

# MARQUETTE TOWNSHIP ZONING ORDINANCE

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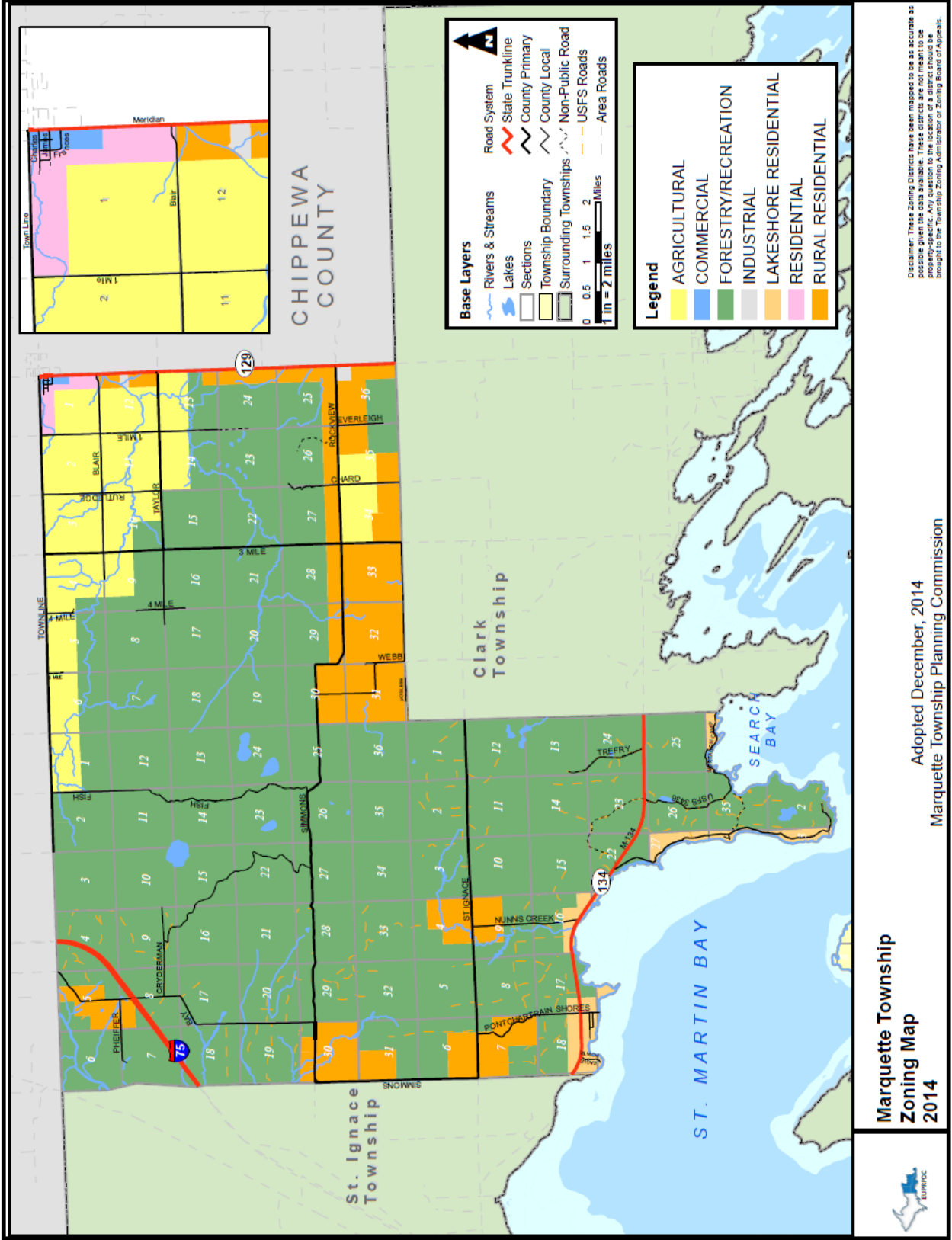
MARQUETTE TOWNSHIP, MACKINAC COUNTY, MI

Marquette Township

7177 E. James Street  
Pickford, MI 49774

Adopted  
November 2023





**Marquette Township  
Zoning Map  
2014**

Adopted December, 2014  
Marquette Township Planning Commission



**MARQUETTE TOWNSHIP  
ZONING ORDINANCE**

Prepared by the Marquette Township  
Planning Commission

With assistance from the Eastern U.P.  
Regional Planning & Development  
Commission

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**MARQUETTE TOWNSHIP HALL**

7177 E. James Street

Marquette, MI 49774

Adopted November 6, 2023

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## ARTICLE 1 ENACTING CLAUSE, TITLE, PURPOSES

An ordinance to establish zoning districts, provisions, and regulations governing the development and use of land within Marquette Township, Mackinac County, Michigan, in accordance with the provisions of P.A. 110 of 2006, as amended, and consistent with the Marquette Township Master Plan; to provide for the administration, enforcement, and penalties for violation; to provide for the assessment and collection of fees; to provide duties for the Zoning Board of Appeals, Planning Commission, and other designated officials pursuant to the MZEA and P.A. 33 of 2008 (MPEA), as amended; to provide for amendments to the Ordinance; and to repeal all inconsistent ordinances.

