the Zoning Administrator. Fences located along a rear or side lot line may be a maximum of six (6) feet high except within the required front yard setback. Fences located within the required front yard shall not exceed four (4) feet in height. Fences greater than six (6) feet in height shall conform to the minimum side yard and setback requirements as noted in *Article 19, Performance Requirements, Sections 19.13 through 19.19, Schedule of District Regulations and Minimum Performance Standards*. Retaining walls greater than four (4) feet in height shall conform with the minimum side yard and setbacks as required in *Article 19, Performance Requirements*, as noted in the Section. This requirement does not pertain to bufferyard structures.

CLEAR VISION AREA



ARTICLE 20 – MISCELLANEOUS PROVISIONS

SECTION 20.09: AREA AND WIDTH AND SEWER CONNECTION REQUIREMENTS FOR LOTS OF RECORD

Any lot or parcel of record created and evidenced by deed or legal documentation of record in the office of the Marquette County Register of Deeds prior to the effective date of this Ordinance, may be used for any allowable use in the district within which it is zoned even though the lot area and/or the dimensions are less than those required for the district in which the lot is located provided, that the minimum setback and side yard dimensions and other requirements of the district, not involving lot area or width, are met (See also Section 20.03, *Adequate Access – Lots of Record*). Also, any lot or parcel of record created and evidenced by deed or legal documentation of record in the office of the Marquette County Register of Deeds prior to the effective date of this Ordinance, may be used for a single family detached residence and this principal use and only this principal use shall not be required to connect to the sanitary sewer in the Urban Residential District (UR) as specified in Section 19.15: Schedule of District Regulations and Minimum Performance Standards.

SECTION 20.10: YARD ENCROACHMENTS PERMITTED

- A. The following elements of a building or structure may extend or project into a required yard area:
1. By no more than three (3) feet: certain architectural features such as cornices, eaves, gutters, chimneys bay, windows, balconies and similar features, unenclosed porches, patios, paved terraces, and decks less than thirty (30) inches above finished grade provided that their size and location does not constitute a traffic hazard.
 2. By no more than four (4) feet: fire escapes, open steps, or stairways, wells, underground utilities, planting boxes, recreational equipment except swimming pools, yard and service lighting fixtures, poles, and flag poles.

SECTION 20.11: FRONT SETBACK REDUCTIONS

Any front setback area in any district may be reduced below the minimum requirements when the average front setbacks of existing principal buildings within two hundred (200) feet of a proposed principal building location are less than the minimum required. The required minimum front setback shall then be based on the established average setback. Where the established setback is greater than the required minimum setback, the required setback for the proposed principal building shall be the average setback of the existing principal buildings unless otherwise authorized by the Zoning Administrator.

SECTION 20.12: REAR SETBACK REDUCTIONS

When a lot of record has a depth of less than the minimum required within the respective zoning district prior to the effective date of this Ordinance, then the rear setback area shall not be less than twenty (20) feet. If a rear lot line abuts an existing or proposed street or right-of-way line, the Zoning Administrator may establish the required minimum rear setback, based upon the setback averaging procedure set forth in Section 19.11, *Front Setback Reductions*.

ARTICLE 20 – MISCELLANEOUS PROVISIONS

SECTION 20.13: REQUIREMENTS FOR WATER FRONTAGE LOTS AND PARCELS

All buildings and structures located on lots or parcels abutting any body of water shall be established in accordance with the requirements of the ***Natural Resources and Environmental Protection Act (PA 451 of 1994)***. Lots or parcels of land having water frontage shall maintain a minimum setback of seventy-five (75) feet from the beach as defined in *Section 2.02, Definitions*, for all buildings and structures except piers, boat houses and boat hoists. A minimum twenty-five (25) foot natural vegetation buffer shall be maintained along water frontage lots, and maximum of twenty-five (25) feet in one hundred (100) feet may be selectively cleared to afford a view of the water body. Where lots of record exist along water bodies, the petitioner shall provide the Zoning Administrator with a plot plan of the site as detailed in *Article 18: Site Plan Review, Section 18.03, Required Plan Approvals*. The location of all proposed buildings and structures on lots of record shall be reviewed individually on a case by case basis by the Zoning Administrator.

SECTION 20.14: LIMITATION OF FUNNEL DEVELOPMENT

Any development in any zoning district which shares a common lakefront or stream area may not permit more than one (1) single family home, cottage, condominium or apartment unit to the use of each one hundred (100) feet of lake or stream frontage in such common lakefront or stream area as measured along the water's edge of normal high water mark of the lake or stream. This restriction is intended to limit the number of users of the lake or stream frontage to preserve the quality of the waters, avoid congestion, and to preserve the quality of recreational use of all waters and recreational lands within the Township. This restriction shall apply to any parcel regardless of whether access to the water shall be gained by easement, common fee ownership, single fee ownership or lease.

EXCEPTION: This restriction shall not apply to an official public access site.

SECTION 20.15: REQUIREMENTS FOR ALL LOTS ADJACENT TO ROAD RIGHT-OF-WAYS

Any lot having yard space adjacent to any public or private road right-of-way line shall provide the minimum required front yard setback for its respective zoning district from all such right-of-way lines.

SECTION 20.16: ACCESS THROUGH YARDS

Access drives may be placed within the required front, side yard, and bufferyard to provide access to the rear yard and/or accessory building or structure or to a garage, parking or unloading areas, except as prohibited by footnote "e" at the bottom of the table in *Section 19.16* and by footnote "c" at the bottom of *Section 19.17*. Any walk or other pavement serving a like function shall be permitted within any required yard or bufferyard.

SECTION 20.17: HEIGHT REQUIREMENT EXCEPTIONS

- A. The following are exempted from the height limit requirements, provided that no portion of the excepted building or structure is used for human occupancy:
 - 1. Extensions purely ornamental in purpose such as church spires, belfries, cupolas, domes, ornamental towers, flagpoles, and monuments.

ARTICLE 20 – MISCELLANEOUS PROVISIONS

2. Necessary appurtenances to mechanical or structural functions, such as chimneys and smokestacks, water tanks, elevator and stairwell penthouses, ventilators, bulkheads, radio towers, masts and aerials, television antennas, fire and hose towers, electric transmission structures, cooling towers, or other structures where manufacturing processes require greater height.
3. Structural extensions deemed necessary to accommodate the building design such as cornices or parapet walls may extend a maximum of five (5) feet above height limitations and shall have no window openings.
4. Public and private utility structures.
5. Agriculture-related structures, such as bars, silos, elevators, and similar exceptions.
6. The Tower height of a Small, Medium, or Large WES, permitted as a Special Use, shall not exceed the limits of Article 16 Section 16.10 C. DEFINITIONS.

SECTION 20.18: USE OF TEMPORARY BUILDINGS AND STRUCTURES

- A. Temporary buildings and structures other than those stipulated in *Article 16, Detailed Use Regulations, Section 16.06, Specific Temporary Uses Permitted, Item I, Tent Theater*, may be placed on a lot or parcel of record and occupied only under the following conditions:
 1. During renovation of a permanent building damaged by fire. The temporary building or structure shall be removed when repair of the fire damage is complete. The temporary building or structure shall not remain on the lot or parcel for more than a total of ninety (90) days.
 2. Temporary buildings and structures incidental to construction work shall be removed within fifteen (15) days after construction is complete.
 3. Temporary building incidental to a church or school, provided that all wiring, plumbing, fire **protection**, and exits are approved by the Township Fire Chief, County Building Inspector, and by all required state or local agencies.

SECTION 20.19: SUBDIVISION OF LAND

All proposed subdivision of land located within the Charter Township of Marquette shall be in accordance with the requirements of the *Land Division Act, P.A. 288 of 1967, as amended, the Condominium Act, P.A. 59 of 1978, as amended, and the Charter Township of Marquette Access Control and Land Development Ordinance* and the requirements as set forth in this Zoning Ordinance.

ARTICLE 20 – MISCELLANEOUS PROVISIONS

SECTION 20.20: DIVISION OF LOTS OR PARCELS

The division of all lots, outlots, or other parcels of land within a recorded plat, or the division of any unplatted parcels of land shall be in accordance with the *Charter Township of Marquette Access Control and Land Development Ordinance*.

SECTION 20.21: MISCELLANEOUS OUTDOOR STRUCTURES

Bleachers, movie screens, permanent rides, outdoor seating areas, etc., shall be at least twenty-five (25) feet from any lot line exclusive of bufferyards.

SECTION 20.22: CAMPSITES

All recreational vehicle sites and campsites shall be subject to building setback regulations as required in *The Schedule of District Regulations and Minimum Performance Standards* for specific zoning districts as detailed in *Article 19, Section 19.14 through Section 19.20*.

SECTION 20.23: DUMPING OF TRANSPORTED SNOW

No snow may be placed on a parcel from which it was not removed unless expressly authorized in writing by the property owner and the Zoning Administrator. Snow Plowing and removal must comply with Michigan State Law (*Michigan Compiled Law, Act No. 300 of the Public Act of 1949, as Amended in 1970, Sec. 677a*).

SECTION 20.24: DUMPING OF PARKING LOT DEBRIS

No debris, sweepings, or other material collected from parking lots may be dumped on any parcel. Such materials shall be properly disposed of in waste containers and disposed of in accordance with laws applicable to solid waste.

SECTION 20.25: MINIMUM STANDARDS FOR HOUSING

All duplexes, single family attached dwellings, and single family detached dwellings shall comply with the following standards:

- A. It is firmly attached to a permanent foundation constructed on the site in accordance with the Michigan State Construction Code as promulgated by the Michigan State Construction

ARTICLE 20 – MISCELLANEOUS PROVISIONS

Code Commission under the provisions of 1972, PA 230, as amended, and shall have a wall constructed on the site of the same perimeter dimensions as that of the dwelling and constructed of such materials and type as required in the applicable building codes for such dwelling. In the event that the dwelling is a mobile home or manufactured housing as defined in Article II, such dwelling shall be installed pursuant to the manufacture's set up instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Manufactured Housing Commission and shall have a perimeter wall as required above.

- B. In the event that a dwelling is a mobile or manufactured home as defined in Article II, it shall be installed with wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage or chassis.
- C. The dwelling is connected to a public sewer and water supply or to such private facilities as approved by the County Health Department.
- D. The dwelling contains a storage capability area in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to a minimum of ten percent of the square footage of the dwelling or one hundred square feet, whichever shall be less.
- E. The dwelling is aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof over-hang of not less than six inches on all sides, or alternatively with window sills or roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling; has not less than two exterior doors with the second one being in either the rear or the side of the dwelling; and contains steps connected to said exterior door areas or to porches connected to said door areas where a difference in elevation requires the same; the exterior walls, which are three feet or more above the grade, shall be covered with a commercial finished siding, wood, brick, stone, decorative block, stucco or similar quality finish. The compatibility of design and appearance shall be determined by the Zoning Administrator upon review of the plans submitted for a Zoning Compliance Certificate. This determination of compatibility shall be based upon the standards set forth in this Section 20.25 as well as the character, design and appearance of one or more residential dwellings located outside of mobile parks and within two thousand feet of the subject dwelling where such area is developed with dwellings to the extent of not less than twenty percent of the lots situated within said area; or, where said area is not so developed, by the character, design and appearance of one or more residential dwellings located outside mobile home parks throughout the township. The foregoing shall not be construed to prohibit innovative design concepts involving such matter as solar energy, view, unique land contour, or relief from the common or standard designed home.
- F. The dwelling contains no additions or rooms or other area which are not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.
- G. The dwelling complies with all pertinent building and fire codes. In the case of a mobile or manufactured home, all construction and all plumbing, electrical apparatus and

ARTICLE 20 – MISCELLANEOUS PROVISIONS

insulation within and connected to said mobile or manufactured home shall be of a type and quality conforming to the “Mobile Home Construction and Safety Standards” as promulgated by the United States Department of Housing and Urban Development being 24 CFR 3280, with particular attention to the Thermal Protection Sections 280.501 through 280.511, and as from time to time, such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.

- H. The foregoing standards, other than the required Zoning Compliance Certificate, shall not apply to a mobile home located in a licensed mobile home park, except to the extent required by state or federal law or otherwise specifically required in any Ordinance of the Township pertaining to such parks.

SECTION 20.26: GRADING

A. GRADING PERMITS.

No grading, including any act by which soil, rock, earth or mineral matter is cut into, dug, quarried, uncovered, removed, displaced or relocated, including the removal of vegetative cover or overburden, excavation, and land balancing, shall be undertaken without first obtaining a grading permit from the Zoning Administrator except as otherwise provided herein. No grading shall begin until payment of the fee established by the Township Board and a performance bond or other security in the amount necessary to insure compliance with the requirements of the Ordinance is obtained.

No grading permit shall be required for agricultural, horticultural, forestry activities, driveway construction, the usual and customary graveling or grading of a road or driveway, or projects that do not involve, in any one calendar year, an area exceeding one acre, or more than 1,000 cubic yards of grading material, or the construction or maintenance of a septic tank and associated drain field.

When grading changes are proposed, reviewed and approved in conjunction with a site or plot plan, or a tentatively approved subdivision under the Marquette Township Subdivision Control Ordinance, a separate grading permit is not required. A grading permit is, however, required for any grading change prior to subdivision, site or plot plan approval regardless of whether such grading changes are part of any anticipated subdivision, site or plot plan review and approval. When a Mineral Extraction Permit is required and obtained, a grading permit is not required. Any grading done within the Township, either with or without a grading permit, shall comply with the grading requirements specified in Section B. Grading permits shall be issued for one year only and do not authorize grading work exceeding the life of the permit. Renewal permits may be applied for and issued on an annual basis.

B. GRADING REQUIREMENTS.

Anyone engaged in grading shall at all times take all appropriate and reasonable steps to prevent erosion including the construction of silt traps, the mulching and temporary or permanent planting of all areas exposed by grading, the construction of diversions, channel linings, grade stabilization structures, and bank protection structures, and shall limit, insofar as is practical, the area of land exposed to erosion resulting from grading at any one time and length of time that any area is exposed, and shall, upon completion of

ARTICLE 20 – MISCELLANEOUS PROVISIONS

operations, leave the area in a condition such that further erosion will not take place and the land is at least as suitable for uses permitted under this Ordinance as when grading operations commenced. The proposed grading shall be in compliance with the Marquette County Drain Commissioner's regulations and procedures for storm water management. Grading and all other associated activity shall comply with the Noise Ordinance of the Charter Township of Marquette, all applicable provisions of this Zoning Ordinance and any other local, state or federal statutes or ordinances.

C. APPLICATIONS FOR GRADING PERMITS.

An application for a grading permit must contain sufficient information to enable the Zoning Administrator to determine that the applicant proposes to take such measures as are necessary to meet the requirements of the preceding section. Where necessary, the Zoning Administrator shall require the submission of topographic maps, soil boring reports, or other necessary technical information on a site or plot plan in accordance with Article 18 SITE PLAN REVIEW. The Zoning Administrator may allow a plot plan for minor projects, in lieu of a site plan. All existing and proposed topography shall be shown such that appropriate storm water conveyance can be determined. Such site plan or plot plan shall be sent to the Marquette County Drain Commissioner to determine compliance with established Marquette County Drain Commission rules and storm water management. Upon receiving an application meeting the requirements set forth in this section, and the required fee, the Zoning Administrator shall issue a grading permit to the applicant in the form of a Zoning Compliance Certificate in conformity with Article 26 ADMINISTRATION AND ENFORCEMENT. A grading permit authorizes only the work described in the application. The Zoning Administrator shall impose such conditions or requirements in granting the permit as may be necessary to insure compliance with the requirements of the preceding section and shall impose such limits on working hours and time limits for completion of operations and the various stages thereof as may be necessary to minimize incompatibility with nearby land uses. The failure of applicant to take any action or refrain from any action specified either in the application or on the face of the permit shall constitute a violation of this Ordinance.

SECTION 20.27: OPEN SPACE PRESERVATION

Regardless of zoning district, land zoned for residential development may be developed at the option of the landowner, with the same number of dwelling units on a portion of the land as would be allowed for the buildable portion of the entire parcel. Not more than fifty percent (50%) of the buildable land shall be allowed for development. Unbuildable areas, such as wetlands, areas within the 100-year floodplain, or slopes greater than twenty-five percent (25%) shall not count toward the fifty percent (50%) open space minimum, as provided below. If a development is a subdivision, such must meet the requirements of the Marquette Township Subdivision Control Ordinance. Land may be developed for residential use under the open space preservation

SECTION 20.27: OPEN SPACE PRESERVATION – (Cont.)

option following the provisions of Article 17 Special Land Uses and Article 18 Site Plan Review and if all of the following apply:

The land is zoned at a density equivalent to two (2) or fewer dwelling units per acre, or, if the land is served by a public sewer system, three (3) or fewer dwelling units per acre. A percentage

ARTICLE 20 – MISCELLANEOUS PROVISIONS

of the buildable land area, but not less than fifty percent (50%), will remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, restrictive covenant, or other legal means that runs with the land. The development does not depend upon the extension of a public sewer or public water supply system, unless development of the land under conventional zoning would also depend upon such an extension.

In cases where extension of public sewer or public water are necessary, the developer shall bear the costs associated with the extension. The option provided by this section has not previously been exercised with respect to that land.

Minimum yard setbacks, lot size and lot width requirements may be reduced accordingly to accommodate the number of dwellings allowed. However, the lot width to depth ratio of 1:4 requirement shall not be changed to allow narrower lots.

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OFF-STREET PARKING REQUIREMENTS

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ARTICLE 21: OFF-STREET PARKING REQUIREMENTS

SECTION 21.01: PURPOSE

It is the purpose of this Article to control off-street parking, the loading and unloading of motor vehicles and to provide for adequate maintenance of all off-street parking facilities within designated zoning districts. The requirements specified are intended to accommodate the temporary, on-site storage of transient motor vehicles utilized by employees, patrons, or occupants of buildings or structures constructed or remodeled under the provisions and requirements of this Ordinance. Furthermore, it is the Township's belief that excessive parking and loading areas are inefficient uses of resources and increase the potential for stormwater drainage issues.

SECTION 21.02: PLAN REVIEW AND APPROVAL AUTHORITY

Required off-street parking and loading shall be shown as integral parts of plot plans and site plans, and are thus subject to the review authority and procedure as set forth in *Article 18, Site Plan Review, Sections 18.03, 18.04 and 18.05.*

SECTION 21.03: GENERAL PROVISIONS

- A. Property owners are entitled to reasonable access to their respective properties for optimal use in accordance with the individual requirements of the specific zoning district classification where located and in conformance with the minimum standards as set forth in this Ordinance. The best interests of the public health, safety, and welfare are served by requiring strict adherence to certain minimum standards based upon detailed engineering design criteria for all proposed off-street parking plans or activities. The Township encourages the petitioner to utilize innovative methods in the creation of plan documents and to thoroughly explore methods and alternative approaches, integrating the concepts of land use activities with transportation planning, in providing access to respective properties. The use of service drives, combined access points, and coordinated parking systems physically compatible with adjacent areas are therefore encouraged. It is the intent of this Ordinance that coordinated access systems be implemented for all types of proposed land uses and activities. Therefore, the site plan and traffic engineering standards shall dictate driveway location and spacing and not the specified lot width minimums. The following general provisions are applicable to proposed off-street parking plans submitted as integral elements of site plans required under *Article 18, Site Plan Review, Section 18.06: Required Information.*
1. All vehicular access drives, easements, and access points proposed along all highway and major traffic arteries shall be located in accordance with the *Charter Township of Marquette Comprehensive Development Plan and Article 19, Performance Requirements, Section 19.13 through 19.19, the Schedule of District Regulations and Minimum Performance Standards.* Complete plans and specifications shall be submitted to the Zoning Administrator for review at the time of application.
 2. The proposed off-street parking plan shall incorporate various design alternatives in accommodating the dictates of the physical site constraints and characteristics.