### SECTION 1.01 – TITLE

This ordinance shall be known and may be cited as “The Zoning Ordinance of Marquette Township, Mackinac County”, and may be referred to within this document as “Zoning Ordinance.” The Zoning Map referred to herein is entitled “Zoning Map, Marquette Township, Mackinac County” and may be referred to within this document as “Zoning Map.”

### SECTION 1.02 – LEGAL BASIS

This Ordinance is enacted pursuant to P.A. 184 of 1943, as amended, (being the Township Zoning Act, M.C.L. 125.271 *et seq.*). The continued administration of this Ordinance, amendments to this Ordinance, and all other matters concerning operation of this Ordinance shall be done pursuant to P.A. 110 of 2006, as amended, (being the Michigan Zoning Enabling Act, M.C.L. 125.3101 *et seq.*), hereinafter referred to as the “Zoning Act”.

### SECTION 1.03 – PURPOSES

This ordinance has been established for the purpose of promoting and protecting the public health, safety, and general welfare; protecting the character and stability of the agricultural, residential, commercial, and industrial areas and promoting the orderly and beneficial development of such areas; preventing the overcrowding of land and undue concentration of population by regulating the intensity of use of land and the area of open spaces surrounding buildings and structures necessary to provide adequate light, air, and privacy to protect the public health; lessening and avoiding congestion on public highways and streets; providing for the needs of agriculture, recreation, residence, commerce, and industry in future growth to conform with the most advantageous uses of the land, resources, and properties, with reasonable consideration of other things, the general and appropriate trend and character of land, building, and population development as studies and recommended by the Planning Commission and the Marquette Township Board; encouraging the most appropriate use of lands in accordance with their character and adaptability, and prohibiting uses which are incompatible with the character of development permitted within specified zoning district; conserving the taxable value of land and structures; conserving the expenditure of funds for public improvements and services; protecting against fire, explosion, noxious fumes and odors, heat, dust, smoke, glare, noise, vibration, radioactivity, and other nuisances and hazards in the interest of the people; providing for the completion, restoration, reconstruction, extension or substitution of non-conforming uses.

## ARTICLE 2 INTRODUCTORY PROVISIONS

### SECTION 2.01 – SCOPE

Every building and structure erected, every use of any lot, building, or structure established, every structural alteration or relocation of an existing building or structure occurring, and every enlargement of or addition to an existing use, building, or structure occurring after the effective date of this Ordinance, which are applicable in the zoning district in which such building, or structure, or lot is located.

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building or structure on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance, provided that construction shall be completed within three hundred sixty-five (365) days of such effective date.

The adoption of this Ordinance shall not limit the construction of any building or structure for which a zoning permit had been obtained prior to the effective date of adoption or amendment of this Ordinance even though such building or structure does not conform to the provisions of this Ordinance, provided that work shall commence and be carried on within thirty (30) days of obtaining such permit.

### SECTION 2.02 – APPLICATION OF REGULATIONS

The regulations established by this Ordinance within each zoning district shall be the minimum regulations for promoting and protecting the public health, safety and general welfare and shall not preclude the establishment of higher or more restrictive standards or requirements for the authorization of any conditional use permit, where such higher or more restrictive standards or requirements are found necessary by the Zoning Board to arrange the purposes of this Ordinance.

### SECTION 2.03 – AUTHORITY

This ordinance is ordained and enacted into law pursuant to the provisions and in accordance with the Michigan Zoning Enabling Action, Act 110 of Public Act's 2006, as amended.

### SECTION 2.04 – RELATIONSHIP TO OTHER REGULATIONS

By the adoption of this Ordinance, the Township does not intend to legitimize activities prohibited by local ordinance, state, or federal law. References to other laws or regulations in the Ordinance are provided for the reader's convenience; however, the lack of cross-reference does not exempt a land, building, structure, or use from other applicable regulations. All statutory citations are to statutes as amended, including repeals if a new statute is adopted with a similar scope and purpose. All references to state law in this Ordinance refer to the Michigan Compiled Laws (MCL), as amended.

In interpretation, application and enforcement, whenever this Ordinance imposes a greater restriction than required for another existing ordinance, law, rule, regulation, or permit, the provisions of this Ordinance shall control in addition to all non-conflicting requirements. This Ordinance is not intended to interfere with or annul any ordinance, rule, regulation, or permit previously adopted and not in conflict with any of the provisions of this Ordinance. This Ordinance is not intended to interfere with or annul any easements, covenants, deeds, or other agreements between parties that are not in conflict with any of the provisions of this Ordinance.

Meetings of the Township Board, Planning Commission, and Zoning Board of Appeals under this Ordinance are subject to the Open Meetings Act, P.A. 267 of 1976, as amended. Documents prepared for or retained for the administration of this Ordinance are subject to the Freedom of Information Act, P.A. 442 of 1976, as amended.

#### SECTION 2.05 – REGULATIONS RUN WITH THE LAND

All zoning approvals granted under this Ordinance run with the land. The right to continue a land use or activity, or construct a building or structure which is either permitted by this Ordinance or established as a nonconformity, shall be vested with the property rather than the owner. No rights shall be terminated for reasons of transfer of ownership unless such a permit is no longer valid as determined by the Zoning Administrator. The right to continue a land use or activity shall transfer automatically upon the conveyance of the property unless terminated pursuant to other terms of this Ordinance.

#### SECTION 2.06 – VESTED RIGHTS

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

#### SECTION 2.07 – ZONING MAP & BOUNDARIES

The boundaries of those districts are hereby established as shown on the Marquette Township Zoning Map, which accompanies this Ordinance and which map with all notations, reference, and other information shown thereon shall be as much a part of this Ordinance as if fully described herein. If there are any questions as to the interpretation of District Boundaries, the Board of Appeals shall determine same.

Where uncertainty exists as to the exact district boundaries, the following shall prevail:

- A. Where boundary lines are indicated as approximately following streets, alleys or highways, the center lines of said streets, alleys or highways shall be considered to be exact boundary lines.
- B. Boundaries indicated as approximately following lot lines shall be considered to follow said lot lines.

- C. Boundaries indicated as following section lines shall be considered to follow the section line.
- D. Boundaries indicated as following the shorelines of lakes shall be considered as following such shoreline. In the case of streams, such boundaries shall be considered to follow the center line of the stream. Where shorelines of lakes have changed, the boundary line shall be construed as following the contour of the new shoreline and in the case of changes in the course of a stream, the boundary shall be considered as the center line of the new course.
- E. Where the application of the aforementioned rules leave a reasonable doubt as to the exact location of a district boundary, the provisions of the more restrictive district shall govern the entire parcel in question, unless determined otherwise by the Zoning Board of Appeals.

#### 701 – ZONING OF VACATED AREAS

Whenever any street, alley, highway or public right-of-way within the Township shall have been abandoned by official government action and when such right-of-way lands attach to and become part of the land adjoining said right-of-way, such right-of-way property shall automatically acquire and be subject to the provisions of the Zoning District of the abutting property. In the case of an abandoned right-of-way which also serves as a district boundary, the center line of such abandoned right-of-way shall remain the boundary line and the lands on either side of said center line shall become attached to their respective adjoining properties.

#### 702 – ZONING OF FILL AREAS

Whenever, after appropriate permits are obtained, any fill material is placed in any lake or stream so as to create a usable or buildable space, such fill area shall take on the Zoning District and accompanying provisions of the land abutting said fill area. No use on any lake or stream shall be allowed which does not conform to the ordinance provisions on the property from which said use emanates. No fill material shall be placed in any lake or stream within the Township unless appropriate permits are obtained from the Michigan Department of Environmental Quality.

#### 703 – EFFECT OF ZONING DISTRICT CHANGES

When district boundaries change, any non-conforming use may be continued subject to all other applicable provisions of this Ordinance.

#### 704 – DISTRICT REQUIREMENTS

All buildings and uses in any district shall be subject to the provisions of General Provisions and General Exceptions.

#### 705 – ACCESSORY USES ASSUMED

For each District established in this Ordinance, it shall be assumed that customary accessory buildings and uses which are incidental to Principal Uses or Special Land Uses, are permissible as part of the main use.

## SECTION 2.08 – SEVERANCE CLAUSE

This Ordinance and various parts, sections, subsections, sentences, phrases and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section, subsection, phrase or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this Ordinance shall not be affected thereby. The Township Board hereby declared that it would have passed this Ordinance and each part, section, subsection, phrase, sentence and clause thereof irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences or clauses be declared invalid.

## SECTION 2.09 – CONFLICTING REGULATIONS

Whenever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other Township law or ordinance, then the provisions of this Ordinance shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such ordinance shall govern. Where any provision of this Ordinance differs from any other provision of this Ordinance, the more restrictive requirement shall prevail.

The graphics, tables and text used throughout this Ordinance are regulatory. In case of a conflict, text shall control over tables or graphics; tables shall control over graphics. Photographs and illustrations marked "example" or text marked "commentary" is not regulatory and is provided for illustrative purposes only.

## SECTION 2.10 – REPEAL AND SAVINGS CLAUSE

- A. This Ordinance repeals and replaces any previous Marquette Township Zoning Ordinance in its entirety.
- B. The repeal of any previous Marquette Township Zoning Ordinance, as provided, shall not affect any rights acquired, fines, penalties, forfeitures or liabilities incurred there under or actions involving any of the provisions of said ordinance or parts thereof. Said ordinance or ordinance sections repealed is hereby continued in force and effect after the passage, approval and publication of this Ordinance for the purpose of such rights, fines, penalties, forfeitures, liabilities and actions therefore.