ARTICLE 21 – OFF-STREET PARKING REQUIREMENTS

SECTION 21.03: GENERAL PROVISIONS – (Cont.)

3. The proposed off-street parking plan shall be developed in accordance with the required minimum and maximum standards as to the number of parking spaces for specified types of land uses or activities within individual zoning district classifications. In the event of unusual circumstances, the petitioner shall substantiate any request for a variance from the suggested minimum standards so that the variance, if granted, will not result in a situation detrimental to the proposed land use or activity planned for the site.
4. The proposed off-street parking plan shall not adversely impact adjacent or surrounding areas. The control of potential nuisances, including noise, odor, smoke, dust, vibration, glare, fugitive sand or blowing and drifting snow shall be addressed on all site plans. The utilization of innovative design techniques, incorporating effective landscaping and screening within buffer strips, islands, or green belts, is encouraged.
5. The existing natural features of the site shall be protected and preserved in their original state insofar as practical and utilized to enhance the site wherever possible.
6. The proposed off-street parking plan shall reflect a proper relationship between vehicular storage areas and the land uses or activities which they are intended to service. Proposed plans for pedestrian access to common use areas through parking lots shall be designed with safety and circulation as a major priority.
7. Emergency vehicle ingress and egress as well as unrestricted circulation throughout the proposed site, as noted herein and in *Section 21.07, Emergency Vehicle Access*, shall be provided during the design phase and on the site plans. Fire and emergency vehicle lanes shall be clearly marked and identified on the plans and subsequently on the site utilizing acceptable signing procedures.
8. A compatible physical relationship shall be developed between the existing and adjacent land uses and activities, and the proposed plan for off-street parking. Physical improvements to the site, including, but not limited to, utilities, land balance, erosion control, grading, paving, and storm drainage shall be designed and constructed in compliance with the requirements of federal, state, county, or township's standards and specifications and shall be integrated with the adjacent areas to create an orderly and workable improvement.
9. A stormwater management plan shall be developed in accordance with the *Marquette County Drain Commission Rules, Regulations and Procedures for Internal and External Drainage* addressing on-site surface water runoff problems and their disposition. A general drainage scheme for the area shall also be developed to assure against any adverse effects to neighboring or downstream, off-site property owners. This provision may require stormwater retention or detention ponds where appropriate.
10. On-site traffic shall be controlled utilizing effective design techniques which may include signing, speed and directional controls, line painting, diverters, chatter ridges or speed bumps, and various methods of channelization which promote safety conscious design alternatives. Parking lot aisles shall not exceed 400 feet in length

ARTICLE 21 – OFF-STREET PARKING REQUIREMENTS

SECTION 21.03: GENERAL PROVISIONS – (Cont.)

before another intersecting aisle or driveway shall be provided. In determining this aisle length, all landscaped islands shall be included in the measurement. This maximum aisle length shall not apply to aisles where there is no opportunity for vehicles to drive through adjacent unoccupied parking spaces because the parking spaces are adjacent to features such as a building, side lot line, curbed sidewalk, or landscaping. Parking lot aisles and driveways shall intersect at 90° angles. This may be slightly less or greater than 90° angles when the Zoning Administrator or Planning Commission when under its jurisdiction determines that safe and efficient circulation for pedestrians and vehicles will still be provided.

11. Provision shall be made by the petitioner for continuing maintenance and upkeep of the proposed off-site parking and unloading facilities to assure an acceptable and continued land use or activity and to relieve the Township of any responsibility to maintain the proposed facility. Timely cleaning, sweeping, and flushing of the surface areas as well as continued care and maintenance of all landscaped areas, signs, lighting fixtures, and the like shall be provided by the owner on a regular basis. Snow plowing and the storage of snow on the site shall not obstruct clear view nor create visibility problems for drivers or pedestrians utilizing the facility or on adjacent or surrounding areas. Snow storage areas should generally be in distinct and separate locations from trees, shrubs and bufferyards. All site plans must show all locations of snow storage areas. If all snow is to be removed from the site, then a statement to such must be placed on the site plan by its petitioner. Snow shall be removed from the site by the owner in accordance with requirements set forth in this Ordinance or any other state, county, or local regulations which may apply.
12. No commercial repair work, servicing, or selling of any kind shall be conducted on any parking area except that which may be permitted under the provision of *Article 16, Detailed Use Regulations*, or within designated districts by the Zoning Administrator.
13. Where the owners of two (2) buildings, or uses, desire to utilize common off-street parking facilities, the Zoning Administrator or Planning Commission may grant approval if it is determined that all other necessary parking requirements as stipulated in this Ordinance have been met.
14. When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including one-half (1/2) shall be discarded and fractions over one-half (1/2) shall require one (1) parking space.
15. Off-street parking for other than residential uses shall be either on the same lot or within three hundred (300) feet of the building it is intended to serve, measured from the building entrance to the nearest point of the parking lot.
16. No parking area which exists at the time this ordinance becomes effective and complies with its provisions shall be relinquished or reduced to less than the minimum requirements established herein.

ARTICLE 21 – OFF-STREET PARKING REQUIREMENTS

SECTION 21.03: GENERAL PROVISIONS – (Cont.)

17. In the instance of dual function off-street parking spaces, where operating hours of buildings do not conflict, the Zoning Board of Appeals, after detailed review, may consider granting a variance to accommodate specific concerns.
18. For land uses not specifically indicated, the requirements for off-street parking facilities shall be in accordance with a use which the Zoning Board of Appeals considers as being similar in type.
19. Off-street parking does not include any spaces within a public road right-of-way.

SECTION 21.04: OFF-STREET PARKING REQUIREMENTS

A. GENERAL CRITERIA

The Off-Street Parking Requirements, as noted in Section 21.05, Table A: *Minimum ADA Parking Spaces*, Table B, *Use vs. Parking Nomograph*, are based upon the following criteria:

1. The number of required spaces per employee is based upon the maximum number of employees on the largest work shift.
2. The number of required spaces per square feet of **Gross Floor Area (GFA)**, is based upon the number of square feet of gross leasable area (GLA), and is defined as the total floor area designed for tenant occupancy and exclusive use, including basements, mezzanines, and upper floors expressed in square feet and measured from the centerline of joint partitions and from outside wall faces.
3. The number of required spaces per square foot of **Usable Floor Area (UFA)**, shall be defined as the GFA less the floor areas taken up by lobbies, enclosed machinery rooms on the roof, stairs and escalators, mechanical and electrical services, lifts, columns, toilet areas, ducts and risers.
4. Every off-street parking area available to the public shall have parking spaces reserved for the use of physically disabled persons as specified in Table XX: *Minimum ADA Parking Spaces* (as required by ASA Accessibility Guidelines for Buildings and Facilities, Chapter 4.1.2(5)(a), published in the Federal Register, Volume 56, No. 144, dated July 26, 1991)
5. Except for residential uses, in no case shall any individual, non-related and separately operated use provide less than four (4) parking spaces.

ARTICLE 21 – OFF-STREET PARKING REQUIREMENTS

TABLE A: MINIMUM ADA PARKING SPACES	
TOTAL PARKING SPACES REQUIRED	MINIMUM NUMBER OF RESERVED SPACES
1 – 25	1
26 – 50	2
51 – 75	3
76 – 100	4
101 – 150	5
151 – 200	6
201 – 300	7
301 – 400	8
401 – 500	9
501 – 1000	Two percent (2%) of the total number of spaces
1001 and over	Twenty (20), plus one (1) for each one hundred (100) spaces over one thousand (100)

ARTICLE 21 – OFF-STREET PARKING REQUIREMENTS

SECTION 21.05: TABLE B: USE VS PARKING NOMOGRAPH	
USE	Number of Parking Spaces Required Per Unit of Measure
Amusement Centers, Skating Rinks, Pools, Galleries	One (1) parking space per one-hundred (100) square feet of Useable Floor Area
Assembly Facilities without fixed seats, including but not limited to; Martial Arts Schools, Aerobic and Exercise Centers, and Similar Studios or Centers.	One (1) parking space per every twenty-five (25) square feet of Useable Floor Area
Automobile, Motorcycle, Truck, Bus, RV and Boat Sales	Four (4) parking spaces for the first one thousand (1,000) square feet of Useable Floor Area . Then one (1) parking space per three-hundred (300) square feet of Useable Floor Area in excess of one-thousand (1000) square feet, plus one (1) parking space per two-thousand (2000) square feet of outdoor display/sales area
Automotive repair or service facility	Five (5) parking spaces per one-thousand (1000) square feet of Gross Floor Area devoted to retail sales of automotive supplies or parts, plus one (1) parking spaces per service bay (a service bay shall not be considered a parking space)
Bar, Tavern, Nightclub, Cabaret, and other establishments for the sale of beer or intoxicating liquor for consumption on the premises	One (1) parking space for every three (3) persons based upon the maximum number of persons that can be accommodated at the same time in accordance with design capacity and Fire Marshal
Barber Shop / Beauty Shop / Hair Salon / Manicure Shop / Tanning Salon	Two and one-half (2.5) times the number of seats or service stations
Boarding Houses	One (1) parking space per two (2) guest rooms plus one (1) parking space for owner or manager
Bowling Alleys	Five (5) parking spaces per alley. If, in addition, there are other uses or accessory uses located within or operated in conjunction with the bowling alley, such restaurants, bars, taverns, nightclubs, and the like, additional parking spaces, calculated based upon the parking requirements for that specific use, shall be provided (calculation shall be based upon the total square feet of Useable Floor Area for such uses located within or operated in conjunction with the bowling alley)
Broadcasting, Movie or Video producing or Recording studios	One (1) parking space per two-hundred (200) square feet of Gross Floor Area
Bus Passenger or Railroad Stations or Heliports	One (1) parking space per every fifty (50) square feet of Gross Floor Area
Car Washes	Stacking spaces per wash bay as required for a drive-through facility, plus three and one-half (3.5) parking spaces per one-thousand (1,000) square feet of Useable Floor Area devoted to office or retail sales

ARTICLE 21 – OFF-STREET PARKING REQUIREMENTS

Casinos, Hotels or buildings wherein gambling games are conducted	One (1) parking space for every two (2) employees on the busiest shift plus one (1) parking space per each three (3) persons based upon the maximum number of persons that can be accommodated at the same time in accordance with the Fire Marshal's maximum occupancy calculation
Commercial, Trade or Business Schools	Forty (40) parking spaces per each one-thousand (1,000) square feet of classrooms
Child Care Centers	One (1) parking space per employee plus three (3) additional parking spaces
Emergency Services (i.e. Police, Fire, EMS / Ambulance Garage)	One (1) parking space per vehicle plus one (1) parking space per on-duty employee
Financial Institutions / Banks	One (1) parking space per two-hundred (200) square feet of Gross Floor Area , plus parking spaces as required for each walk-up, drive-through, or freestanding bank machine (ATM)
Financial Institutions / Banks – Freestanding Bank Machines, Walk-up or Drive-through	One (1) parking space for each walk-up, drive-through or freestanding bank machine, plus stacking spaces as required for a drive-through facility for any drive-through or freestanding bank machine accessible from as automobile
Funeral Homes, Mortuaries and Crematoriums	One (1) parking space per every fifty (50) square feet of Useable Floor Area
Gasoline Stations and Public Garages, including Gasoline Stations with Convenience Stores	One (1) parking space per each employee, plus two (2) parking spaces for each service bay. If Convenience Store is include there will be One (1) parking space for every three-hundred (300) square feet of Useable Floor Area
Gun Clubs, Skeet, Target or Archery Ranges	One (1) parking space per employee, plus two (2) parking spaces per shooting position
Hardware / Paint / Home Improvement Store	Five (5) parking spaces per one-thousand (1,000) square feet of Gross Floor Area
Hospitals, Sanitariums, Rehabilitation Centers and Emergency Medical Care Service Centers	One (1) parking space per every four (4) patient beds, plus one and one-half (1.5) parking spaces per every two employees including staff Doctors.
Hotels and Motels	One (1) parking space per guest room, plus two (2) parking spaces at office or registration area. If in addition to guest rooms, there are other uses or accessory uses located within or operated in conjunction with the hotel or motel, such as ballrooms, meeting rooms, dining areas, retail stores, auditoriums, bars, restaurants, taverns, nightclubs, and the like, additional parking spaces, calculated based upon the parking requirements for each specific use, shall be provided (calculation shall be based upon the total square feet of Useable Floor Area for each additional use located within or operated in conjunction with the hotel or motel)
Laundromats	One (1) parking space per fifty (50) square feet of Useable Floor Area

ARTICLE 21 – OFF-STREET PARKING REQUIREMENTS

Libraries, Museums and Art Galleries	Ten (10) parking spaces, plus one (1) parking space per every three-hundred (300) square feet of Useable Floor Area over two-thousand (2000) square feet
Industrial: Assembly or Manufacturing	One (1) parking space for each one-thousand (1,000) square feet of Gross Floor Area devoted to such use. If, in addition, there is space devoted to office, retail or other uses specified elsewhere in this Ordinance, parking required for such additional use shall also be provided
Industrial: Warehouse or Distribution	One (1) parking space for each three-thousand (3,000) square feet of Gross Floor Area . If, in addition, there is space devoted to office, retail or other uses specified elsewhere in this Ordinance, parking required for such additional use shall also be provided
Medical and Dental Clinics	Five (5) parking spaces per each doctor, including nurse practitioners, physicians assistants, and similar.
Nursing, Convalescent, Rest Homes, Residential Facilities for the Developmentally Disabled and other Health Homes and Institutions	One (1) parking space per every four (4) beds plus one and one-half (1.5) parking spaces per every three (3) employees of any description
Offices and Office Buildings	Three and one-half (3.5) parking spaces per one-thousand (1,000) square feet of Gross Floor Area
Publishing Establishments, Newspaper or Printing Shops	Two (2) parking spaces per one-thousand (1,000) square feet of Gross Floor Area , plus three and one-half (3.5) parking spaces per one-thousand (1000) square feet devoted to office or related retail activities
Refuse Dumps or Landfills	One (1) parking space per employee
Religious Uses – Churches or Temples	One quarter (.25) times the maximum seating capacity
Residential: Single Family and Duplex	Two (2) parking spaces per dwelling unit
Residential: Multifamily, including Apartment Houses, Town Houses and Condominiums	Two (2) parking spaces per dwelling unit plus an additional two (2) parking spaces for every three (3) dwelling units over seventy-five (75)
Restaurants: Family Restaurant, Family Restaurant with Lounge or Fast Food	One (1) space for each seventy-five (75) square feet of Useable Floor Area , including exterior seating area, plus one (1) for every two (2) employees on the largest working shift
Restaurants: Drive-In Restaurants	One (1) parking space per customer service unit, plus ten (10) parking spaces per one-thousand (1,000) square feet of Gross Floor Area (minimum of four (4) additional parking spaces required)
Restaurants: Drive-Through only (no seating)	One (1) parking space per employee (minimum of five (5) parking spaces required), plus stacking space as required by this ordinance

ARTICLE 21 – OFF-STREET PARKING REQUIREMENTS

Retail – Single Use Sites	<u>< 100,000 square feet</u> – Three and one-half (3.5) parking spaces per one-thousand (1,000) square feet of Gross Floor Area , provided that in no case shall any individual use provide less than a total of ten 5 (5) parking spaces
	<u>100,000 square feet and Over</u> – Two and one half (2.5) parking spaces per one-thousand (1,000) square feet of Gross Floor Area
Retail – Integrated Centers	<u>< 400,000 square feet</u> – If the total Gross Floor Area of an integrated center is less than 400,000 square feet, four (4) parking spaces per one thousand (1,000) square feet of Gross Floor Area shall be required
	<u>400,000 – 600,000 square feet</u> – If the total Gross Floor Area of an integrated center is greater than 400,000 square feet, but less than 600,000 square feet, four and one-half (4.5) parking spaces per one thousand (1,000) square feet of Gross Floor Area shall be required
Retail – Integrated Centers (cont.)	<u>> 600,000 square feet</u> – If the total Gross Floor Area of an integrated center is greater than 600,00 square feet, five (5) parking spaces per one thousand (1,000) square feet of Gross Floor Area shall be required
	<p>Provided, however:</p> <ol style="list-style-type: none"> 1. In no case shall any integrated center provide less than five (5) parking spaces: and, 2. The following individual uses: grocery store, hardware / paint / home improvement store; theaters; bowling alley; bar; tavern; nightclub; cabarets; or other establishments for the sale of beer or intoxicating liquor for consumption on the premises, shall provide parking spaces as required for the individual use by this Section and such calculation shall be separate from the calculation of the Gross Floor Area calculation of the integrated center.
Schools: Nursery, Elementary and Junior High Schools	One (1) parking space per classroom and office or one (1) parking space per every ten (10) seats in an auditorium, whichever is greater
Schools: Senior High Schools	One (1) parking space per every ten (10) classroom seats, plus one (1) parking space per every two (2) staff members
Service or Repair Establishments	Three and one-half (3.5) parking spaces per every one-thousand (1,000) square feet of Gross Floor Area
Theatres, Auditoriums, Gymnasiums, Stadiums, Arenas, Convention Halls, and places of Assembly with Fixed Seats	One (1) parking space for every four seats, plus one (1) space per every two (2) employees on the largest working shift
Veterinary Hospitals, Animals Kennels and Pounds	One (1) parking space per every four-hundred (400) square feet of Gross Floor Area

SECTION 21.06: DESIGN STANDARDS

A. PURPOSE AND INTENT

Landscaping of parking lots along with an alternative landscaping option provides a desirable and effective method to screen parking lots from adjacent areas and to break up the wide expanse of open paved areas. It also enhances community appearance, stabilizes property values, separates pedestrian and vehicular traffic and better defines parking areas and access aisles. Alternative landscaping locations, adjacent with existing and/or proposed buildings and along road right-of-way lines, are very desirable and are also encouraged. Careful design of landscaped areas also compliments on-site storm water management concerns. Whenever Off-Street Parking Requirements, as outlined in Section 21.05, Table B, Use vs Parking Nomograph, require the construction of off-street parking facilities, all improvements shall be designed, constructed and maintained in accordance with the following Design Standards and Regulations:

B. DESIGN STANDARDS AND REGULATIONS

- 1) Plans for all off-street parking lots providing spaces for more than five (5) vehicles shall be submitted as part of the site plan review process and shall be approved by the Planning Commission prior to construction.
- 2) A minimum access drive of twenty (20) feet in width, located appropriately to optimize development of the individual property shall be provided unless the access drive is shared with adjacent property. To limit the number of access points, shared access drives, service drives and parking lot connectors shall be utilized whenever possible. Driveway permits shall be obtained from the Michigan Department of Transportation, Marquette County Road Commission or the appropriate jurisdictional agency. Where a turning radius is necessary, it shall be of an arc that reasonably allows an unobstructed flow for all types of vehicles expected to utilize or patronize the facility.
- 3) Each off-street parking lot plan for vehicles shall be prepared in accordance with requirements set forth in Table XX-A, Parking Lot Design Standards.
- 4) Each space shall be clearly marked and reserved for off-street parking purposes.
- 5) Each individual off-street parking space for vehicles shall not be less than the width and the length of the parking space indicated in the following **Table C, Parking Lot Design Standards**. Parking aisles shall be of sufficient width to allow a minimum turning movement into and out of parking spaces. The minimum width of all aisles shall be in accordance with the required Design Standards as set forth in Table XX-A.

ARTICLE 21 – OFF-STREET PARKING REQUIREMENTS

SECTION 21.06: DESIGN STANDARDS – (Cont.)