## SECTION 2.11 – ENACTMENT AND EFFECTIVE DATE

This Ordinance was recommended for adoption by the Marquette Township Planning Commission on [date] and adopted on [date] by the Marquette Township Board and will be effective [date]. The foregoing Zoning Ordinance and Zoning Map were presented at a public hearing before the Planning Commission on [date].

Amendments or revision to this Ordinance or Map of Zoning Districts shall become effective on the expiration of seven (7) days or at a later date specified by the Township Board after publication of a notice of adoption of said amendments or revisions within fifteen (15) days of adoption in accordance with Section 401 of PA 110 of 2006, as amended.

## ARTICLE 3 DEFINITIONS

For the purposes of this Ordinance, certain terms, or words used herein shall be interpreted as follows:

All words used in the present tense shall include the future; all words in the singular number include the plural number and all words in the plural number include the singular number; and the word "building" includes the word "structure," and the word "dwelling" includes "residence"; the word "person" includes "corporation," "partnership," "association," as well as an "individual"; the word "shall" is mandatory and the word "may" is permissive; the word "lot" includes the words "plot" or "parcel"; the words "used" or "occupied" includes the words "intended," "designed," or "arranged to be used or occupied."

Terms not herein defined shall have the meaning customarily assigned to them.

Abutting (same as Adjacent, Contiguous): Next to, touching, having property or district lines in common.

Accessible: In reference to a lot, the lot has a driveway that provides vehicular access, or it is served by an existing easement that provides vehicular access, to an existing road; or has an area where such driveway or easement could be located and meet all applicable standards per the Land Division Act, P.A. 288 of 1967, MCL 560.102 as amended. The driveway or easement shall meet all applicable standards of MDOT or the County Road Commission and of the Township.

Accessory Structure, Building or Use: A detached structure, building, or use on the same lot with, and of a nature customarily incidental and subordinate to the principal structure, building, or use.

Accessory Building or Accessory Structure, Temporary: An accessory structure with no permanent footings or foundations.

Acre: A land area of 43,560 square feet.

Addition (same as Expansion, Enlargement, and Extension): Any construction that increases the size of the building or structure in terms of building coverage, height, length, width, or floor area measured in square feet.

Adjacent (see Abutting)

Adult Foster Care Congregate Facility: As defined in the Adult Care Facility Licensing Act, PA 218 of 1979, as amended, MCL 400.703.

Adult Foster Care Facility: As defined in the Adult Care Facility Licensing Act, PA 218 of 1979, as amended, MCL 400.703.

Adult Foster Care Family Home: As defined in the Adult Care Facility Licensing Act, PA 218 of 1979, as amended, MCL 400.703.

Adult Foster Care Large Group Home: As defined in the Adult Care Facility Licensing Act, PA 218 of 1979, as amended, MCL 400.703.

Adult Foster Care Small Group Home: As defined in the Adult Care Facility Licensing Act, PA 218 of 1979, as amended, MCL 400.703.

Affordable Housing: Housing units where the occupant(s) is paying no more than thirty (30) percent of gross household income of low income households (defined to be households earning less than eighty (80) percent of the median annual income adjusted for household size as determined by the U.S. Department of Housing and Urban Development) for housing costs, including taxes, insurance, and utilities.

Agriculture: The use of land for the production, harvesting, management, utilization, or storage of plants, animals, birds, or insects useful for food, feed, energy, fiber, fur, landscaping, soil building, or environmental mitigation. Including but not limited to biomass crops, forage and sod crops, grains and feed crops, field crops, berries, herbs, flowers, seeds, mushrooms, nursery stock, fruits, vegetables, Christmas trees, dairy and dairy products, poultry and poultry products, fish, fur-bearing animals, livestock including breeding and grazing of cattle, swine, captive deer, and similar animals. Includes but is not limited to activities such as aquaculture, horticulture, floriculture and other similar activities.

Agricultural Service Establishments: Businesses primarily engaged in supplying agricultural sales and services related to things like soil preparation, transport, processing, storage, farm labor, farm management, equipment, repair, and animal husbandry.

Agri-tourism (same as Agricultural Tourism): Agriculturally-based activities that bring visitors to a farm or ranch. Includes, but not limited to, picking fruit and vegetables, riding horses, tasting agriculture products, learning about production of value-added products, learning about agricultural practices, buying local produce or hand-crafted gifts.

*The following bulleted definitions are related to Agri-tourism:*

- **Agricultural Tourism:** The practice of visiting an agribusiness, horticultural, or agricultural operation, including, but not limited to, a farm, orchard, winery, greenhouse, hunting preserve, a companion animal or livestock show, for the purpose of recreation, education, or active involvement in the operation, other than as a contractor or employee of the operation.