Table C: Parking Lot Design Standards

Parking Pattern	Aisle Width		Parking Space	
	1-Way	2-Way	Width	Length
Parallel	11	18	8	22
30° - 50°	12	20	10	20
50° - 74°	13	22	10	20
75° - 90°	14	24	10*	18

**Where off-street parking for residential developments are to be accommodated by utilizing underground and/or tuck-under type garages, or where car ports and/or other sheltered off-street parking is proposed, the Planning Commission may approve a smaller parking stall width, provided that the smaller width will not be detrimental to safe and efficient traffic flow nor jeopardize the public health, safety, or welfare of the motorists or pedestrians.*

- 6) All off-street parking areas shall be drained to eliminate surface water ponding and prevent drainage onto abutting properties. This provision may require on-site, storm water detention or retention ponds where appropriate. With the exception of landscaped areas, the surface of the parking lot, including drives and aisles located within the DD (Development District), or the GB (General Business District), shall be paved.
- 7) Lighting fixtures used to illuminate off-street parking areas shall be designed to reflect light downward and away from adjoining residential properties, institutional premises, or streets and highways, and the lighting shall be installed in such manner as to allow for the reduction of the intensity of light after normal parking hours.
- 8) Where a parking area with a capacity of five (5) or more vehicles adjoins a residential use, Bufferyards shall be provided between the parking lot area and the adjoining property in accordance with **Article 19, Performance Requirements, Section 19.04, Bufferyards**.
- 9) Where a parking lot area with a capacity of five (5) or more vehicles adjoins a public street, a buffer-strip at least ten (10) feet wide shall be provided between the parking lot areas and the adjacent street right-of-way line. Plantings or a berm shall be provided to screen the parking lot areas from view along the entire length of the buffer-strip. Plantings within the buffer-strip area shall be maintained in a healthy condition. No more than two (2) driveway approaches may be permitted to break the buffer-strip from a major street, and no more than one (1) driveway from a minor street. When parking lots are larger than fifty (50) vehicles, the required buffer-strip shall be twenty (20) feet wide between parking lot area and the adjacent public street right-of-way line.

SECTION 21.06: DESIGN STANDARDS – (Cont.)

C. LANDSCAPING REQUIREMENTS

In addition to the landscaping requirements set forth in accordance with Section 21.06, for a particular zoning district, all parking lot areas designed to accommodate a capacity of ten (10) or more vehicles shall be landscaped. Such landscaping shall be accomplished throughout, including the interior of the parking lot area, on the basis of two hundred (200) square feet of grass and planted area, including trees, for each ten (10) parking spaces. Landscaped end islands shall be provided at the end of every parking aisle. Landscaped end islands, in any single island, shall be not less than twelve (12) feet in any dimension excluding curb and gutter. All landscaping shall be surrounded by a non-mountable curb or otherwise be protected when adjacent with any vehicular use area. All landscaped areas shall be adequately maintained in a healthy condition. The Planning Commission may approve alternative landscaping locations that are not within the parking lot area provided the following criteria are met:

- 1) The alternative landscaping is not proposed for a location where other types of landscaping are already required.
- 2) The proposed alternative landscaped locations are highly visible to the public.
- 3) The alternative landscape locations do not jeopardize the public health, safety or welfare of the motorists or pedestrians.
- 4) The total area of the alternative landscape locations is not more than fifty percent (50%) of the total square footage required for parking lot landscaping in accordance with Section 21.06.
- 5) The alternative landscape locations will not be detrimental to safe and efficient traffic flow to or through the parking lot area, and will not create an unreasonable burden for continual maintenance, especially snow plowing, temporary storage and/or removal.
- 6) A concentrated effort to utilize creative landscape design, within the optional alternative landscaped locations, to enhance existing and/or proposed on-site buildings and to adequately buffer and screen adjacent road right-of-ways.

SECTION 21.07: EMERGENCY VEHICLE ACCESS

The purpose of this Section is to identify the minimum requirements to facilitate rapid and effective extinguishment of fires ensuring that all future sites where the Charter Township of Marquette Fire Department may be dispatched are readily accessible for emergency vehicle operations.

- A. Every non-residential use permitted by this Ordinance shall provide access for emergency vehicles from a public roadway or right-of-way as follows:

ARTICLE 21 – OFF-STREET PARKING REQUIREMENTS

1. A dead-end access exceeding three hundred (300) feet in length shall be provided with a minimum turnaround area ninety (90) feet in diameter at the closed end.
 2. A fire lane shall be required providing access to any portion of a structure which is:
 - a) More than one hundred-fifty (150) feet from the nearest street right-of-way line when the structure is thirty (30) feet or less in height;
 - b) More than fifty (50) feet from the nearest street right-of-way line when the structure exceeds thirty (30) feet in height.
 3. When emergency vehicles are provided access to three (3) sides of a structure that is more than the distance from a street right-of-way line than specified in Subsection 2.b. above, by means of either a buffer strip or adjoining property, the requirements of Subsection 2.b. shall not apply.
 4. A fire lane to provide access to any part of a building may also be required if the Township Fire Chief determines that the distance to a structure on a site, or other special characteristics of the site, inhibit rapid, effective fire extinguishment.
 5. The Township Fire Chief may determine that the public health, safety and welfare require fire lanes in addition to private fire protection facilities required by the *BOCA Code (Building Officials and Code Administrators basic building code)* for any structure classified as a high hazard use. Structures to be utilized for uses which involve extreme risk of fire, smoke, explosion, toxic gas, or structures to be used as places of assembly for large congregations of people susceptible to panic shall also require special attention.
 6. Fire Lane Standards – A fire lane shall comply with the following standards:
 - a) The fire lane shall provide clear, unobstructed access for emergency vehicles and apparatus at all times.
 - b) Signs prohibiting the parking or standing of motor vehicles shall be required.
 - c) Fire lanes shall be a minimum of eighteen (18) feet in width.
 - d. The fire lane surface shall be paved.
 7. An alley may contribute all or part of a required fire lane if it meets all other requirements of this Section.
 8. A developer may substitute alternative means of ensuring the access necessary for effective fire and emergency operations. However, the alternative means shall meet the requirements of this Section and also be approved by the Zoning Administrator and the Township Fire Chief.
- B. Residential uses permitted by this Ordinance shall be arranged to permit access by emergency vehicles and apparatus to three (3) sides of a building or as otherwise may be allowed by the Township Fire Chief. Unless accessible through a parking lot or other

ARTICLE 21 – OFF-STREET PARKING REQUIREMENTS

trafficable areas, the principal building of a lot shall be accessible by a driveway not longer than 100 feet from the front lot line, unless such driveway and associated shoulder areas have a minimum cleared width of eighteen (18) feet, and whose curves, if any, have a minimum turning radius of 42 feet along the outside driveway edge to assure adequate access by emergency vehicles.

SECTION 21.08: OFF-STREET LOADING AND UNLOADING AREA REQUIREMENTS

- A. On the same premises with every building or part thereof, erected and occupied for manufacturing, storage, warehousing, goods display, department store, wholesale store, market, laundry, dry cleaning, or other similar uses involving the receipt of materials or merchandise and utilizing a distribution of vehicles, adequate space for standing, loading and unloading activities shall be provided and maintained on the lot to avoid interference with the public use of streets, alleys, or access aisles.
- B. Loading and unloading space, unless adequately provided for within a building, shall require an area ten (10) feet by forty (40) feet, with a fifteen (15) foot height clearance, and shall be provided in accordance with the following schedule:

<u>GFA (SQ. FT.)</u>	<u>NO. OF SPACES/SQ. FT. GFA</u>
0 – 1,400	None
1,401 – 20,000	One (1) space
20,001 – 100,000	One (1) space plus one (1) space for each additional 20,000 sq. ft.
100,001 and over	Five (5) spaces plus one (1) space for each additional 40,000 sq. ft.

The location and design of loading and unloading areas shall be reviewed at the time of Site Plan submission to ensure that adequate consideration is afforded adjacent districts, especially residential districts, to assure protection from inherent nuisance impacts and other disruptive elements normally associated with this type of activity.

SECTION 21.09: OFF-STREET STACKING REQUIREMENTS FOR DRIVE-THROUGH FACILITIES

- A. All businesses, which provide drive-through facilities for serving customers in their vehicles, shall provide adequate off-street stacking space and lanes, which meet the following requirements:
1. Each stacking space shall be a minimum of ten (10) feet in width and twenty (20) feet in length. Each stacking lane shall be a minimum of twelve (12) feet in width.

ARTICLE 21 – OFF-STREET PARKING REQUIREMENTS

2. Clear identification and delineation between the drive-through facility and parking lot shall be provided through signage and/or pavement markings. Drive-through facilities shall be designed to promote pedestrian and vehicular safety.
3. For drive-through facilities having a single stacking lane, an escape lane shall be provided which allows vehicles to pass those waiting to be served.
4. The number of stacking spaces per service lane shall be provided for the following use. When the use is not specifically mentioned, the requirement for off-street stacking space for a similar use shall apply.

USE	STACKING SPACES/SERVICE UNIT
Bank/Financial Institution	5/service window
Photo Service	4/service window
Dry Cleaning	4/service window
Fast-Food Restaurant	9/service window
Auto Wash (Self Service)	5/wash stall and 2 drying spaces/wash stall
Auto Wash (Full Service)	10/wash stall
Day Care Facility	10/facility
Pharmacy/Drug Store	4/service window

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ARTICLE 22: SIGNS

SECTION 22.01: SHORT TITLE

The On-Premise Sign Ordinance of the Marquette Charter Township.

SECTION 22.02: PURPOSE

These regulations balance the need to protect the public safety and welfare, the need for a well maintained and attractive community, and the need for adequate identification, communication and advertising. The regulations for signs have the following specific objectives:

- A.** To ensure that signs are designed, constructed, installed and maintained according to minimum standards to safeguard life, health, property and public welfare;
- B.** To allow and promote positive conditions for sign communication;
- C.** To reflect and support the desired ambience and development patterns of the various zoning districts, overlay districts, and plan districts and promote an attractive environment;
- D.** To allow for adequate and effective signs whose dimensional characteristics further the interests of public safety and the needs of the motorist, where signs are viewed from a street or roadway;
- E.** To ensure that the constitutionally guaranteed right of free expression is protected
- F.** To ensure that all signs are professionally designed and installed.

SECTION 22.03: SCOPE

- A.** General. The requirements of this Code apply to all signs, sign structures, awnings, and other types of sign devices located within the Charter Township of Marquette, except as specified in Subsection B, below;
- B.** Signs and sign structure located in Charter Township of Marquette that cannot be seen from a public roadway are not subject to the size, height, location and number regulations listed herein. These signs must however comply with safety and construction Building Code provisions set by the Marquette County Building Codes Department.

SECTION 22.04: HIERARCHY OF REGULATIONS

- A.** Where there is a conflict between specific sign regulations and the base or general sign regulations of this Ordinance, the specific sign regulations supersede the base sign regulations.
- B.** Other conflicts. Where there is a conflict between a land use regulation and a structural regulation, or other conflicts not otherwise addressed by this section, the most restrictive applies.

ARTICLE 22 – SIGNS

SECTION 22.05: SEVERABILITY

If any word, sentence, section, chapter or any other provision or portion of this Ordinance or rules adopted hereunder is invalidated by any court of competent jurisdiction, the remaining words, sentences, sections, chapters, provisions, or portions will not be affected and will continue in full force and effect.

SECTION 22.06: AUTHORITY

- A. **Administration and Enforcement.** The Marquette Township Zoning Administrator will administer and enforce the ordinance as set forth herein. The Zoning Administrator may implement procedures, forms, and written policies for administering the provisions of this Ordinance.

SECTION 22.07: DEFINITIONS

Abandoned Sign – A sign that no longer identifies or advertises an ongoing business, product, location, service, idea or activity conducted on the premises on which the sign is located after a period of six (6) months.

Alteration – A change in the size or shape of an existing sign. Copy or color change of an existing sign is not an alteration. Changing or replacing a sign face or panel is not an alteration.

Animated Sign – A sign employing actual motion, the illusion of motion, or light and/or color changes achieved through mechanical, electrical or electronic means. Animated signs, which are differentiated from changeable signs as defined and regulated by this Ordinance, include the following types:

- 1) *Environmentally Activated:* Animated signs or devices motivated by wind, thermal changes or other natural environmental input. Includes but not limited to spinners, pinwheels, pennant strings, and/or other devices or displays that respond to naturally occurring external motivation.
- 2) *Mechanically Activated:* Animated signs characterized by repetitive motion and/or rotation activated by mechanical system powered by electric motors or other mechanically induced means.
- 3) *Electrically Activated:* Animated signs producing the illusion of movement by means of electronic, electrical or electromechanical input and/or illumination capable of simulating movement through employment of the characteristics of one or both of the classifications noted below:
 - a. *Flashing:* Animated signs or animated portions of signs whose illumination is characterized by a repetitive cycle in which the period of illumination is either the same as or less than the period of non-illumination. For the purposes of this ordinance, flashing will not be defined as occurring if the cyclical period between on-off phases of illumination exceeds three (3) seconds.
 - b. *Patterned Illusionary Movement :* Animated signs or animated portions of signs whose illumination is characterized of various illuminated elements for the purpose of

ARTICLE 22 – SIGNS

producing repetitive light patterns designed to appear in some form of constant motion.

Architectural Projection – Any projection from a building that is decorative and/or functional and not intended for occupancy and that extends beyond the face or an exterior wall of a building but that does not include signs as defined herein. See also: Awning; Back-lit Awning; and Canopy, Attached and Freestanding.

Awning – An architectural projection or shelter projecting from and supported by the exterior wall of a building and composed of a covering of rigid or non-rigid materials and/or fabric on a supporting framework that may be either permanent or retractable.

Awning Sign – A sign displayed on or attached flat against the surface or surfaces or an awning. See also: Wall or Fascia Sign. An awning that contains a “sign” section of copy area shall comply with the applicable sign area requirements for parallel signs (see Table 22.08, Page 13) contained in this Ordinance. Only the sign or copy area displayed on an awning shall be used to determine the permitted sign area – the entire awning shall not be included in a Sign Area calculation. Refer also to Section 22.09 (see Page 14) for visual reference example.

Back Lit Awning – An awning comprised of covering material exhibiting the characteristic of luminosity obtained by means of a source of illumination contained within its framework.

Banner – A flexible substrate on which copy or graphics may be displayed.

Banner Sign – A sign utilizing a banner as its display surface.

Bench Sign – A sign applied or affixed to the seat or back of a bench.

Billboard – See Off-Premise Sign and Commercial Outdoor Advertising Sign.

Building Facade – That portion of any exterior elevation of a building extending vertically from grade to the top of a parapet wall or eaves and horizontally across the entire width of the building elevation

Building Sign – A sign that is applied or affixed to a building.

Candela – The basic unit of measurement of light in SI (metric) units.

Candela per square meter (cd/m²) – The SI (metric) unit used to describe the luminance of a light source or of an illuminated surface that reflects light. Also referred to as Nits.

Candle or Candlepower – Synonymous with Candela, but in English, not SI, terms.

Canopy (Attached) – A multi-sided overhead structure or architectural projection supported by attachment to a building on one or more sides and either cantilevered from such building or also supported by columns at additional points. The surface(s) and/or soffit of an attached canopy may be illuminated by means of internal or external sources of light. Similar to a Marquee.

Canopy (Freestanding) – A multi-sided overhead structure supported by columns, but not enclosed by walls. The surface(s) and/or soffit of a freestanding canopy may be illuminated by means of internal or external sources of light.

Canopy Sign – A sign affixed to the visible surface(s) of an attached or freestanding canopy. May be internally or externally illuminated. Similar to a Marquee Sign. Refer also to Section 22.09 (see Page 14) herein for visual reference example.

Changeable Sign – A sign with the capability of content change by means of manual or remote input includes the following types:

- 1) *Manually Activated:* Changeable sign whose message copy or content can be changed manually on a display surface.
- 2) *Electrically Activated:* Changeable sign whose message copy or content can be changed by means of remote electrically energized on-off switching combinations of alphabetic or pictographic components arranged on a display surface. Illumination may be integral to the components, such as characterized by lamps or other light-emitting devices; or it may be from an external light source designed to reflect off the changeable component display. See also Electronic Message Center.

Channel Letter (open faces) – A dimensional letter with a back and sides but no face at the front of the letter. Open Faced Channel Letters may be non-lit, externally illuminated, or illuminated by a light source contained inside the open channel of the letter itself, such as a neon tube.

Channel Letter (internally illuminated) – A dimensional letter with a back, sides and a translucent front face capable of transmitting light from an internal light source within the letter.

Channel Letter (reverse) – A dimensional letter with a face and sides but no back, opposite to an Open Faced Channel Letter. A Reverse Channel Letter has an open channel facing the wall or building to which it is affixed. A Reverse Channel Letter may contain a source of illumination designed to project lighting against the surface behind the letter, commonly referred to as a Backlit Channel Letter; also referenced as a halo or silhouette lighted channel letter. The face of a Reverse Channel Letter does not illuminate.

Cladding – A non-structural covering designed to conceal the actual structural supports of a sign. See also pole or pylon cover.

Clearview Zone – The area of a corner lot closest to the intersection which is kept free of visual impairment to allow full view of both pedestrian and vehicular traffic. Clear view zones shall be established in accordance with the requirements set forth in *Article 20, Miscellaneous Provisions, Section 20.08, Clear Vision Areas, Fences, Walls, and Screens*. No sign in excess of two and one-half (2-1/2) feet above curb grade nor support pole larger than twelve (12) inches in diameter may be installed in this area. Freestanding signs must have at least ten (10) feet clearance to grade.

Commercial Outdoor Advertising Sign – A permanent off-premise sign erected, maintained or used in the outdoor environment for the purpose of providing copy area for commercial or noncommercial messages.

ARTICLE 22 – SIGNS

Conforming Sign – A sign that is legally installed in conformance with all prevailing jurisdictional laws and ordinances.

Construction Sign – A temporary sign identifying an architect, contractor, subcontractor, and/or material supplier participating in construction on the property on which the sign is located, erected after site plan approval and removed not later than two (2) business days after issuance of a Certificate of Occupancy.

Copy – The graphic content or message of a sign.

Copy Area of Sign – The actual area of the sign copy as applied to any background. Canopy area on any individual background may be expressed as the sum of the geometrically computed shape or shapes encompassing separate individual letters, words or graphic elements on the background. See Section 22.14 (see Pages 20-21) for computational methodology.

Dimensional Letter, Symbol or Graphic – A letter, symbol or graphic that is three dimensional in character, containing height, width and depth.

Directional Sign – Any sign that is designated and erected for the purpose of providing direction and/or orientation for pedestrian or vehicular traffic.

Display Time – The amount of time a message and/or graphic is displayed on an Electronic Message Sign.

Dissolve – A mode of message transition on an Electronic Message Sign accomplished by varying the light intensity or pattern, in which the first message gradually appears to dissipate and lose legibility with the gradual appearance and legibility of the second message.

Double-Faced Sign – A sign with two faces, back-to-back.

Dynamic Frame Effect – An Electronic Message Sign frame effect in which the illusion of motion and/or animation is used.

Electric Awning Sign – (See also “Back Lit Awning”) An internally illuminated fixed space-frame structure with translucent, flexible reinforced covering designed in awning form and with graphics or copy applied to the visible surface of the awning.

Electric Sign – Any sign activated or illuminated by means of electrical energy.

Electronic Message Center or Sign (EMC) – An electrically activated changeable sign whose variable message and/or graphic presentation capability can be electronically programmed by computer from a remote location. Also known as an EMC. EMCs typically use light emitting diodes (LEDs) as a lighting source. (See also following terms principally associated with Electronic Message Centers: Display Time, Dissolve, Dynamic Frame Effect, Fade, Frame, Frame Effect, Scroll, Transition, Travel).

Externally Illuminated Sign – See Illuminated Sign.

ARTICLE 22 – SIGNS

Exterior Sign – Any sign placed outside a building.

Façade – See Building Façade

Fade – A mode of message transition on an Electronic Message Sign accomplished by varying the light intensity, where the first message gradually reduces intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility.

Fascia Sign – See Wall Sign

Flashing Sign – See Animated Sign, Electrically Activated.

Font – A set of letters, numerals, symbol, or shapes conforming to a specific set of design criteria.

Foot Candle – An English unit of measurement of the amount of light falling upon a surface (illuminance). One foot candle is equal to one lumen per square foot. Can be measured by means of an illuminance meter.

Foot Lambert – An English unit of measurement of the amount of light emitted by or reflecting off a surface (luminance) equivalent to 3.4262591 candelas per square meter.

Frame – A complete, static display screen on an Electronic Message Sign.

Frame Effect – A visual effect on an Electronic Message Sign applied to a single frame. See also Dynamic frame Effect.

Freestanding Sign – A sign principally supported by one or more columns, poles or braces placed in or upon the ground. May also be referenced as a Ground or Monument Sign. Refer also to Section 22.09 (see Page 14) for visual reference examples.

Frontage (Property) – The length of the property line(s) of any single premise along either a public way or other properties on which it borders.

Frontage (Building) – The length of an exterior building wall or structure of a single premise along either a public way or other properties that it faces.

Ground Sign – See Freestanding Sign.

Illuminance – The amount of light falling upon a real or imaginary surface, commonly called “light level” or “illumination”. Measured in foot candles (lumens/square foot) in the English system, and lux (lumens/square meter) in the SI (metric) system.

Illuminated Sign – A sign characterized by the use of artificial light, either projecting through its surface(s) [Internally or trans-illumination]; or reflecting off its surface(s) [Externally illuminated].

Internally Illuminated Sign – See Illuminated Sign.

ARTICLE 22 – SIGNS

Interior Sign – Any sign placed within a building, but not including window signs as defined by this ordinance. Interior signs, with the exception of window signs as defined, are not regulated by this ordinance.

Joint Sign – Any Freestanding Sign as defined in this Ordinance which uses multiple subunits to identify two or more persons, businesses, or organizations operating on one parcel or contiguous parcels (e.g., shopping center, office complex, etc.). Such sign may include the logo and/or name of persons or businesses included but shall carry no other advertising matter.

Joint Sign Determination – means an action by the Plan Commission to provide for the combination of multiple Freestanding Signs into one multi-part sign structure. Under a Joint Sign Determination, existing and future freestanding signage on said parcels shall be subject to the terms of the Determination.

Joint Sign Subunit – means that portion of a larger Joint Sign structure dedicated to an individual business or parcel.

Listed Sign – A sign manufactured and labeled in accordance with specifications promulgated by a recognized testing laboratory designed to assure compliance with applicable American National Standards (ANSI) and/or the National Electric Code (NEC).

Luminance – The light that is emitted by or reflected from a surface. Measured in units of luminous intensity (candelas) per unit area (square meters in SI measurement units or square feet in English measurement units.) Expressed in SI units as cd/m^2 , and in English units as foot lamberts. Sometimes also expressed as “nits”, a colloquial reference to SI units. Can be measured by means of a luminance meter.

Lux – The SI (metric) unit for illuminance. One lux equals 0.093 foot candles.

Mansard – A roof-like façade comparable to an exterior building wall. See Section 22.09 (see page 14) for visual reference.

Marquee – See Canopy (Attached).

Marquee Sign – See Canopy Sign.

Multiple-faced Sign – A sign containing three (3) or more faces.

Nit – A photometric unit of measurement referring to luminance. One nit is equal to one cd/m^2 .

Non-Conforming Sign – Any sign lawfully existing on the effective date of an ordinance, which due to an amendment thereto renders such sign nonconforming because it does not conform to all the standards and regulations of the newly adopted or amended ordinance.

Non-Conforming Use – A use or activity which was lawful prior to the adoption, revision, or amendment of a zoning ordinance, but which fails, by reason of such adoption, revision, or amendment, to conform to the present requirements of the zoning district. See *Also Article 23: Nonconformities, Section 23.02, Definitions.*

ARTICLE 22 – SIGNS

Off-Premise Sign – See Outdoor Advertising Sign. See also, Wayfinding Sign.

On-Premise Sign – A sign erected, maintained or used in the outdoor environment for the purpose of the display of messages appurtenant to the use of products sold on, or the sale or lease of, the property on which it is displayed.

Outdoor Advertising Sign – A permanent sign erected, maintained or used in the outdoor environment for the purpose of the display of commercial or noncommercial messages not appurtenant to the use of, products sold on, or the sale or lease of, the property on which it is displayed. May also be referenced as an Off-Premise Sign, Billboard, or Commercial Outdoor Advertising Sign.

Parallel Sign – See Wall Sign

Parapet – The extension of a building façade above the line of the structural roof.

Perpendicular Sign – See also Freestanding Sign; see also Projecting Sign.

Pole Cover or Pylon Cover – An enclosure designed to conceal poles and/or other structural supports of a sign. See also Cladding.

Political Sign – A temporary sign intended to advance a political statement, cause, or candidate for office.

Portable Sign – Any cord-connected sign not permanently attached to the ground and can be removed without the use of tools.

Projecting Sign – A sign other than a Wall Sign that is attached to or projects more than eighteen (18) inches from a building face or wall or from a structure whose primary purpose is other than support of a sign. Refer also to Section 22.08 (see Page 13) for visual reference example.

Pylon Sign – See *Freestanding Sign*

Real Estate Sign – A temporary sign advertising the sale, lease, or rental of the property or premises upon which it is located.

Revolving Sign – A sign that has the capability to revolve three hundred and sixty degrees (360°) about an axis. See also: Animated Sign, Mechanically Activated.

Roof Line – The uppermost line of the roof of a building or, in the case of an extended façade or parapet, the uppermost point of said façade or parapet.

Roof Sign – A sign mounted on the main roof portion of a building or on the uppermost edge of a parapet wall of a building and which is wholly or partially supported by such building. Signs mounted on mansard facades, pent eaves and architectural projections such as canopies or marquees shall not be considered to be roof signs. Refer also to Section 22.09 (see Page 14) for visual reference example of roof signs, and comparison of differences between roof and fascia signs.

ARTICLE 22 – SIGNS

Scroll – A mode of message transition on an Electronic Message Sign in which the message appears to move vertically across the display surface.

SI (International System of Units) – The modern metric system of measurement; abbreviated SI for the French term “Le Systeme International d’Unites.”

Sign – Any object, device, display, 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, produce, service, event, or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images. Signs do not include the flag or emblem of any nation, organization of nations, state, city, religious, fraternal, or civic organization; also merchandise and pictures or models of products or services incorporated in a window display and works of art or scoreboards located on athletic fields which in no way identify a product.

Sign Area – The area of the smallest geometric figure, or the sum of the combination of regular geometric figures, which comprise the sign face. The area of any double-sided or “V” shaped sign shall be the area of the largest single face only. The area of a sphere shall be computed as the area of a circle. The area of all other multiple-sided signs shall be computed as fifty (50) percent of the sum of the area of all faces of the sign. See Section 22.09 (see Pages 14 & 15) for computational methodology for various sign area configurations.

Sign Copy – The physical sign message including any words, letters, numerals, figures, symbols, logos and graphic elements comprising the content or message of a sign, exclusive of numerals identifying a street address only.

Sign Face – The surface upon, against or through which the sign copy is displayed or illustrated, not including structural supports, architectural features of a building or sign structure, nonstructural thematic or decorative trim, or any areas that are separated from the background surface upon which the sign copy is displayed by a distinct delineation, such as a reveal or border. Refer to Section 22.14 (see Pages 20 & 21) for sign face computational illustrations.

1. In the case of panel or cabinet type signs, the sign face shall include the entire area of the sign panel, cabinet or face substrate upon which the sign copy is displayed or illustrated, but not open space between separate panels or cabinets.
2. In the case of signs painted on a building, or individual letter or graphic elements affixed to a building or structure, the sign face shall comprise the sum of the geometric figures or combination of regular geometric figures drawn closest to the edge of the letters or separate graphic elements comprising the sign copy, but not the open space between separate groupings of sign copy on the same building or structure.
3. In the case of sign copy enclosed within a painted or illuminated border, or displayed on a background contrasting in color with the color of the building or structure, the sign face shall comprise the area within the contrasting background, or within the painted or illuminated border.

Site – Any plot or parcel of land or combination of contiguous lots or parcels of land.

ARTICLE 22 – SIGNS

Special Event Sign – A temporary sign pertaining to any civic, patriotic, or special event of general public interest.

Temporary Sign – A sign intended to display either commercial or noncommercial messages of transitory or temporary nature. Portable signs or any sign not permanently embedded in the ground or not permanently affixed to a building are considered temporary signs.

Trans-Illuminated Sign – See Internally Illuminated Sign

Transition – A visual effect used on an Electronic Message Sign to change from one message to another.

Travel – A mode of message transition on an Electronic Message Sign in which the message appears to move horizontally across the display surface.

Under Canopy Sign or Under Marquee Sign – A sign attached to the underside of a canopy or marquee.

V Sign – A sign containing two faces of equal size, positioned at an interior angle subtending less than one-hundred seventy-nine degrees (179°) at the point of juncture of the individual faces.

Wall or Fascia Sign – A sign that is in any manner affixed to any exterior wall of a building or structure and that projects not more than eighteen (18) inches from the building or structure wall. Also includes signs affixed to architectural projections that project from a building provided the copy area of such signs remains on a parallel plane to the face of the building façade or to the face or faces of the architectural projection to which it is affixed. Refer also to Section 22.09 (see Pages 14 & 15) for visual reference examples, and comparison examples of differences between wall or fascia signs and roof signs.

Wayfinding Sign – A sign, frequently off-premise, specifically designed to provide directional or destination information. See also, Off-Premise Sign.

Window Sign – A sign affixed to the surface of a window with its message intended to be visible to the exterior environment.

SECTION 22.08: TYPICAL ON-PREMISE SIGN TYPES

FREESTANDING SIGNS

usually perpendicular to viewer's line-of-sight. May be double or multi faced and contain thematic embellishment and integral covers or cladding to conceal structural supports.



PYLON



POLE WITH CLADDING



MULTI PANEL PYLON



POLE



MONUMENT



CANOPY



MONOLITH

BUILDING SIGNS



AWNING



ROOF

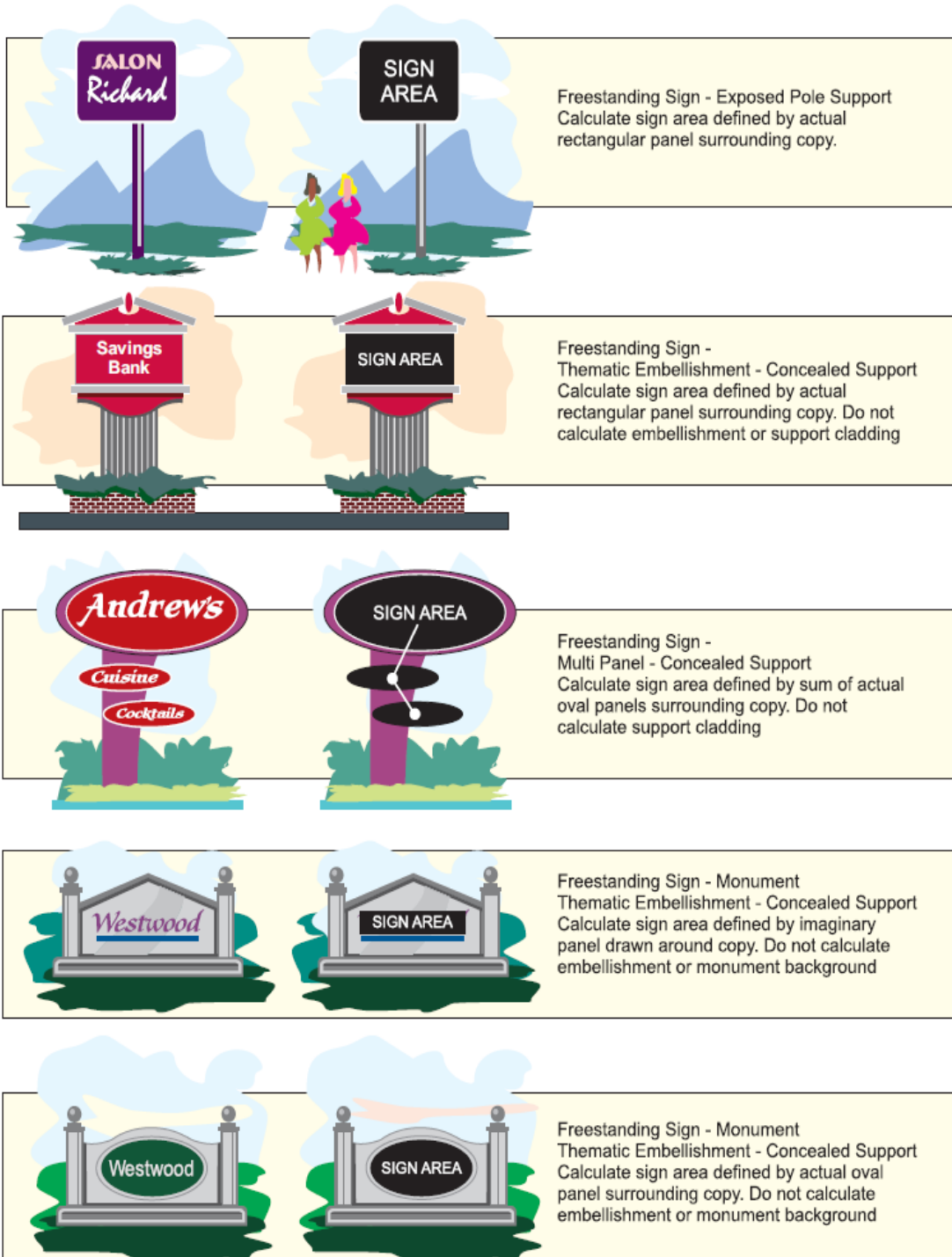


PROJECTING

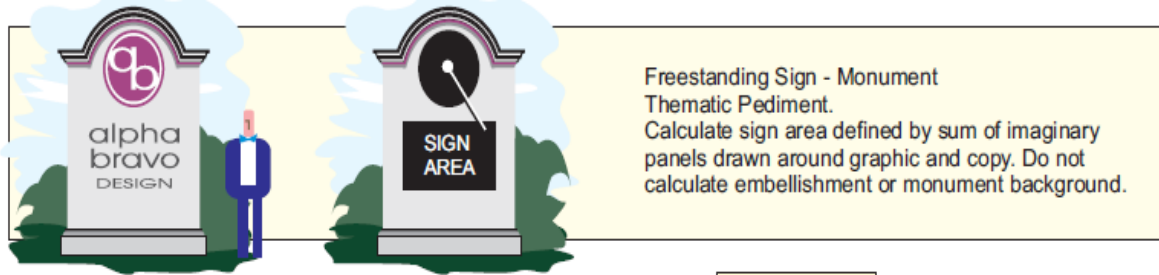


WALL / FASCIA

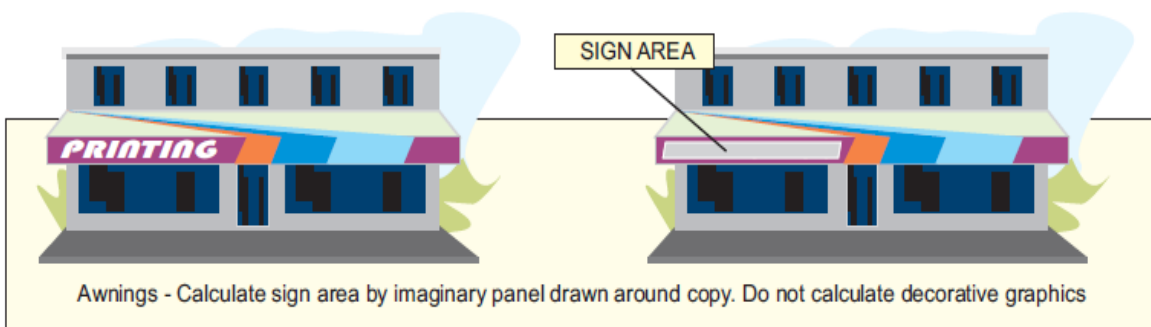
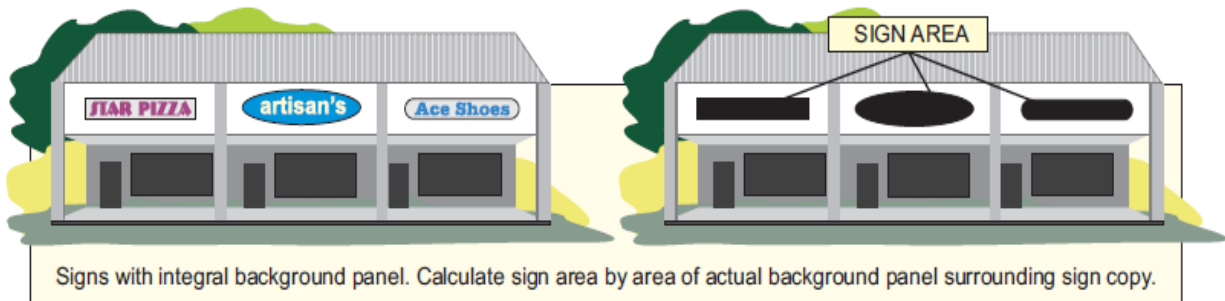
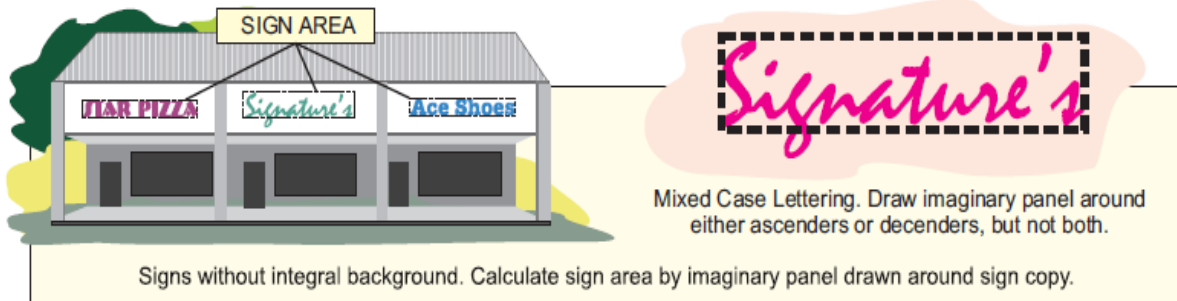
SECTION 22.09: SIGN AREA COMPUTATION METHODOLOGY / GROUND SIGNS