- **Value-Added Agricultural Product:** The enhancement or improvement of the overall value of an agricultural commodity or of an animal or plant product to a higher value. The enhancement or improvement includes, but is not limited to marketing, agricultural processing, transforming, or packaging, education presentation, activities and tours.
- **Agricultural Products:** Includes, but is not limited to, crops (corn, wheat, hay, potatoes); fruit (apples, peaches, grapes, cherries, berries, etc.); cider; vegetables (sweet corn, pumpkins, tomatoes, etc.); floriculture; herbs; forestry; husbandry; livestock and livestock products (cattle, sheep, hogs, horses, poultry, ostriches, emus, farmed deer, farmed buffalo, milk, eggs, and fur, etc.); aquaculture products (fish, fish products, water plants and shellfish); horticultural specialties (nursery stock, ornamental shrubs, flowers and Christmas trees); maple sap, etc.
- **Agriculturally Related Products:** Items sold at a farm market to attract customers and promote the sale of agricultural products. Such items include, but are not limited to all agricultural and horticultural products, animal feed, baked goods, ice cream and ice cream based desserts and beverages, jams, honey, gift items, food stuffs, clothing and value added agricultural products and production on site.
- **Non-Agriculturally Related Products:** Those items not connected to farming or the farm operation, such as novelty t-shirts or other clothing, crafts and knick-knacks imported from other states or countries, etc.
- **Agriculturally Related Uses:** Those activities that predominantly use agricultural products, buildings or equipment, such as pony rides, corn mazes, pumpkin rolling, barn dances, sleigh/hay rides, and educational events, such as farming and food preserving classes, etc.
- **Non-Agriculturally Related Uses:** Activities that are part of an agricultural tourism operation's total offerings but not tied to farming or the farm's buildings, equipment, fields, etc. Such non-agriculturally related uses include amusement rides, concerts, etc., and are subject to special use permit.
- **Farm Market/On-Farm Market/Roadside Stand:** The sale of agricultural products or value added agricultural products, directly to the consumer from a site on a working farm or any agricultural, horticultural or agribusiness operation or agricultural land.
- **Seasonal:** A recurrent period characterized by certain occurrences, festivities, or crops; harvest, when crops are ready; not all year round.
- **Seasonal Sign:** A sign erected for a limited period of time during the year when retailing activities for a particular farm product is available to the public.

Alley: A passage or way open to public travel affording a secondary means of vehicular access to abutting lots and not intended for general traffic circulation.

Alteration: Any change in the location or use of a building or structure, and/or any addition, enlargement, expansion, or extension of a structure. Also any change or modification to the type of occupancy, number of dwelling units, or number of tenants in a structure.

Anemometer: An instrument for measuring and recording the speed of the wind.

Anemometer Tower: A temporary structure, including all accessory facilities, on which an anemometer is mounted for the purposes of documenting whether a site has wind resources sufficient for the operation of a wind turbine generator.

Animal Husbandry: Controlled cultivation, management, and production of domestic animals, including improvement of the qualities considered desirable by humans by means of breeding. Animals are bred and raised for utility (e.g., food, fur), sport, pleasure, and research.

Animal Shelter (or Animal Rescue): A building or structure used for the purpose of housing rescued or abandoned animals (normally dogs and cats) received by the shelter and not for breeding or sale, with the exception of an adoption fee which may be charged by the Shelter.

Antenna: Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio signals or other communication signals.

Apartment: A dwelling unit in a multiple dwelling building or mixed use building intended for residence by one family or group of individuals living together as a single housekeeping unit.

Apiary (same as Beehive): One or more structures occupied by bees, but does not include structures for processing or storing honey or equipment.

Appurtenance: A right or improvement belonging to or incidental to and passing with a principal property upon sale or transfer.

Aquaculture: The hatching, raising, and breeding of fish or other aquatic plants or animals.

Assisted Living Home: A structure providing housing and limited services such as nursing, recreation, and meals to individuals who are partially able to provide services to themselves.

Attic: That part of a building that is immediately below and wholly or partly within the roof framing.

Awning: A roof-like cover projecting from the exterior wall of a building and composed of non-rigid materials except for the supporting framework which can sometimes be retracted, folded, or collapsed against the face of the supporting building.

Auto or Vehicle Repair Garage: A place where the following activities may be carried out on vehicles such as passenger cars, pickup trucks, passenger vans and the like: vehicle body repair, engine rebuilding or repair, undercoating, painting, tire recapping, upholstery work and auto glass work.

Automobile Service Station: Structures or premises used or designed to be used for the retail sale of fuels, lubricants, or grease, and other operating commodities for motor vehicles, including the customary space and facilities for the installation of such commodities; and including space for temporary minor repair, or servicing such as polishing, washing, cleaning, greasing, but not including bumping, painting, or refinishing thereof.

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 average grade to the ceiling. If the vertical distance from the grade to the ceiling is more than five (5) feet, such basement may be rated as a first story.