ARTICLE 22 – SIGNS

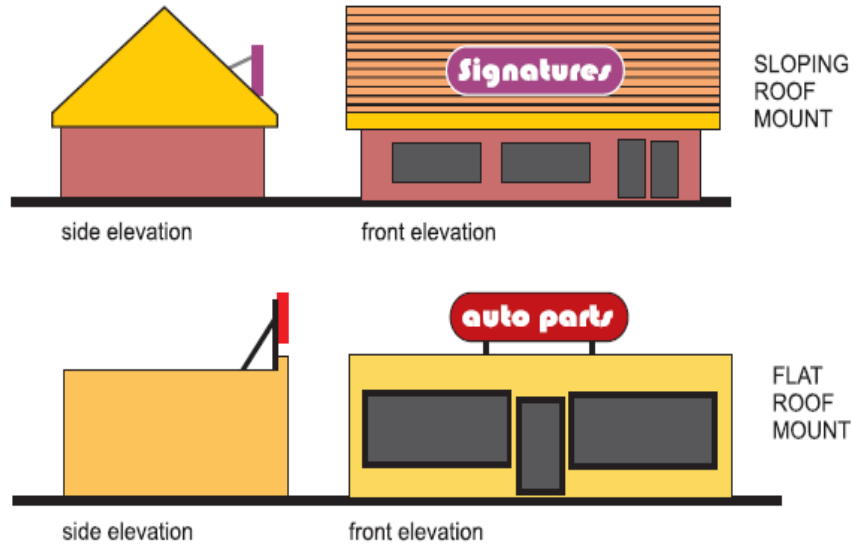


Wall / Fascia Signs

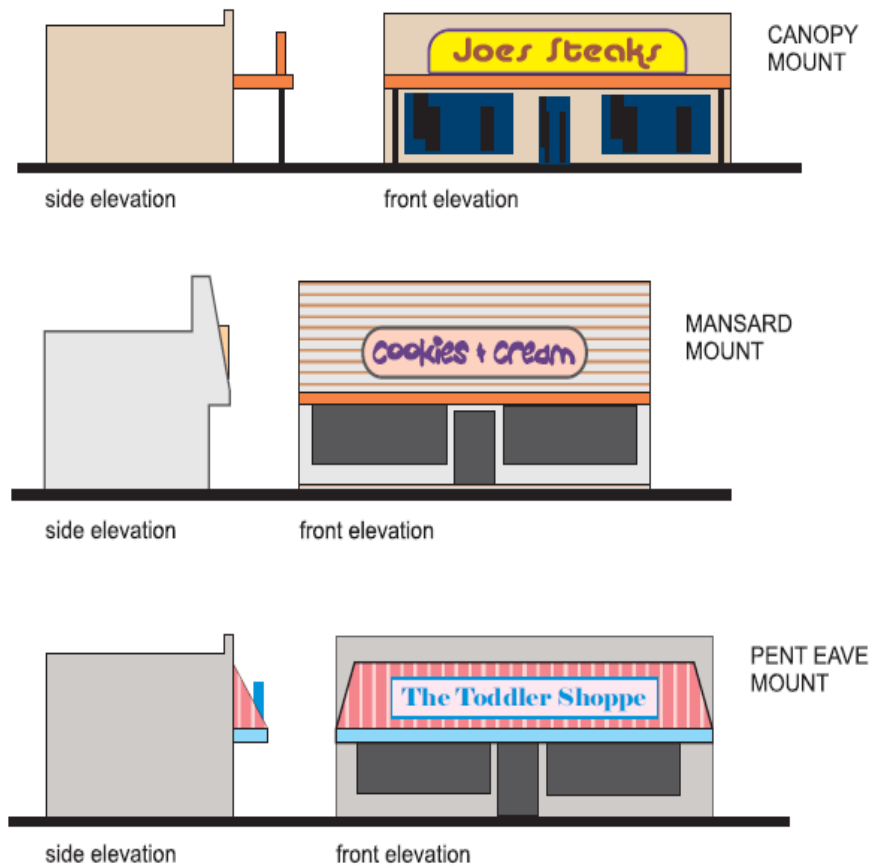


SECTION 22.09: COMPARISON: ROOF AND WALL SIGN DISTINCTIONS

ROOF SIGNS



Fascia Signs on Roof-Like Projections
NOT ROOF SIGNS



ARTICLE 22 – SIGNS

SECTION 22.10: EXEMPTIONS

The following are exempt from the regulations of this Ordinance and do not require a Sign Permit Application, but may be subject to other Ordinances enacted by Marquette Charter Township where applicable:

- A.** Signs which are not visible from a public roadway; however, these signs must comply with any building and constructions provisions enacted by Marquette Charter Township or Marquette County Building Codes;
- B.** Interior Signs;
- C.** Signs carved into a building or raised in integral relief on a building;
- D.** Signs required by federal or state law;
- E.** Signs required by municipal authority;
- F.** Flags & individual pennants (not on a string);
- G.** Painted and/or applied wall accents and decorations;
- H.** Illuminated building accents and decorations;
- I.** Public Art, including Permitted Original Art Murals
- J.** Name and Address – Up to two (2) signs indicating address, number and/or name of occupants of the premises, that do not exceed two (2) square feet in area per side, and do not include any commercial advertising or other identification.
- K.** Decals – Decals and/or logos affixed to windows or door glass panels, such as those indicating membership in a business group or identifying credit cards accepted at the establishment.
- L.** Handicapped Parking Space – Signs not exceeding two (2) square feet in area reserving parking for handicapped individuals.
- M.** Private Drive Signs – On-premise private drive signs are limited to one (1) per driveway entrance, not exceeding two (2) square feet in area.
- N.** Public Signs – Signs erected by government agencies or utilities, including traffic, utility, safety, railroad crossing and identification signs for public facilities and any signs erected by the Charter Township of Marquette.
- O.** Security and Warning Signs – On-premise signs regulating the use of the premises, such as “no trespassing”, “no hunting” and “no soliciting” signs that do not exceed one (1) sign two (2) square feet in area in Rural and Urban Residential Districts; and one (1) sign five (5) square feet in area in all other Zoning Districts. These limitations shall not apply to the posting of conventional “no trespassing” signs in accordance with state law.

ARTICLE 22 – SIGNS

P. Political Signs. *(See also Section 22.17 (9), Temporary Signs, of this Article)*

Q. Real Estate and/or Construction Signs.

R. Holiday, Special Event, Garage/Rummage Sale Signs.

SECTION 22.11:

PROHIBITIONS

The following signs are prohibited:

- A.** Signs containing strobe lights;
- B.** Abandoned sign structures, as defined by this Ordinance (see Page 4);
- C.** Signs placed on or painted on a motor vehicle or trailer parked with the primary purpose of providing signage not otherwise allowed by the Ordinance; Prohibited is any sign displayed on a parked trailer or truck or other vehicle where the primary purpose of the vehicle is to advertise a product, service business, or other activity. This regulation shall permit the use of business logos, identification or advertising on vehicles primarily and actively used for business purposes and/or personal transportation.
- D.** Signs that imitate or resemble official traffic lights, signs or signals or signs that interfere with the effectiveness of any official traffic light, sign or signal.
- E.** Mechanically Moving Signs – An environmentally activated sign or other display with actual mechanical motion powered by natural, manual, mechanical, electrical or other means, including but not limited to propellers and search lights.
- F.** Flashing Signs – See Definitions. For the purposes of this Ordinance, a sign that has changed rate or dwell time of three (3) seconds or longer does not fit within the prohibition noted herein.
- G.** Posters and Handbills – Any signs affixed to any structures, trees, or other natural vegetation, rocks or poles.
- H.** Roof Signs – Roof signs, except for those permitted by special exceptions in the General Business and Development Districts. See Section 22.17 (see Page 23)
- I.** Simulated Traffic Signs and Obstructions – Any sign which may be confused with, or obstruct the view of, any authorized traffic sign or signal, obstruct the sight-distance triangle at any road intersection or extend into the public right-of-way.
- J.** A-framed/Wheeled Signs – Any portable “A” frame or similar portable sign is prohibited except as described under Temporary Signs. Section 22.17 (see Page 28)
- K.** Signs Adversely Affecting Safety. Signs which prevent free ingress or egress from any door, window, fire escape, or that prevent free access from one part of a roof to any

ARTICLE 22 – SIGNS

other part. No sign other than a safety sign shall be attached to a stand-pipe or fire escape.

- L. **Sign Emissions** – No sign which emits smoke, visible vapors, particles, sound or odor shall be permitted. Open flames used to attract public attention to place of business or to an advertising sign shall not be permitted.
- M. **Mirrors**. No mirror device shall be used as part of a sign.

SECTION 22.12: GENERAL RULES FOR READING AND APPLYING THE ORDINANCE LANGUAGE

- A. **Reading and applying the Ordinance**. Literal reading of the Ordinance language will be used. Regulations are no more or less strict than as stated. Application of the regulations that are consistent with the rules of this Ordinance are non-discretionary actions of the Zoning Administrator to implement the Ordinance. The action of the Zoning Administrator is final.
- B. **Situations where the Ordinance is silent**. Where the Ordinance is silent, or where the rules of this Ordinance do not provide a basis for concluding that a sign is allowed, said sign is therefore prohibited.

SECTION 22.13: TERMS

- A. **Defining words**: Words used in the Ordinance have their dictionary meaning unless they are listed and described otherwise. Definitions: words listed in the Definitions chapter have the specific meaning stated, unless the context clearly indicates another meaning. The word “sign” in this Ordinance always refers to an “on-premise” sign.
- B. **Tenses and usage**
 - 1. Words used in the singular include the plural. The reverse is also true.
 - 2. Words used in the present tense include the future tense. The reverse is also true.
 - 3. The words “shall,” “must,” “will,” and “may not” are mandatory.
 - 4. “May” is permissive.
 - 5. When used with numbers, “Up to x,” “Not more than x” and “a maximum of x” all include “x”.
- C. **Conjunctions**. Unless the context clearly indicates otherwise, the following conjunctions have the following meanings:
 - 1. “And” indicates that all connected items or provisions apply;
 - 2. “Or” indicated that the connected items or provisions may apply singly or in combination;

3. “Either...or” indicates that the connected items or provisions apply singly, but not in combination.
- D. Lists.** Lists of items that state “including the following,” “such as,” or similar language are not limited to just those items. The lists are intended to provide examples, but not to be exhaustive of all possibilities.

SECTION 22.14: SIGN FACE AREA

- A. Sign Cabinets.** The area of sign faces enclosed in frames or cabinets is determined based on the outer dimensions of the frame or cabinet
- B. Double sided signs.** Only one (1) side of a double sided sign is counted in determining the area of sign faces. Where the two (2) sides are not of equal size, the larger of the two (2) sides is used for the determination of sign area. The area of multiple-faced signs in which the interior angle formed by the faces is greater than ninety-one degrees (91°) shall be expressed as the sum of the areas of all the faces, except for multiple –faced signs containing faces that are configured back to back, in which case the area of the faces configured back to back will be calculated according to the rule for double-faced signs.
- C. Round, Oval & Irregularly shaped signs.** To be measured based on the appropriate mathematical formula to obtain the sign area for a circle, an oval or irregularly shaped sign.
- D. Calculating Sign Area**
1. Signs containing integral background areas: the area of a sign containing a clearly defined background area shall be calculated based on the area of the smallest standard geometric shape or combination of geometric shapes capable of encompassing the perimeter of the background area of the sign. In the case of signs in which multiple background areas are separated by open space, sign area shall be calculated based on the sum of the areas of all separate background areas, calculated as references above, but without regard for any open space between the separate background areas.
 2. Signs without integral background areas in instances in which a sign consists of individual elements such as letters, symbols, or other graphic objects or representations that are painted, attached to, or otherwise affixed to a surface such as a wall, window, canopy, awning, architectural projection, or to any surface not specifically designed to serve as a sign background, the sign area shall be based on the sum of the individual areas of the smallest geometric shape or combination of geometric shapes capable of encompassing the perimeters of the individual elements comprising the sign.
- E. Awnings and Marquees.** When graphics or sign copy is incorporated into an awning, the sign area is determined by computing the area of a standard imaginary geometric shape or combination of shapes drawn around the sign copy area or graphics. When the ends of

awnings or marquees are parallel and contain graphics or sign copy, only one side is counted in addition to the sign face area on the front.

SECTION 22.15: HEIGHT OF SIGNS

- A. The overall height of a freestanding sign or sign structure is measured from the lowest point of the ground directly below the sign to the highest point of the freestanding sign or sign structure.
- B. **Exception:** Where a freestanding sign or sign structure is mounted along a roadway that has a higher grade level as compared to the grade level directly below the freestanding sign or sign structure, then the freestanding sign or structure's height will be measured from the roadway grade level to the highest point of the freestanding sign or sign structure. See Figure A.

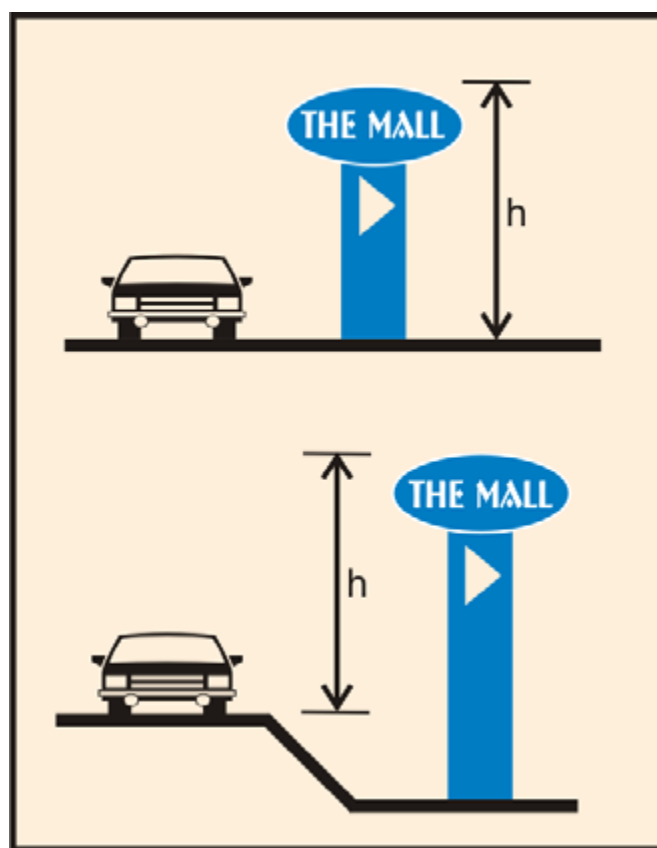


Figure A

SECTION 22.16: STANDARDS IN RURAL RESIDENTIAL & URBAN RESIDENTIAL DISTRICTS

- A.** General standards: standards for permanent on-premise signs in the Rural Residential and Urban Residential Zoning Districts are described below and on Table 1 (see Page 22).
- B.** Residential properties – all single family residential properties that are located in Rural Residential and Urban Residential Zoning Districts are permitted signs not to exceed eight (8) square feet in total sign area per road frontage. Corner lots and lots with frontage on more than one street are entitled to eight (8) square feet per frontage. This sign area allowance covers but is not limited to: address signs, home occupations signs, lawn signs, real estate signs, contractor signs, and political signs. Signs may be free standing, mounted to a permanent building structure or displayed in a window. Trees, rocks, or other naturally occurring landscape features shall not be used to support a residential sign.
- C.** Subdivisions, apartment, multi-family dwellings and condominium complexes are permitted a freestanding sign not to exceed sixty-four (64) square feet, and further provided that one (1) such sign shall be permitted for each separate street and or separate building frontage occupied by the subdivision, apartment, or condominium complex and/or for each means of entrance to or exit from the subdivision, apartment, or condominium complex. Wall signs are also permitted not to exceed five (5) percent of the area of the façade in elevation view upon which they are placed.
- D.** For properties located in the Rural Residential and/or Urban Residential Zoning Districts as described in subsection C above, other directional, incidental and/or accessory signs shall not exceed six (6) square feet in sign area and eight (8) feet in height (if freestanding).
- E.** Other permitted non-residential uses in a Rural and Urban Residential Zoning Districts are permitted a freestanding sign not to exceed forty-eight (48) square feet. Wall signs are also permitted not to exceed five (5) percent of the area of the façade in elevation view upon which they are placed.
- F.** Animated signs: as defined by this Ordinance, animated signs are prohibited in Rural and Urban Residential Zoning Districts.
- G.** Roof Signs: as defined by this Ordinance, Roof signs are prohibited in Rural and Urban Residential Zoning Districts.

ARTICLE 22 – SIGNS

Table 1 – Signs in Residential Districts				
	Types of Signs Allowed	Number of Signs Allowed	Permitted Sign Area	Maximum Height (if Applicable)
Rural & Urban Residential: Including Single Family Attached, Detached	Freestanding or Wall	Any number so long as the total sq. ft. of all signs does not exceed 8 sq. ft. per frontage	8 sq. ft	6'-0"
Rural & Urban Residential: Subdivisions, Apartment Complexes, Multi-Family Dwellings, Duplexes, Town Homes, Condominiums	Freestanding	One Per Frontage	64 sq. ft.	15'-0"
	Wall	One Per Façade	5% of Façade	-----
	Incidental or Directional	Unlimited	6 sq. ft.	8'-0"
Rural / Urban Residential: Permitted Non-Residential Uses in	Freestanding	One Per Frontage	48 sq. ft.	15'-0"
	Wall	One Per Façade	5% of Façade	-----
	Incidental or Directional	Unlimited	6 sq. ft.	8'-0"

SECTION 22.17: STANDARDS IN GENERAL BUSINESS AND DEVELOPMENT DISTRICT

General standards and sign features: The standards for permanent signs in the General Business and Development Districts. All such signs must conform to the regulations of this Section.

- A.** Any signs permitted in a Rural or Urban Residential Districts are permitted in General Business and Development Districts.
- B.** Signs for an office, office development, professional building or multitenant commercial establishment, including a directory of tenants engaged in professional and/or commercial activity on the premises. The area of any such sign shall not exceed sixty-four (64) square feet and not more than two (2) such signs shall be permitted on premises held in single and separate ownership unless such premises fronts on more than one (1) street in which case two (1) such sign shall be permitted on each separate street frontage.
- C.** Signs on properties located in the General Business or Development Districts are regulated by reference to types noted in the following:

1. Freestanding Signs:

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- a) Freestanding signs shall be limited to one (1) per property held in single and separate ownership except for a property that has frontage on more than one (1) street, in which case one (1) such sign shall be permitted for each separate street frontage. If a property has frontage that exceeds three hundred (300) lineal feet on any given roadway, one (1) additional such sign on such frontage shall be permitted; and for each multiple of three hundred (300) lineal feet of frontage thereafter, one (1) additional such sign shall be permitted for each separate street frontage.

Unless otherwise regulated by specific reference herein, the area and height above grade of any freestanding sign shall not exceed the amounts specified in Table 2. See Page 25

- b) In the case of property designated as a shopping center or planned industrial park, additional freestanding signs shall be permitted for each vehicular entrance to the property. Permitted sign area for these additional freestanding signs shall be sixty (60) percent of the sign area permitted by Table 2 for Signs in General Business and Development Districts. Sign height shall be in conformance with Table 2. See Below.
- c) Freestanding signs may not extend into the right-of-way.

Table 2 – Freestanding Signs in GB, DD, SR, & RP Values indicated are maximum limits on sign size and height

A= Sign Area in Square Feet / H= Sign Height in Lineal Feet

Zoning District ▶	GB, DD, SR, RP	
Speed Limit ▼	A	H
25	64	24
30	92	28
35	125	30
40	164	38
45	208	43
50	256	47
55	312	51

2. Building Signs:

- a) Building signs include wall or fascia signs, roof signs, and signs otherwise permanently applied to walls or other building surfaces.
- b) The total area of all parallel wall signs applied to any given façade shall not exceed the area computed as a percentage of the building façade in elevation view, including window and door areas and cornices to which

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they are affixed or applied in accordance with Table 3 (See Page 25) for Parallel Signs in General Business and Development Districts.

- c) In the case of a shopping center or a group of stores or other business uses on a lot held in single and separate ownership, the provisions of this section relating to the total area of signs permitted on premises shall apply with respect to each building, separate store, separate storefront, or separate use. Only wall signs shall be permitted for individual establishments in a Shopping Center or on a property with more than one use, entity or business (multi-use or multi-tenant properties; these properties may also have one (1) freestanding sign per street frontage).
- d) Fascia or wall signs may not extend above the top of the building wall upon which they are mounted.
- e) Fascia or wall signs may not extend more than eighteen (18) inches out from the wall or structure to which they are attached.

Table 3 - Parallel Signs	
Distance of sign from road	Percentage of building elevation façade permitted for sign area
0 to 100 feet	Fifteen (15%)
101 to 300 feet	Twenty (20%)
Over 301 feet	Twenty-Five (25%)

3. Roof Signs, Special Considerations:

- a) Roof signs are permitted by Special Exception in the General Business and Development Districts and are in lieu of a building or wall sign. For permitted roof sign area, see Table 3 (above) for parallel signs in General Business and Development District. The height of any roof sign above the highest architectural point of the building to which it is mounted shall not exceed the percentage of the vertical dimension of the building façade parallel to the sign in accord with subsection (1) Page 25. Measurements shall be computed from the highest building point to the top of the sign.

(1) General Business and Development District – Twenty-five (25) percent

- b) The area calculation for any roof sign whose orientation on a roof may be other than parallel to an individual building façade shall be computed with reference to the building façade that most closely parallels the orientation of such sign.

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- c) A pitched roof sign may not extend above the roofline.
- d) Pitched roof signs must be parallel to the building face. They may not extend beyond the building wall. See illustrations in Section 22.09 (See Page 14)
- e) Support structures must be designed so that there is no visible support structure above the sign.

4. Canopy Signs (also Marquee Signs and Signs on Architectural Projections): Special Considerations

- a) Canopy Signs, Marquee Signs and Signs on Architectural Projections are signs that are mounted to either structures that project off the face of the building more than eighteen (18) inches or signs that are mounted to a freestanding structure not attached to a building that creates a canopy or covering over an area below.
- b) Signs affixed or applied in an essentially flat plane to the face of a building or freestanding canopy, marquee, or architectural projection provided that the copy area of any such sign, as defined herein, does not exceed an area equal to forty (40) percent of the product of the height and length of the face area of the canopy, marquee, or architectural projection to which such sign is affixed or applied, or fifteen (15) percent of the building façade to which it is attached, whichever is greater.
- c) Graphic treatment in the form of striping or patterns shall be permitted on the face of any building or freestanding canopy, marquee, or architectural projection without restriction, and the area of any such graphic treatment shall not be calculated as a component of permitted copy area.

5. Awning Signs

- a) Graphics affixed or applied to the face or side surfaces of an awning or backlit awning are permitted provided that the copy area of any such sign copy or graphic, as defined herein, does not exceed an area in accordance with Table 3 for parallel signs, to which the awning is attached.
- b) Graphic treatment and/or embellishment in the form of striping, patterns, or valances shall be permitted on the face or side surfaces of any awning or backlit awning without restriction, and the area of any such graphic treatment and/or embellishment shall not be calculated as a component of permitted copy area.

6. Projecting Signs:

- a) Projecting signs shall be limited to one (1) per building façade on which any such sign is mounted except for a use that fronts on more than one (1) street, in which case, one (1) such sign shall be permitted per façade

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for each separate street frontage. In the case of a building in which any individual façade exceeds two hundred (200) lineal feet, one (1) such sign shall be permitted for each two hundred (200) lineal feet of such façade or multiple thereof on each separate street on which such façade fronts.

- b) The area of any projecting sign shall not exceed one (1) square foot per every two (2) lineal feet of the building façade on which such sign is mounted, except that no such sign shall be larger in area than one hundred (100) square feet.
- c) No projecting sign shall extend in vertical dimension above the highest architectural point of the façade to which it is mounted in excess of twenty five (25) percent of the vertical dimension of the façade itself. No projecting sign's height from highest grade below the sign to the lowest point of the projecting sign or sign structure shall be less than ten (10) feet.
- d) Projecting signs extending over a public sidewalk shall be limited to a projection distance not to exceed two-thirds ($2/3$) of the width of the sidewalk.
- e) Projecting signs shall not be permitted in addition to any permitted freestanding signs on any given property frontage, except that, in the case in which a premises is permitted either freestanding or projecting signs on any one (1) frontage, projecting signs may be substituted for any of the permitted freestanding signs on such frontage, provided that the requirements herein specifically relating to size, height, and extension of projecting signs are met.
- f) Projecting signs are not allowed on rooftops or on pitched roofs.

7. Directional Signs

- a) General standards: Directional signs that meet the standards of this subsection are allowed in all districts and are not counted in the total square footage of permanent signage allowed on any property or site.
- b) Size: Freestanding directional signs may be up to six (6) square feet in area and ninety-six (96) inches in height. Fascia directional signs may be up to sixteen (16) square feet in area.
- c) Directional signs in any district may have internal or external illumination.

8. Permanent Banners

- a) General: Banners used as permanent signs are allowed in all Commercial and Industrial districts and will be included in the total square footage of permanent signage allowed on the site. If a banner is used as a

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permanent sign it must be placed in a frame. Any banner not in a frame will be considered a temporary banner. Temporary banners are regulated under Section 22.17 Subsection 9.c. (See Page 28)

- b) Standards: Permanent banners are subject to the standards for either fascia signs or projecting signs depending on how the banner is supported or anchored.

9. Temporary Signs

- a) Signs that meet the standards of this subsection are exempt from the standards for permanent signs and are not counted in the total square footage of signage allowed on any particular property or site. Signs that do not meet the standards of this subsection are subject to the standards for permanent signs.
- b) Temporary signs may have external or internal illumination.
- c) Temporary Signs also include inflatable signs and objects. Signs and other objects which are inflated, including but not limited to, balloons. Balloons may be permitted in temporary non-commercial situations; for instance: they are permitted for special occasions at a residence.
- d) Temporary banners: Temporary banners are subject to the following regulations:
 - 1) In Rural and Urban Residential Districts, temporary banners are not permitted on sites with houses, duplexes, and attached houses. Exception: banners for holidays, religious commemoration, and special family events.
 - 2) In the General Business and Development Districts, one banner no larger than thirty-two (32) square feet in size is permitted per property or, on a multi-use property, per storefront. One (1) of these banners may be hung on each building wall or on each separate structure.
 - i. In no case may a storefront have more than one (1) temporary banner.
 - ii. A temporary banner may be displayed no longer than ninety (90) days per calendar year, and for no more than 30 days at a time.
 - iii. Any additional banners, or banners larger than thirty-two (32) square feet in size, must meet the standards for permanent signs in this Ordinance.

10. Political Signs.

- a) Temporary signs advertising political parties or candidates for elections may be erected or displayed without permit or fee provided that:
 - 1.) The size of the sign shall not exceed four (4) square feet.
 - 2.) The sign(s) shall be removed not later than ten (10) days after the election to which they pertain.

11. Joint Signs.

- a) The Planning Commission shall review permit applications for a Joint Sign or Area Identification Sign, which the Planning Commission may approve pursuant to review criteria and this Subparagraph, and thereafter the Zoning Administrator may issue a permit for said sign.
- b) Joint Signs and Area Identification Signs shall comply with both general and district-specific sign requirements for construction, setbacks, and height. Approval of the Joint Sign area and design shall be based on the following criteria:
 - 1.) The number and type of parcels, organizations, and structures served by the sign;
 - 2.) Consistency with other provisions and conditions of any Site Plan Approval, Conditional Use Permit or related permit;
 - 3.) Compatibility with adjacent development, including but not limited to the size and design of Freestanding Signs in the vicinity;
 - 4.) Consistency with the intent of the sign provisions of this Ordinance, including district-specific sign regulations, and;
 - 5.) Compliance with other applicable laws.
- c) After the initial approval of a Joint Sign structure, each subsequent Joint Sign Subunit to be included in the Joint Sign shall obtain a sign permit directly from the Zoning Administrator. After initial construction of the Joint Sign structure and Joint Sign Subunits, any alterations to the structure of said signs shall require a sign permit from the Zoning Administrator.
- d) Easements. A sign easement shall be required for all Joint Signs approved by Planning Commission. The easement shall reflect the right of all affected parcels to access and maintain the signage.
- e) Sign Use and Maintenance Agreements. Parcels affected by a Joint Sign

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Determination shall - in addition to the easement requirements of subparagraph (a) above - be party to a sign-usage-and-maintenance agreement for the Joint Sign.

Said agreement shall, at a minimum, establish terms for shared maintenance and landscaping of the overall sign structure and sign subunits; establish each parcel's share of area in the Joint Sign; set any requirements for the temporary disposition of sign subunits in the event of business vacancies; and any other limitations on sign design, appearance, or refurbishment. Said agreement shall be subject to prior review and approval by the Planning Commission.

- f) Recordation. All easements and agreements described in subparagraphs (a) and (b) above shall be recorded with the Marquette County Register of Deeds.

SECTION 22.18: ADDITIONAL STANDARDS IN ALL DISTRICTS

- A. Where these regulations apply.** These regulations apply to all signs regulated by this Ordinance.
- B. Sign placement.** All signs and sign structures must be erected and attached totally on or within the site or property to which they refer, behind any applicable legal right-of-way.
- C. Removal of signs.** The Michigan Department of Transportation, Marquette Charter Township, or the Marquette County Road Commission may require a sign extending into the right-of-way to be modified or moved if streets are widened or other improvements made in the right-of-way, which result in the creation of unsafe conditions. The modification or moving will be at the owner's expense. If a nonconforming sign is moved under this requirement, it may be re-erected on the site without being brought into conformance.
- D. Design continuity.** All signs and sign structures must be professionally designed by a licensed and insured sign contractor.

SECTION 22.19: ELECTRONIC MESSAGE CENTERS

- A.** In the General Business and Development Districts, Electronic Message Centers (EMCs) are permitted to be sixty percent (60%) of the allowable sign areas in accordance with the sign areas noted in Table 2 (see Page 24) or Table 3 (see Page 25) respectively.
- B.** Additional general EMC regulations:
 - 1. All EMC signs shall have automatic dimming controls, either by photocell (hardwired) or via software settings, in order to bring the EMC lighting level at night into compliance with Section 22.21 of this Ordinance "Sign Illumination Standards".

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2. In General Business and Development District, EMC signs must maintain a minimum transition time between messages and/or message frames of three (3) seconds and these transitions may employ fade, dissolve, and or other transition effects.
3. All EMC display features and functions are permitted, with the exception of (a) flashing, which is prohibited, and (b) full motion video or film display via an electronic file imported into the EMC software or streamed in real time into the EMC.

SECTION 22.20: SIGN ILLUMINATION STANDARDS

Signs may be illuminated consistent with the following standards:

- A. A sign in any district may be illuminated at night. Signs that are illuminated at night may not exceed a maximum luminance level of seven hundred fifty (750) cd/m² or Nits, regardless of the method of illumination.
- B. Signs that have external illumination, whether the lighting is mounted above or below the sign face or panel, shall have lighting fixtures or luminaries that are fully shielded.
- C. All illuminated signs must comply with the maximum luminance level of seven hundred fifty (750) cd/m² or Nits at least one-half hour before Apparent Sunset, as determined by the National Oceanic Atmospheric Administration (NOAA), US Department of Commerce, for the specific geographic location and date. All illuminated signs must comply with this maximum luminance level throughout the night, if the sign is energized, until Apparent Sunrise, as determined by the NOAA, at which time the sign may resume luminance levels appropriate for daylight conditions, when required or appropriate.
- D. On-premise signs do not constitute a form of outdoor lighting at night, but they shall not be exempt from outdoor lighting regulations that the Charter Township of Marquette has adopted, or may adopt in the future.

SECTION 22.21: NONCONFORMING SIGNS

- A. Nonconforming permanent signs may continue to exist after passage of this Code. Nonconforming signs will be removed and changed in accordance with the provisions of this Code.
- B. Permanent signs and sign structures that are moved, removed, replaced, or structurally altered must be brought into conformance with the sign regulations. However, nonconforming signs required to be moved because of public right-of-way improvements may be re-established. Removable faces or sign panel inserts in cabinet style sign may also be changed by right, and such change does not constitute a structural alteration nor trigger loss of nonconforming status.
- C. All nonconforming signs and sign structures must continue to be maintained in accordance with all applicable sections of this Ordinance as determined by the Zoning Administrator.

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- D. Nonconforming temporary signs must be removed within two (2) months of the passage of this Ordinance.
- E. Ownership. The status of a nonconforming sign is not affected by changes in ownership.
- F. Once a sign is altered to conform or is replaced with a conforming sign, the nonconforming rights for that sign are lost and a nonconforming sign may not be re-established.
- G. Loss of a nonconforming sign status.
 - 1. Discontinuance. See definition of Abandoned Sign.
 - 2. Destruction. When a sign or sign structure is removed or intentionally destroyed, replacement signs and sign structures must comply with the current standards. However:
 - a) Unintentional destruction. When a sign or sign structure that has nonconforming elements is partially or totally damaged by fire or other causes beyond the control of the owner, the sign and sign structure may be rebuilt to the same size and height using the same materials.

SECTION 22.22: ELECTRICAL REGULATIONS APPLYING TO ALL PERMANENT AND TEMPORARY ON-PREMISE SIGNS

All on-premise electrical signs outline lighting systems and skeleton neon lighting systems and all other Electrical Regulations shall fall under the regulations of the Marquette County Building Codes Department.

SECTION 22.23: CONSTRUCTION AND STRUCTURAL REQUIREMENTS

A. Structural Standards

- 1. Signs, sign structures, sign foundations and methods to attach and anchor signs must be designed and constructed in accordance with the applicable provisions of the Marquette County Building Codes Department.
- 2. The supports and foundations used in construction for all signs and sign structures must be located outside any rights-of-way.
- 3. Welds of sign structures & sections of sign structures must be welded in accordance with the Marquette County Building Codes Department.

B. Clearances

- 1. Vision clearance areas: Vision clearance areas are triangular-shaped areas located at the intersection of any combination of rights-of-way, alleys or driveways. The sides of the triangle extend thirty (30) feet from the intersection of the right-of-way, alley or driveway in either/each direction. (See Section 14.03 Fig. 14-1) No sign may be installed within this clear sight triangle.

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2. Vehicle area clearances: In areas outside of rights-of-way, when a sign or awning extends over an area in which vehicles travel or are parked, the bottom of the structure must be at least fourteen (14) feet above the ground. Vehicle areas include driveways, alleys, parking areas, and loading and maneuvering areas.
3. Pedestrian area clearances: When a sign or awning extends more than twelve (12) inches over a sidewalk, walkway, or other space used by pedestrians, the bottom of the structure must be at least ten (10) feet above the ground.
4. Clearances from fire escapes, means of egress or standpipes: Signs, sign structures and awnings are prohibited from being erected in any manner that interferes in any way with the free use of any fire escape, means of egress or standpipe. Attaching signs, sign structures or awnings to a fire escape is prohibited.
5. Obstruction of windows and ventilation: Signs, sign structures and awnings are prohibited from being installed in any way that obstructs any building openings to such an extent that light, ventilation or exhaust are reduced to a level below that required by either the Marquette County Building Codes Department, The Marquette County Health Department or the Marquette Township Fire Department.

SECTION 21.24: MAINTENANCE REQUIREMENTS

- A.** Signs, sign structures and awnings, together with their supports, braces, guys, anchors and electrical components must be maintained in a proper state of repair. The Zoning Administrator may at his/her discretion order any sign or sign structures or awnings to be removed if not maintained in accordance to this Ordinance.

B. Dangerous Structures and Equipment

1. Signs, sign structures or awnings that are dangerous must be taken down and removed or made safe as the Zoning Administrator deems necessary. Signs may be deemed dangerous for one or more of the following reasons:
 - a) Whenever a sign structure or its foundation, a sign's attachments to a building, or a building to which a sign is attached is damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that the structural strength or stability is materially less than it was before the catastrophe and is less than the minimum requirements of the Ordinance;
 - b) Whenever any portion or member of a sign, sign structure or awning is likely to fail, or become detached or dislodged, or to collapse and thereby injure persons or property;
 - c) Whenever any portion or member of a sign, sign structure or awning is likely to partially or completely collapse as a result of any cause, including dilapidation, deterioration, or decay; faulty construction or wiring; or removal, movement or instability of any portion of the ground or building necessary for supporting such structure;

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- d) Whenever a sign, structure or awning is structurally or electrically unsafe or otherwise hazardous to human life or safety by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment;
2. All signs, sign structures and awnings determined after inspection by the Zoning Administrator to be dangerous must be abated by repair, rehabilitation, demolition or removal.

SECTION 22.25: PERMITS

A. Permit

A Sign Permit Application shall be required for all sign except for those denoted in Section 23.10 of this Article and shall be fully completed before submitting to the Zoning Department.

B. Review of Applications and Issuance of Permits

The Zoning Department has ten (10) business days to review completed permits. Any missing information may cause the review to be extended a reasonable amount of time. Once the Zoning Department has completed their review of the Permit Application a Permit will be issued at which time all applicable fees will need to be paid.

C. Life of Permit and Registration Limited

Once a permit is granted the individual erecting the sign has one (1) year to complete the work as designated on the issued permit. Should the work not take place within one year the Zoning Department will need to again review the permit application before any work may commence.

SECTION 22.26: ENFORCEMENT & VIOLATIONS

- A. The Zoning Administrator is empowered under this Article and in accordance with *Article 26, Administration and Enforcement, Section 26.10, Zoning Administrator Duties and Power*, upon presentation of proper credentials, to enter a premise located within the Charter Township of Marquette, for the purpose of inspection of a sign.

B. Penalties

If any sign is installed or placed on any property prior to receipt of a permit, the specified permit fee shall be doubled. However, payment of the doubled fee shall not relieve any person of any other requirements or penalties prescribed in this Ordinance.

C. Violations

When, in the opinion of the Zoning Administrator, a violation of the Ordinance exists, the Zoning Administrator shall issue a written order to the alleged violator. The order shall specify those sections of the Ordinance which the individual may be in violation of and shall state that the individual has thirty (30) days from the date of the order in which to correct the alleged violation or to appeal to the Zoning Board of Appeals. If, upon inspection, the Zoning Administrator finds that a sign is abandoned or in any way endangers the public health, safety or welfare, the Zoning Administrator shall issue a

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written order to the owner of the sign and occupant of the premises stating the nature of the violation and requiring them to repair or remove the sign within thirty (30) days of the date of the order. In cases of emergency, the Zoning Administrator may cause the immediate removal of a dangerous or defective sign without notice. Signs removed in this manner must present a hazard to the public health, safety, or welfare as defined in the local building or traffic codes.

SECTION 22.27: FEES

- A. No permit will be issued by the Zoning Administrator until all applicable fees have been paid as required by the Township Board.

SECTION 22.28: APPEALS

An individual aggrieved by a decision rendered by the Zoning Administrator in denying a permit or in alleging a violation of this Article may appeal in writing to the Zoning Board of Appeals within ten (10) days of receipt of the Zoning Administrator's written decision. The action being appealed shall be held in abeyance pending the decision of the Zoning Board of Appeals.