Bed & Breakfast (same as Boarding House): A private, owner-occupied dwelling operating as a business offering overnight accommodations and meals to transients for compensation.

Berm: A mound of earth graded, shaped and improved with landscaping in such a fashion as to be used for visual and/or audible screening purposes to provide a transition between uses of differing intensity.

Billboard: A billboard shall mean any structure or portion thereof designed or intended to be used for posting, painting, or otherwise affixing any advertising sign, which advertising sign does not pertain to the premises or to the use of premises on which the billboard is located or to goods sold or services rendered or activities conducted on such premises.

Boarding House or Rooming House: A dwelling where meals and/or lodging are provided for compensation to persons by pre-arrangement for definite periods of time.

Buffer: A strip or area of land reserved for plant material, berms, walls, or fencing to serve as a visual and/or sound barrier between properties, often between abutting properties and properties in different zoning districts.

Buildable Area: The portion of a lot remaining after the minimum yard and setback, and maximum building coverage, requirements of this Ordinance have been met, leaving the area of the lot that buildings may occupy.

Building: A structure, temporary or permanent, portable or fixed, that is enclosed within exterior walls and a roof, to form a structure for the shelter of persons, animals, or property. Also includes vehicles, with or without wheels, situated on private property and used for the purpose of a building.

Building, Attached: A building which has at least part of a wall in common with another building, or which is connected to another building by a roof.

Building, Detached: A building that does not have a wall or roof in common with another structure.

Building Height: The vertical distance in feet from the average finished grade to the highest point of the roof surface, parapet wall, or other uppermost part of a building.

Building Site: A lot or a two-dimensional condominium unit of land (i.e. envelope, footprint) with or without limited common element designed for construction of a principal structure or a series of principal structures plus accessory building. All building sites shall have access to public or private roads.

Business Service Establishments: Businesses primarily engaged in rendering services to other businesses on a fee or contract basis.

Camp: A parcel of land with a dwelling that is rustic in nature and used for seasonal dwelling purposes.

Campground: A parcel or tract of land in which sites are offered for the use of the public or members of an organization either free of charge or for a fee, for the establishment of temporary living quarters for multiple recreational units, such as tents, camper trailers, travel trailers, recreational vehicles, motor homes, or other temporary sleeping quarters. A campground does not include a seasonal manufactured home park, manufactured home park, or manufactured housing community licensed under the Manufactured Home Commission Act, P.A. 96 of 1987, as amended.

Canopy: A freestanding or attached permanent overhead shelter not enclosed by walls.

Child Care Center (same as Day Care Center): Facility, other than a private residence, receiving one or more preschool or school age children for care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. Child care center or day care center includes a facility that provides care for not less than two consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, before- or after-school program, or drop-in center. Includes the same provisions and exclusions as defined in P.A. 116 of 1973, as amended, MCL 722.111.

Child Caring Institution: as defined in PA 116 of 1973, as amended, MCL 722.111.

Children’s Therapeutic Group Home: as defined in PA 116 of 1973, as amended, MCL 722.111.

Church: A building wherein persons regularly assemble for religious worship, meetings and other activities, and which is maintained and controlled by a religious body with tax-exempt status organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose.

Club: A nonprofit organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics or the like.

Commercial: An activity conducted with the intent of realizing a profit.

Common Area: Land in a development held in common or single ownership and not reserved for the exclusive use or benefit of an individual tenant or owner.

Communication Tower: Any structure on which there are electronic facilities for receiving or transmitting communication signals.

Community Garden: A private or public facility for cultivation of fruits, flowers, vegetables, or ornamental plants by more than one person or family.

Composting: Processing waste in a controlled environment to produce a stable product by microbiologically degrading organic matter under aerobic conditions.

Condominium: A development containing individually-owned dwelling units and jointly-owned and shared areas and facilities. The development may contain either detached or attached units.

Condominium Project: A plan or project including not less than two condominium units established and approved in conformance with the Condominium Act P.A. 59 of 1978, as amended, MCL 559.10.

Condominium, Site: A condominium development with single-family detached housing instead of two (2) or more housing units in one (1) structure.

Construction: The building, erection, alteration, repair, renovation (or demolition or removal) of any building, structure or structural foundation.

Convalescent or Nursing Home: A home for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders and who require continuous nursing care and supervision. Said home shall conform and qualify for license under state law.

Cottage Industry: A home-based business of which the sale of goods or products on the premises is a significant portion.

dB(A): The sound pressure levels in decibels. Refers to the “a” weighted scale defined by ANSI.

Deck: A structure used for outdoor living purposes that may or may not be attached to a building and which protrudes more than eight (8) inches above finished grade.

Decommissioning Plan: The methodology used to decommission and dismantle a facility at the end of the Project’s useful life. The decommissioning plan identifies the specific Project components that will be removed; the costs associated with the removal of the components and associated scrap value.