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NONCONFORMITIES

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ARTICLE 23: NONCONFORMITIES

SECTION 23.01: PURPOSE

It is purpose of this Article to provide for the regulation of legally nonconforming structures, lots of record, and uses, and also to specify circumstances and conditions under which nonconformities shall be permitted to continue. It is necessary and consistent with the regulations prescribed by this Ordinance that nonconformities, which adversely affect orderly development and the value of nearby property, not be permitted to continue without restriction. The zoning regulations established by this Ordinance are designed to guide the future use of land located in the Charter Township of Marquette by encouraging appropriate groupings of compatible and related uses and to promote and protect the public health, safety, and general welfare. The continued existence of nonconformities is frequently inconsistent with the purposes for which regulations are established; therefore, the gradual elimination of nonconformities is generally desirable. The regulations of this Article permit nonconformities to continue, but are intended to restrict further investments which would make them more permanent. This Article distinguishes major nonconforming uses, minor nonconforming uses, major nonconforming structures, minor nonconforming structures, and nonconforming lots of records. The degree of restriction made applicable to each separate category is a function of the degree to which that category of nonconformity is a nuisance or incompatible with the purposes and regulations of this Ordinance.

SECTION 23.02: DEFINITIONS

- A. **A legal nonconformity** is any land use, structure, lot of record, or sign (See Article 22, *Signs for Details on Nonconforming Signs*) legally established prior to the effective date of this Ordinance or subsequent amendment to it which would not be permitted by, or be in full compliance with, the regulations of this Ordinance.
- B. **A nonconforming use** is an activity using land, buildings, signs, and/or structures for purposes which were legally established prior to the effective date of this Ordinance or subsequent amendment to it and which would not be permitted to be established as a new use in a zoning district in which it is located by the regulations of this Ordinance.
 - 1. A *major nonconforming use* is any principal use not permitted by right (Y), or by a Special Use Permit (S), as designated in Article 15, *Principal Uses Permitted in Districts, Section 15.05, Table XIV, Use vs. District Nomograph*.
 - 2. A *minor nonconforming use* is any existing nonconforming use which is not classified as a major nonconforming use. If an existing nonconforming use is designated as requiring a Special Use Permit (S) in Article 15, *Principal Uses Permitted in Districts, Section 15.05, Table XIV, Use vs. District Nomograph*, then the existing nonconforming use is considered to be a minor nonconforming use.

ARTICLE 23 – NONCONFORMITIES

SECTION 23.02: DEFINITIONS – (Cont.)

- C. **A nonconforming structure** is any building or structure, other than a sign, legally established prior to the effective date of this Ordinance or subsequent amendment, which does not fully comply with the standards set forth in this Ordinance.
1. *A major nonconforming structure* is any nonresidential building or structure located on a parcel which at any point borders a residential use and which exceeds either the maximum building height for the district in which it is located or which does not fully comply with the bufferyard requirements of this Ordinance.
 2. *A minor nonconforming structure* is any nonconforming building or structure which is not classified as a major nonconforming building or structure.
- D. **A nonconforming lot of record** is any validly recorded lot which at the time it was recorded fully complied with all applicable laws and ordinances but which does not fully comply with the lot requirements of this Ordinance concerning minimum area or minimum lot width.
- E. **A nonconforming sign** is any sign legally established prior to the effective date of this Ordinance or subsequent amendment to it which is not in full compliance with the regulations of this Ordinance.

SECTION 23.03: CONTINUANCE OF NONCONFORMITIES

- A. Except as otherwise provided in this Article, any nonconforming lot, use, sign, or structure lawfully existing on the effective date of this Ordinance or subsequent amendment thereto may be continued so long as it remains otherwise lawful. All nonconformities shall be encouraged to convert to conformity wherever possible and shall be required to convert to conforming status as required by this Article.
- B. A nonconformity shall not be enlarged upon, expanded, or extended, including extension of hours of operation, unless the alteration is in compliance with all requirements of this Ordinance. Normal maintenance and incidental repair of a legal nonconformity shall be permitted, provided that this does not violate any other section of this Article.
1. Nothing in this Article shall be deemed to prevent the strengthening or restoration to a safe condition of a structure in accordance with an order of a public official who is charged with protecting the public safety and who declares the structure to be unsafe and orders its restoration to a safe condition, provided that the restoration is not otherwise in violation of the various provisions of this Section prohibiting the repair or restoration of partially damaged or destroyed structures or signs.
 2. Nothing in this Article shall be deemed to prevent an extension for the exclusive purpose of providing required off-street parking or loading spaces, and involving no structural alteration or enlargement of such structure, subject to the restrictions of Article 21, Off Street Parking Requirements.

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SECTION 23.03: CONTINUITY OF NONCONFORMITIES – (Cont.)

- C. A nonconformity shall not be moved in whole or in part, for any distance whatsoever, to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the zoning district in which it is relocated.
- D. No use, structure, or sign which is accessory to a principal nonconforming use or structure shall continue after the principal use or structure has ceased or terminated, unless it shall thereafter conform to all regulations of this Ordinance.
- E. The burden of establishing that any nonconformity is a legal nonconformity as defined by this Article shall, in all cases, be upon the owner of such nonconformity and not upon the Township.

SECTION 23.04: MAJOR NONCONFORMITIES

- A. A major nonconforming use shall not be changed to any use other than a use permitted in the zoning district in which it is located.
- B. Major nonconforming uses or structures shall not be re-established in their nonconforming conditions in any zoning district after damage or destruction if the estimated expense of reconstruction exceeds fifty (50) percent of the appraised replacement cost of the structure or use.
- C. If a major nonconforming use ceases for any reason for a period of more than twelve (12) consecutive months, such discontinuance shall be considered conclusive evidence of an intention to abandon the existing nonconforming use. At the end of the three hundred sixty-five (365) day period, the nonconforming use shall not be re-established and any future use shall be in conformity with the provisions of this Ordinance.

SECTION 23.05: MINOR NONCONFORMITIES

- A. On the effective date of adoption or amendment of this Ordinance, where a lawful use of land exists that is no longer permissible under the terms of this Ordinance as enacted or amended, the use may be continued, so long as it remains otherwise lawful, subject to the following provisions:
 - 1. A nonconforming use shall not be enlarged, increased, or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.
 - 2. A nonconforming use shall not 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.

ARTICLE 23 – NONCONFORMITIES

SECTION 23.05: MINOR NONCONFORMITIES – (Cont.)

3. If a nonconforming use of land ceases for any reason for a period of more than three hundred sixty-five (365) consecutive days, such discontinuance shall be considered conclusive evidence of an intention to abandon the existing nonconforming use. The time limit on discontinuance may be extended beyond the three hundred sixty-five (365) days, for a period of time not to exceed one (1) year upon proper application to the Zoning Board of Appeals within the three hundred sixty-five (365) day period and upon presentation of evidence that a practical difficulty would exist should the three hundred sixty-five (365) day limitation be strictly enforced. At the end of the three hundred sixty-five (365) day period of abandonment, the nonconforming use shall not be re-established and any future use shall be in conformity with the provisions of this Ordinance. Seasonal nonconforming uses, currently found in the Township which by their nature operate habitually for less than eleven (11) months out of a year or customarily during a limited period of the year, shall be exempted from this requirement.
4. A nonconforming use shall not be extended to displace a permitted or conforming use.

SECTION 23.06: MINOR NONCONFORMITIES - STRUCTURES

- A. Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:
 1. Nonconforming structures shall not be altered or expanded without the prior approval of the Zoning Board of Appeals, with the exception of structural alterations which do not increase the bulk of the structure or the intensity of use of the structure.
 2. Nonconforming buildings or structures may be structurally altered so as to prolong the life of the building or structure.
 3. Nonconforming structures may be re-established in their nonconforming condition in any zoning district after damage or destruction of the nonconforming structure, only if approved by the Zoning Board of Appeals.

SECTION 23.07: MINOR NONCONFORMITIES – USES OF STRUCTURES AND LAND

- A. If a lawful use of a structure, or of structure and land in combination, exists at the effective date of adoption or amendment of this Ordinance, that would not be allowed in the zoning district under the terms of this Ordinance, the use may be continued so long as it remains otherwise lawful, subject to the following provisions:

ARTICLE 23 – NONCONFORMITIES

SECTION 23.07: MINOR NONCONFORMITIES-USES OF STRUCTURES AND LAND – (Cont.)

1. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
2. A nonconforming use may be extended throughout any part of a building which was arranged or designed for that use, and which existed at the time of adoption or amendment of this Ordinance, but the use shall not be extended to occupy any land outside the building.
3. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded or changed to a permitted use, shall thereafter conform to the regulations for the zoning district in which the structure is located and shall not revert back to a nonconforming use.
4. Where a nonconforming use of a structure, or structure and premises in combination, is discontinued for twelve (12) consecutive months, the discontinuance shall be considered conclusive evidence of an intention to abandon the existing nonconforming use.

The time limit of discontinuance may be extended beyond the twelve (12) months for a period of time not to exceed one (1) year upon proper application to the Zoning Board of Appeals within the twelve (12) month period and upon presentation of evidence that a practical difficulty would exist should the twelve (12) month limitation be strictly enforced. At the end of this period of abandonment, the structure, or structure and premises in combination shall not thereafter be used except in conformance with the regulations of the zoning district in which it is located. Seasonal nonconforming uses of a structure, or structures and premises, currently found in the Township, which by their nature operate habitually for less than eleven (11) months out of a year or customarily during a limited period of the year, shall be exempted from this requirement.

SECTION 23.08: NONCONFORMING LOTS OF RECORD

A *nonconforming lot of record* is any validly recorded lot which at the time it was recorded fully complied with all applicable laws and ordinances but which does not fully comply with the lot requirements of this Ordinance concerning minimum area or minimum lot dimensions. A nonconforming lot of record may be used for any principal use permitted in the zoning district in which the lot is located, provided that for any use which is to be served by an individual potable water well and sanitary septic system, the nonconforming lot shall be of a size and design to meet the minimum requirements of the Marquette County Health Department (See also Article 20, *Miscellaneous Provisions, Section 20.09, Area and Width Requirement for Lots of Record*).

ARTICLE 23 – NONCONFORMITIES

SECTION 23.09: REPAIRS AND MAINTENANCE

Repairs and maintenance may be performed on any building devoted in whole or in part to a nonconforming use; including ordinary repairs or repair or replacement of nonbearing walls, fixtures, wiring, or plumbing to an extent not exceeding fifty (50) percent of the market value of the building during any period of twelve (12) consecutive months. However, the cubic content of the building as it existed at the time of passage or amendment of this Ordinance shall not be increased. Nothing in this Article shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by order of any official charged with protecting the public health, safety, and welfare.

SECTION 23.10: PRIOR CONSTRUCTION APPROVAL

Nothing in this Article shall prohibit the completion of construction and use of a nonconforming building for which a building permit has been issued prior to the effective date of this Ordinance, provided that construction is commenced within ninety (90) days after the date of issuance of the permit, that construction is carried on diligently without interruption, as weather permits, for a continuous period; and that the entire building shall have been completed according to the plans filed with the permit application within two (2) years after the issuance of the building permit. To avoid practical difficulties, nothing in this Article shall be deemed to require a change in the plans, construction, or designated use of any building on which construction was lawfully begun prior to the effective date of adoption or amendment of this Article, and upon which actual construction has been diligently carried on. Actual construction is defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except where demolition or removal of an existing building has been substantially begun preparatory to rebuilding. The demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.

SECTION 23.11: CHANGE OF TENANCY OR OWNERSHIP

There may be a change of tenancy, ownership, or management of any existing nonconforming uses of land, structures, and premises provided there is no change in the nature or character of the nonconforming uses.

SECTION 23.12: ELIMINATION OF NONCONFORMITIES USE OR STRUCTURE

The Township Board may acquire private property or an interest in private property for the removal of any nonconforming use or structure by purchase, condemnation, or other means. The cost, expense, or a portion thereof may be paid from general funds or assessed to a special district in accordance with applicable statutory provisions.

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ZONING BOARD OF APPEALS

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ARTICLE 24: ZONING BOARD OF APPEALS

SECTION 24.01: CREATION AND MEMBERSHIP

The Zoning Board of Appeals is hereby established in accordance with *Act 110 of the Public Acts of 2006, as amended (Michigan Zoning Enabling Act)*. The Board shall consist of five (5) members, the first member shall be a member of the Planning Commission and the remaining members shall be selected from the electors residing in the Charter Township of Marquette. One member may be a member of the Township Board, however, an elected officer of the Township shall not serve as chairperson, and an employee or a contractor of the Township Board may not serve as a member of the Board of Appeals. The term of office shall be for three (3) years, whose terms shall be limited to their official terms as commissioner and/or board members respectively or to such lesser periods as determined by resolution of the Township Board. Members of the Zoning Board of Appeals may be removed from office in accordance with the procedures set forth in the *Michigan Zoning Enabling Act*. If the Planning Commission member is removed or unable to serve, a replacement shall be appointed by the Planning Commission. Other vacancies shall be filled by appointment of the Township Board not more than one (1) month after the term of the preceding member has expired. Persons serving on the Zoning Board of Appeals may be reappointed.

SECTION 24.02: PROCEDURES

The Zoning Board of Appeals may adopt rules and regulations to govern its procedures and shall appoint one of its members as chairperson. The concurring vote of a majority of the [appointed](#) members of the Zoning Board of Appeals shall be necessary to revise any order, requirement, 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.

- A. Meetings of the Zoning Board of Appeals shall be held at the call of the chairperson and at such times as 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 questions 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 and the minutes shall be filed in the office of the Township Clerk.
- B. The Zoning Board of Appeals shall fix a reasonable time and date for the hearing of an appeal. The Township Clerk shall publish one (1) notice of public hearing, not less than fifteen (15) days in advance of such hearing and shall notify by regular mail or personal delivery the parties of interest and all property owners and occupants of all structures within three hundred (300) feet of the boundaries of the subject property. In situations where a single structure contains four (4) or more dwelling units, businesses, or organizations, notice must be given to the manager or owner of the structure who shall be requested to post notice at the primary entrance of the structure.

ARTICLE 24 – ZONING BOARD OF APPEALS

SECTION 24.02: PROCEDURES – (Cont.)

The notice shall describe the special nature of the land use request; the legal description, and a location map of the property; specify the date, time, and place of the hearing; indicated when and where written comments will be received concerning the request.

SECTION 24.03: DUTIES AND AUTHORITY

- A. The Zoning Board of Appeals shall perform its duties and exercise its powers in accordance with the Provisions of the *Act 110 of the Public Acts of 2006, as amended (Michigan Zoning Enabling Act)* so that the objectives of this Ordinance shall be attained, the public health, safety and welfare secured, and substantial justice done. The Zoning Board of Appeals shall hear and decide only those matters which it is specifically authorized to hear and decide as provided herein relative to administrative review, interpretation of the Zoning Ordinance including the zoning maps and the granting of variances.
- B. The Zoning Board of Appeals shall not have the power nor authority 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 authority to act on matters specifically provided for in this Ordinance regarding administrative review, interpretation, variance or exception.
- C. Except as provided in *Article 18, Site Plan Review, Section 18.13, Ordinance Interpretation and Appeals, and Section 18.14, Zoning Board of Appeals Procedure*, the Zoning Board of Appeals shall have no authority to review decisions of the Planning Commission and shall have no authority to review decisions of the Township Board.
- D. The Township Zoning Board of Appeals shall not conduct business unless a majority of the appointed members of the board are present and vote to approve a proper motion. A member shall disqualify himself/herself from a vote in which there may be a conflict of interest.

SECTION 24.04: 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. When the Zoning Administrator has a question or determines that there is ambiguity regarding the application of this Ordinance to a specific application or issue, the Zoning Administrator may file an application for interpretation which shall outline sufficient information for the Zoning Board of Appeals to make a decision.

ARTICLE 24 – ZONING BOARD OF APPEALS

SECTION 24.04: ADMINISTRATIVE REVIEW – (Cont.)

- C. The Zoning Board of Appeals shall have the authority 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;
 3. Determine the off-street parking requirements for any proposed land use not specifically mentioned either by classifying it with one of the groups listed in *Article 21, Off Street Parking Requirements, Section 21.05, Table XX; Use vs. Parking Nomograph*, or by an analysis of the specific needs.

SECTION 24.05: VARIANCES

- A. The Zoning Board of Appeals shall have the authority and duty to authorize, upon appeal in specific cases such variance from the provisions of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in practical difficulties.
- 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 Article have been met by the applicant.
- D. The Zoning Board of Appeals shall find that the reasons set forth in the application justify the granting of a 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 find that the granting of a 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. Violations of conditions and safeguards, when made a part of the terms under which the variance is granted shall be deemed a violation of this Ordinance.
- G. Under no circumstances shall the Zoning Board of Appeals grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or allow any use expressly or by implication prohibited by the terms of this Ordinance.

SECTION 24.05: VARIANCES – (Cont.)

In exercising their authority, 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, requirement, 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 authority of the public official from whom the appeal was taken.

- H. Each variance granted under the provisions of this Ordinance shall become null and void unless the occupancy of land or buildings, or the construction authorized by such variance has commenced within one hundred eighty (180) days after the granting of the variance.

SECTION 24.06: VARIANCE STANDARDS

- A. Prior to the authorization and granting of any variance, the Zoning Board of Appeals shall determine that the following standards have been satisfied:

Practical Difficulty or Dimensional Variance Standards:

The applicant must show practical difficulty by demonstrating:

- a. That strict compliance with area, setback, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome.
- b. That a variance would do substantial justice to the applicant as well as to other property owners in the district, or that a lesser relaxation would give substantial relief and be more consistent with justice to others.
- c. That the variance would not alter the essential character of the area.
- d. That the appeal of the owner is due to unique circumstances of the property and not to general neighborhood conditions.
- e. That the problem is not self-created.

NOTE: In the granting of any variance, the Zoning Board of Appeals shall ensure that the spirit of the Ordinance is observed, public safety secured, and substantial justice done.

SECTION 24.07: APPEALS

- A. Appeals concerning interpretation or the administration of this Ordinance shall be made in accordance with *Article 18, Site Plan Review, Section 18.13, Ordinance Interpretation and Appeals, Section 18.14, Zoning Board of Appeals Procedure*, or for other contested actions by filing a notice of appeal specifying the ground thereof with the Zoning Administrator within thirty (30) days from the date of the contested decision.

ARTICLE 24 – ZONING BOARD OF APPEALS

SECTION 24.07: APPEALS – (Cont.)

The Zoning Administrator shall transmit to the Zoning Board of Appeals copies of all the information constituting the record upon which the action being appealed was based.

- B. The appeal fee, established by the Township Board in accordance with *Article 26, Administration and Enforcement, Section 26.13, Fees*, shall be paid to the Township at the time of filing the notice of appeal.
- C. Any party or parties may appear at the hearing in person or may be represented by an agent or an attorney.
- D. The Zoning Board of Appeals shall decide upon all matters within a reasonable time. The decision of the board shall be in the form of a motion containing a full record of its findings and determinations in each case.
- E. An appeal stays all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board of Appeals after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate, a stay would in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by the Circuit Court, on application, on notice to the officer from whom the appeal is taken and on due cause shown.

SECTION 24.08: DUTIES ON MATTERS OF APPEAL

All questions concerning application of the provisions of this Ordinance shall first be presented to the Zoning Administrator. 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 Marquette County, as provided by law.

SECTION 24.09: DECISION RECORD

All decisions and findings of the Zoning Board of Appeals shall be final and may be appealed only to the appropriate circuit court. All decisions and findings shall be incorporated in a written document specifying the reasons for the decision and specific findings of fact. The public hearing record shall be filed with the Township Clerk and be available for public inspection at the Township Office during regular business hours.

CONTENTS OF ARTICLE 25

CHANGES AND AMENDMENTS

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ARTICLE 25: CHANGES AND AMENDMENTS

SECTION 25.01: PURPOSE AND INTENT

To assure sound, consistent, and desirable development within the Charter Township of Marquette, this Ordinance may be amended from time to time as conditions warrant. Revisions may be required due to changing socio-economic conditions, rezoning, the enlargement of existing district boundaries, to correct or clarify certain sections, or to revise or change regulations, restrictions, or standards.

SECTION 25.02: CHANGES AND AMENDMENTS

Changes and amendments to this Ordinance shall be consistent with the following procedures:

A. INITIATION

Only the Township Board has the authority to amend or change this Ordinance. Proposals for amendments or changes may be initiated by the Township Board on its own motion, by the Planning Commission, or by an individual.

B. TEXT AMENDMENTS

The application for an amendment to the text of this Ordinance shall state in particular the article, section, subsection, and paragraph sought to be amended. The application shall contain the language of the proposed amendment and shall state the reasons for the proposed change in the text.

C. MAP AMENDMENT

Applications to rezone any property, or which seek to change or modify the standards and requirements imposed on a particular property by the text and maps of this Ordinance, including applications for variations and special use permits, shall be instituted by the Township.

SECTION 25.03: SUMMARY OF THE AMENDMENT PROCESS

- A. Petitioner shall submit an application and the fee established by the Township Board in accordance with *Article 26, Administration and Enforcement, Section 26.14, Fees*, to the Township Zoning Administrator.
- B. The Zoning Administrator shall transmit the application to the Planning Commission who will set a public hearing date, and cause the notice of public hearing to be published as outlined in *Section 25.04, Procedures*.

ARTICLE 25 – CHANGES AND AMENDMENTS

SECTION 25.03: SUMMARY OF THE AMENDMENT PROCESS – (Cont.)

- C. The Planning Commission shall hold a public hearing and make a recommendation to the Township Board. A written summary of the comments received at the public hearing along with the recommendation of the Planning Commission shall be forwarded to the County Planning Commission in accordance with the requirements of The Michigan Zoning Enabling Act, *Public Act 110 of 2006, as amended*, and also to the Township Board.
- D. After the review of the recommendation by the Township Planning Commission along with any comments from the County Planning Commission, the Township Board may, at their discretion, hold an additional public hearing if considered necessary. Notice of public hearing to be held by the Township Board shall be published by one (1) publication in a newspaper which is circulated in the Township and shall be given not less than fifteen (15) before the date of the hearing. After receiving the recommended change or amendment, the Township Board, at a regular meeting or at a special meeting called for that purpose, shall consider the recommendation. Any change or amendment shall be approved by a majority vote of the members of the Township Board. The Planning Commission shall respond to the Township Board with their recommendation regarding any change or departure to the original recommendation within a time frame specified by the Township Board.

SECTION 25.04: PROCEDURES

The procedure for making amendments to this Ordinance shall be as follows:

- A. A petition, together with a completed application and fee shall be filed with the Zoning Administrator. The application must be received by the Zoning Administrator not less than fifteen (15) days prior to a regularly scheduled meeting of the Township Planning Commission. The Zoning Administrator shall review the application for completeness and shall forward it to the Township Planning Commission for review. The Planning Commission shall establish a date for a public hearing and the Zoning Administrator shall give proper notice of the hearing.
- B. Before submitting a recommendation regarding a rezoning or text amendment, the Township Planning Commission shall hold at least one (1) public hearing, notice of which hearing shall be given by one (1) publication in a newspaper of general circulation in the Township, not less than fifteen (15) days before the date of hearing. Not less than **fifteen (15)** days notice of the time and place of the hearing shall also be given by mail to each electric, gas, pipeline, and telephone public utility company, and to each railroad operating within the district or zone affected, that registers its name and mailing address with the Township Planning Commission for the purpose of receiving the notice.

An affidavit of mailing shall be maintained. The notice shall include the date, place, time, and purpose of the hearing and the location where the tentative text and any maps relative to the issue may be examined.

SECTION 25.04: PROCEDURES – (Cont.)

- C. When an individual property or several adjacent properties are proposed for rezoning, the Township Zoning Administrator shall serve notice of the proposed rezoning to the owner of the property in question, to all persons to whom any real property within three hundred (300) feet of the premises in question is assessed, and to the occupants of all single and two (2) family dwellings within three hundred (300) feet. The notice shall be delivered personally or by mail to the respective owners and tenants at the address given in the last assessment roll. If the tenant's name is not known, the term "occupant" may be used. If the notice is delivered by mail, an affidavit of mailing shall be filed with the Planning Commission before the hearing. The notice shall be made in accordance with *Section 24.04 Procedures, Item B*, and shall state the date, place, time, and the purpose of the hearing. An amendment for the purpose of conforming a provision of this Zoning Ordinance to the decree of a court of competent jurisdiction as to any specific lands may be adopted by the Township Board and the notice of the adopted amendment published without referring the amendment to any other board or agency provided for under the requirements of The Michigan Zoning Enabling Act, *Public Act 110 of 2006, as amended*.

SECTION 25.05: APPLICATION INFORMATION

- A. The petitioner shall submit a detailed application to the Zoning Administrator, and when the petition involves a rezoning and/or change to the zoning map, the petitioner 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 petitioner.
 4. The petitioner's interest in the property, and if the petitioner is not the owner, the name and address of the owner.
 5. Date of filing with the Zoning Administrator.
 6. Signature(s) of petitioner(s) and owner(s) certifying the accuracy of the required information.
 7. The desired change and detailed reasons for such change.

ARTICLE 25 – CHANGES AND AMENDMENTS

SECTION 25.06: FACT FINDING

- A. In reviewing a petition for a zoning change or amendment, the Planning Commission shall identify and evaluate all factors relevant to the petition, and shall report its findings in full, along with its recommendations for disposition of the petition, to the Township Board, within thirty (30) days from the date of the public hearing on the petition.
- B. The questions to be considered by the Planning Commission relative to a petition for a zoning change or amendment shall include, but are not limited to, the following:
1. If a rezoning request, is the area proposed to be rezoned an appropriate location for the proposed zone, and is the requested zoning change or amendment justified by reason of a change in conditions since the original ordinance was adopted or if there was an error in judgment, procedure, or administration which justifies the petitioned change;
 2. Is the requested zoning change or amendment consistent with the goals and policies, and other elements of the *Charter Township of Marquette Comprehensive Plan*;
 3. What may be the long term effects of precedent which may result from approval or denial of the petition;
 4. Does the Township or other affected government agencies have the capability to provide the necessary services, facilities, and/or programs that might be required if the petition is approved;
 5. Are there any potentially significant and/or negative environmental impacts if the petitioned zoning change were approved and the resulting permitted structures built, including by not limited to, surface water drainage problems, wastewater disposal problems, or the loss of a locally valuable natural resource;
 6. What may be the potential effect of either approval or denial of the petition upon adopted development policies of the Township or other governmental units;
 7. What is the potential effect of the petitioned zoning change upon the value of adjacent and/or surrounding properties;
 8. Has an environmental impact assessment or statement been submitted.

NOTE: All findings of fact, regarding any petition for a rezoning and/or change or amendment, shall be recorded in the official minutes and made a part of the public record for all meetings of the Planning Commission, the Township Board, and the Zoning Board of Appeals.

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ARTICLE 26: ADMINISTRATION AND ENFORCEMENT

SECTION 26.01: PURPOSE

This article sets forth the procedures required for obtaining a Zoning Compliance Certificate, certificate of occupancy, sign permit, and special land use permit. The authority and duties of the Zoning Administrator, and the Planning Commission are also specified.

SECTION 25.02: ADMINISTRATION

The responsibility for the administration and enforcement of this Ordinance shall rest with the Township Supervisor, who along with the Township Board, shall have the authority to delegate responsibility to appropriate Township officers and/or employees. The individual administering and enforcing this Ordinance shall be designated as the Zoning Administrator and shall have the power of a public official in implementing enforcement procedures.

SECTION 26.03: ZONING COMPLIANCE CERTIFICATE

Any development permitted by this Ordinance, including accessory and temporary uses, may not be established or changed; no structure shall be erected, constructed, reconstructed, altered, razed, moved onto a site nor removed therefrom, and no building used, occupied, or altered with respect to its use, after the effective date of this Ordinance until a Zoning Compliance Certificate has been secured from the Zoning Administrator. Nothing herein shall relieve any applicant of the additional responsibility of seeking any permit required by any applicable statute, ordinance, or regulations in compliance with all of the terms of this Ordinance.

SECTION 26.04: APPLICATION REQUIREMENTS FOR ZONING COMPLIANCE CERTIFICATES

- A. All application requests for a Zoning Compliance Certificate shall be executed by the owner of the subject property or his representative on a form provided by the Township and filed with the Zoning Administrator.
- B. When a Zoning Compliance Certificate is sought for a development which is a part of a plat of a subdivision which has received final plat approval or which has been issued a Special Use Permit, the plat, or Special Use Permit, together with any covenants, conditions, or other restrictions shall be submitted as a part of the application for the Zoning Compliance Certificate, if not previously submitted and on file at the Township Hall.
- C. Application for a Special Use Permit shall be made prior to application for a Zoning Compliance Certificate.
- D. With regard to subdivision developments, final approval of the final plat in accordance with *Section 148 of the Land Division Act, Act P.A. 288, 1967, as amended*, shall be verified by the Zoning Administrator prior to application for a Zoning Compliance Certificate.

SECTION 26.04: APPLICATION REQUIREMENTS FOR ZONING COMPLIANCE CERTIFICATES – (Cont.)

- E. A temporary use and an accessory use shall require a Zoning Compliance Certificate as a precondition to their lawful establishment. The Zoning Administrator may establish regulations governing the application requirements for a Zoning Compliance Certificate in the case of either a temporary or accessory use which is established at any time other than simultaneously with a principal use, in which case all information specified in *Section 26.05A of this Article* shall be submitted. The purpose of the required information is to provide the Zoning Administrator with a sufficient factual basis to determine if all requirements of the Ordinance applicable to temporary and accessory uses have been fulfilled.
- F. No application shall be accepted by the Zoning Administrator until it is completed as described above and until all fees established by the Township to offset processing have been paid in full.

SECTION 26.05: PROCEDURES

- A. Developments consisting of a single lot of record, a single dwelling unit, or a single nonresidential unit shall be reviewed by the Zoning Administrator for compliance with this Ordinance. Within five (5) business days after the application for a Zoning Compliance Certificate has been accepted by the Zoning Administrator, the Zoning Administrator shall inform the applicant whether the application has been granted. If the application is granted, the Zoning Administrator shall issue a Zoning Compliance Certificate which shall state on its face:

“This certificate does not certify building codes review or approval, nor subdivision review or approval, and is not authorization to undertake any work without such review and approval, where either is required.”
- B. Development consisting of more lots, uses, or structures than described above, shall be reviewed for compliance with this Ordinance in as timely a manner as possible. The Zoning Administrator shall inform the applicant whether the certificate has been granted within thirty (30) days after the application for a Zoning Compliance Certificate has been accepted by the Zoning Administrator.
- C. Applications for sign permits shall be reviewed for compliance with this Ordinance, and within five (5) business days after filing with the Zoning Administrator, the Zoning Administrator shall inform the applicant whether the permit has been granted.

SECTION 26.06: SITE PLAN REVIEW

Site plan review shall be required as a precondition to the issuance of a Zoning Compliance Certificate in accordance with *Section 18.05, Procedures for Site Plan Review*. The Zoning Administrator or the Planning Commission, in those site plan reviews for which it has jurisdiction, shall review all site plans subject to the procedures, standards, and limitations set forth in this Ordinance. A Zoning Compliance Permit shall not be issued without written approval of the Zoning Administrator or the Planning Commission, in those site plan reviews for which it has jurisdiction based upon the submittal requirements specified in *Section 18.06, Required Information*.

SECTION 26.07: SPECIAL USE PERMIT

An application for a Special Use Permit required under this Ordinance shall be submitted to the Zoning Administrator in accordance with the requirements of *Article 17, Special Land Uses, Section 17.03, Application Procedure*.

SECTION 26.08: CHANGE OF USE

A change or alteration of the use of any building, structure, or land shall not be permitted until a Zoning Compliance Certificate and a Certificate of Occupancy are obtained pursuant to this Article.

SECTION 26.09: ZONING ADMINISTRATOR, DUTIES AND POWERS

- A. The Zoning Administrator shall be appointed by the Township Board and shall have the following responsibilities and the authority to administer the Zoning Ordinance.
1. Receive and review all applications for Zoning Compliance Certificates.
 2. Process Zoning Compliance Certificate and Special Use Permit applications for all permitted uses.
 3. Process all applications for Certificate of Occupancy.
 4. Receive applications for amendments and variances and forward to the proper board and/or commission for action.
 5. Following disapproval or a permit application, receive application for interpretation and appeals and forward information to the Zoning Board of Appeals.
 6. Record and file all applications for Zoning Compliance Certificates with accompanying plans and documents. All applications, plans, and documents shall be a public record.
 7. Revoke any Zoning Compliance Certificate issued under a mistake of fact or contrary to the law or provision of this Ordinance.

SECTION 26.09: ZONING ADMINISTRATOR, DUTIES AND POWERS – (Cont.)

8. Make any other inspections and determinations as specified in this Ordinance.
9. If by amendment to this Ordinance, any zone boundary or any other matter shown on the official zoning maps is changed by action of the Township Board, such change shall be promptly indicated on the official map by the Zoning Administrator, together with the date of passage of the amendment and a sufficient, written description to give a precise understanding of the change. Every such change shall be certified by the Township Clerk. An up-to-date copy of the official zoning maps as amended, shall be available for public inspection in the Township Office during regular business hours.

SECTION 26.10: DUTIES OF THE PLANNING COMMISSION

- A. The Planning Commission shall study and report on all proposed amendments to the text of this Ordinance referred to it by the Township Board. When reviewing any such proposed amendments, the Planning Commission shall, within forty-five (45) days of receipt from the Zoning Administrator, submit its recommendations and findings to the Township Board.

SECTION 26.11: PENALTIES

A. CIVIL LAW

Any buildings or structure which is erected, altered, or converted, or any use of premises or land which is begun or changed subsequent to the time of passage of this Ordinance and in violation of any of the provisions thereof, is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.

B. CIVIL LAW PENALTIES

Any person, firm, or corporation found violating the provisions of this Ordinance is responsible for a municipal civil infraction as defined by Michigan law and subject to a civil fine of not less than \$50 or more than \$500 as determined on the basis of the facts surrounding the violation(s). Additionally, the violator shall pay costs, which may include all direct or indirect expenses to which the Township has been put in connection with the violation. In no case, however, shall costs of less than \$10 be ordered. A violator of this Ordinance shall also be subject to such additional sanctions, remedies, and judicial orders as are authorized under Michigan law. Each day a violation of this Ordinance continues to exist constitutes a separate violation.

SECTION 26.12: REMEDIES

The Township Board 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, jail sentence, or both, shall not exempt the violator from compliance with the provisions of this Ordinance.

SECTION 26.13: FEES

- A. To assist in defraying the costs of investigating, reviewing, and administering zoning applications, appeals, rezoning requests from individual property owners, and other types of decisions which result in extra costs to the Township, the Township Board may from time to time adopt by resolution a fee schedule establishing basic zoning fees related to the following:
1. Zoning compliance certificates and permits.
 2. Special land use permits.
 3. Appeals to or requests for interpretations by the Zoning Board of Appeals. Appeals and requests for interpretations initiated by the Township Board, the Planning Commission, or the Zoning Administrator shall not be subject to a zoning fee.
 4. Classification of unlisted property uses.
 5. Requests to change a nonconforming use.
 6. Requests for variances from the Zoning Board of Appeals.
 7. Requests for rezoning of property by individual property owners or amendments to the zoning ordinance text. Rezoning of property or text amendments initiated by the Township Board, the Planning Commission, or the Zoning Administrator shall not be subject to a zoning fee.
 8. Site plan reviews.
 9. Requests for a planned unit development (PUD).
 10. Any other discretionary decisions by the Planning Commission or the Zoning Board of Appeals.

The amount of these zoning fees shall cover the costs associated with the review of the application or appeal, including but not limited to the costs associated with conducting public hearings, publishing public notices in the newspaper, sending required notices to property owners, postage, photocopying, mileage, time spent by zoning staff, and time spent by the members of the Planning Commission and/or Zoning Board of Appeals. The basic zoning fees shall be paid before any application required under this Ordinance is processed. The basic zoning fees are non-refundable, even when an application or appeal is withdrawn by the applicant.

- B. If the Planning Commission, Zoning Board of Appeals or Zoning Administrator determines that the basic zoning fees will not cover the actual costs of the application review or appeal, or if the Planning Commission, Zoning Board of Appeals or Zoning Administrator determines that review of the application and/or participation in the review process or appeal by qualified professional planners, engineers, attorneys, or other professionals is necessary, then the applicant shall deposit with the Township Treasurer such additional zoning fees an amount determined by the Planning Commission, Zoning Board of Appeals or Zoning Administrator equal to the estimated additional costs. These zoning fees are required to obtain a professional review of a project which may create an identifiable and potentially negative impact on public roads, other infrastructure or services, or on the subject or adjacent properties and because of which, professional input is desired before a decision to approve, deny or approve with conditions is made. The zoning fees shall be used to pay for the professional review expenses of the professionals whose expertise Marquette Township values to review the proposed application and/or site plan, special use, traffic impact study or other documents of an applicant. The professional review will

SECTION 26.13: FEES – (Cont.)

result in a report to Marquette Township indicating the extent of conformance or nonconformance with this Ordinance and to identify and problems which may create a threat to public health, safety or the general welfare. Mitigation measures or alterations to a proposed design may be identified where they would serve to lessen or eliminate identified impacts. The applicant will receive a copy of any professional review or report completed for Marquette Township and a copy of the statement of expenses for the professional services rendered, if requested. The additional zoning fees shall be held in escrow in the applicant's name and shall be used solely to pay these additional costs. If the amount held in escrow becomes less than ten percent (10%) of the initial escrow deposit or less than ten percent (10%) of the latest additional escrow deposit and review of the application or decision on the appeal is not completed, then the Planning Commission, Zoning Board of Appeals or Zoning Administrator may require the applicant to deposit additional fees into escrow in an amount determined by the Planning Commission, Zoning Board of Appeals or Zoning Administrator to be equal to the estimated costs to complete the review or decide the appeal.

Failure of the applicant to make any escrow deposit required under this ordinance shall be deemed to make the application incomplete or the appeal procedurally defective thereby justifying the denial of the application or the dismissal of the appeal. Any unexpended funds held in escrow shall be returned to the applicant following final action on the application or the final decision on the appeal. Any actual costs incurred by the Township in excess of the amount held in escrow shall be billed to the applicant and shall be paid by the applicant prior to the issuance of any permit or release of a final decision on an appeal. Disputes on the costs of professional reviews may be resolved by an arbitrator mutually satisfactory to both parties.

SECTION 26.14: EFFECTIVE DATE


In accordance with the provisions and procedures as set forth in the *Act 110 of the Public Acts of 2006, as amended (Michigan Zoning Enabling Act)* and *Act 359 of the Public Acts of 1947, as amended (The Charter Township Act)*, a Notice of Ordinance Adoption shall be published within seven (7) days of the date this Ordinance is adopted by the majority vote of the Township Board, and it shall take effect and be in force on the date of publication.

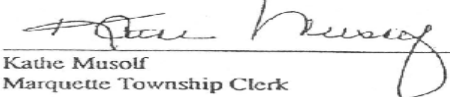
ARTICLE 26 – ADMINISTRATION AND ENFORCEMENT

Officially adopted by the Township Board of the Charter Township of Marquette, Marquette County, Michigan, on this 9th day of October, 1996.

1. Date of public hearing(s) _____ & _____.

Publication date of Notice of Ordinance Adoption _____, 1996.


Max H. Muelle
Marquette Township Supervisor


Kathe Musolf
Marquette Township Clerk