Decibel: The unit of measure used to express the magnitude of sound pressure and sound intensity.

Deed Restriction: A private legal restriction on the use of a lot or parcel of land that is set forth in the deed and recorded with the County Register of Deeds. It is binding on subsequent owners and is sometimes also known as a restrictive covenant.

District: A portion of the Township within which certain uniform regulations and requirements apply under the provisions of this Ordinance.

Division: The partitioning or splitting of a parcel of land for the purpose of sale, or lease of more than one year, or of building development that results in one or more parcels of less than 40 acres or the equivalent, and that satisfies the requirements of the Land Division Act, P.A. 288 of 1967, as amended, MCL 560.108 and 560.109. Does not include a property transfer between adjacent parcels. Any resulting parcel shall not be considered a building site unless it conforms to the requirements of P.A. 288 of 1967, as amended, and the lot requirements of this Ordinance.

Drive-In: A businesses establishment so developed that its retail or service character is primarily dependent upon providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicles as well as within the building.

Dwelling: A house or building, or portion thereof, either site-built or pre-manufactured, which has sleeping, living, cooking and sanitary facilities and is occupied wholly as the home, residence, or sleeping place by one (1) or more human beings, either permanently or transiently, but in no case shall a trailer coach, automobile chassis, tent, or portable building be considered as a dwelling. In the case of buildings which are occupied in part, the portion occupied shall be considered a dwelling unit, provided it is in conformance with the criteria for dwellings.

Dwelling, Accessory: A separate, complete housekeeping unit with a separate entrance, kitchen, sleeping area, and full bathroom facilities, which is an attached or detached extension to an existing single-family dwelling, and located on the same lot as the existing dwelling.

Dwelling – Single-Family: A detached building, designed for or occupied by one (1) family only.

Dwelling – Two-Family or Duplex: A detached building designed for or occupied by two (2) families independent of each other, with separate housekeeping and cooking facilities for each.

Dwelling – Multi-Family: A building designed for or occupied by three (3) or more families living independently of each other with separate housekeeping and cooking facilities in each.

Dwelling - Condominium: An apartment building or multiple unit single-family dwelling in which each tenant holds full title to his unit and joint ownership in the common grounds.

Dwelling - Farm: A dwelling used to house the principal family operating the farm, and which is accessory to the operation of the farm, which is the principal use of the land upon which it is located.

Dwelling - Seasonal: A dwelling used or intended for use only in certain seasons or for weekends or other occasional use throughout the year. Seasonal units include those used for summer or winter sports or recreation, such as beach cottages and hunting cabins.

Dwelling - Rental, or Rental Unit: A dwelling unit occupied or available for occupancy by one or more persons, other than the owner of record, under a rental agreement, implied or written, with or without compensation, whether the rental dwelling be a multiple dwelling, single family detached, single family attached or single family semi-detached.

Easement:

Any private or dedicated public way other than a street or alley, providing a secondary means of access to a property having a width of not less than twenty (20) feet.

Erected:

Includes built, constructed, reconstructed, extension, enlargement, moved upon, or any physical operation on the premises intended or required for a building or structure. Excavation, fill, drainage, and general land improvements which are not required for a building or structure, shall not be considered to fall within this definition.

Essential Services:

The creation, construction, alteration or maintenance by public utilities or municipal departments, commissions, or boards, or underground, surface, or overhead gas, electric, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals or signs and fire hydrants, and other similar equipment

and accessories in connection therewith, for the general public health, safety, convenience, or welfare, but not including buildings, towers, or maintenance depots.

Expansion: (see Addition)

Extension: (see Addition)

Extractive (or excavating): the removing of rock, stone, ore, soil, gravel, sand, minerals, and similar materials from the surface and/or subsurface.

Family: One or more persons living together in a room or rooms comprising a single housekeeping unit and related by blood, marriage, or adoption and including the domestic employees thereof. A family is distinguished from a group occupying a rooming-house, boarding-house, lodging-house, club, fraternity-house, hotel, motel, or tourist home.

Farm: The land, plants, animals, buildings, structures, including ponds used for agricultural or aquacultural activities, machinery, equipment, and other appurtenances used in the commercial production of farm products.

Farm Operation: As defined in the Michigan Right to Farm Act, P.A. 93 of 1981, MCL 286.472, as amended, the operation and management of a farm or a condition or activity that occurs at any time as necessary on a farm in connection with the commercial production, harvesting, and storage of farm products, and includes, but is not limited to:

- Marketing produce at roadside stands or farm markets;
- The generation of noise, odors, dust, fumes, and other associated conditions;
- The operation of machinery and equipment necessary for a farm including, but not limited to, irrigation and drainage systems and pumps and on-farm grain dryers, and the movement of vehicles, machinery, equipment, and farm products and associated inputs necessary for farm operations on the roadway as authorized by the Michigan vehicle code, PA 300 of 1949, as amended, MCL 257.1 to 257.923;
- Field preparation and ground and aerial seeding and spraying;
- The application of chemical fertilizers or organic materials, conditioners, liming materials, or pesticides;
- Use of alternative pest management techniques;
- The fencing, feeding, watering, sheltering, transportation, treatment, use, handling and care of farm animals;
- The management, storage, transport, utilization, and application of farm by-products, including manure or agricultural wastes;
- The conversion from a farm operation activity to other farm operation activities;
- The employment and use of labor.



Farm Product: As defined in the Michigan Right to Farm Act, P.A. 93 of 1981, MCL 286.472, as amended, those plants and animals useful to human beings produced by agriculture (see definition of Agriculture) or any other product which incorporates the use of food, feed, fiber, or fur, as determined by the Michigan Commission of Agriculture.

Farm Stand (same as Food Stand, Roadside Stand): A building or structure used for the retail sales of farm product.

Farmer's Market: An occasional or periodic market held in an open area or in a structure where individual sellers offer for sale to the public such items as farm product, arts and crafts items, and food and beverages.

Feedlot: Any facility, building, lot, or enclosed area (or combination thereof) not normally used for pasture or crops and specifically designed as a confinement area of livestock or other animals for feeding, breeding, raising, or holding purposes in which abnormal amounts of manure or related other animal wastes may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. Pastures shall not be considered feedlots under this definition.

Fence: Any permanent or temporary means, partition, structure or gate erected as a dividing structure, or barrier and not part of a structure requiring a building permit.

Fence Height: The average distance between the top element in the fence and the adjacent grade along any unbroken run of fence.

Fence, Living: A grouping of plants including, but not limited to hedges, shrubs, bushes, or trees, arranged and/or growing in such a manner as to enclose, secure, partially enclose or secure, provide privacy, or mark a boundary for all or any part of a lot.

Fence, Privacy: A solid fence erected or constructed to prevent views across the fence line.

Fill: Any material, including but not limited to soil, sand, concrete, rubble, and wood waste, that is deposited on the surface of the ground resulting in a change in natural grade.

Filter Strip: A linear strip of land along a lake, wetland, river, creek, or stormwater ponding area where vegetation is established and maintained as a means to slow the velocity of stormwater drainage and to filter sediment and pollutants from the stormwater.

Food and Drink Establishment: A business where food and drink are prepared, served, and consumed primarily on the premises.

Forest Management: The operation of timber tracts, tree farms, forest nurseries, or gathering of forest products, or the performing of forest services.

Foster Family Home: as defined in PA 116 of 1973, as amended, MCL 722.111.

Foster Family Group Home: as defined in PA 116 of 1973, as amended, MCL 722.111.

Gas and Oil Processing Facilities: Any facility and/or structure used for, or in connection with, the production, processing or transmitting of natural gas, oil, or allied products or substances, and the injection of same into the ground for storage or disposal, not under the exclusive jurisdiction or control of the Geological Survey Division, Department of Environmental Quality or Public Service Commission; not including industrial facilities such as cracking plants, large oil storage facilities and heavy industrial operations and facilities.

Glare: The sensation produced by a bright source within the visual field that is sufficiently brighter than the level to which the eyes are adapted to cause annoyance, discomfort, or loss in visual performance and visibility.

GAAMP (Generally Accepted Agricultural and Management Practices): Those practices as defined by the Michigan Commission of Agriculture.

Grade: the elevation of the ground.

Grade, Average Finished: The elevation of the ground established for the purpose of regulating the height of the building. The arithmetic average of the ground elevations along the perimeter of the building.

Grade, Finished: The final elevation of the ground after development.

Grade, Natural or Established: The elevation of the ground in its natural state, prior to excavating or filling.

Hazardous Substance: Any substance that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to the public health, safety, or welfare or to the environment. Includes "Hazardous substance" as defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, Public Law 96-510, 94 Stat. 2767, and "Hazardous waste" as defined in the Natural Resources and Environmental Protection Act of 1994, as amended, MCL 324.11103, and "Petroleum" as defined in the Natural Resources and Environmental Protection Act of 1994, as amended, MCL 324.21303(d)(ii).

Height: (see Building Height, Sign Height, Fence Height. See also "Measurement Standards")

Home Occupation: An occupation that is traditionally and customarily carried on in the home being primarily incidental to the principal residential use.

Hotel: A facility of short-term paid lodging which also provides additional services, such as restaurants, meeting/conference rooms, swimming pool, and recreational facilities.

Impervious Surface: Any material that substantially reduces or prevents the infiltration of storm water, including conventionally surfaced streets, roofs, sidewalks, parking lots, and compacted gravel driveways.

Indoor Entertainment Establishments: Businesses providing indoor or fully-enclosed recreation, entertainment, or other hospitality which may also be associated with food service or accommodations.

Industrial Service Establishment: Businesses engaged in the repair or service of industrial, business, or consumer machinery, equipment, products, or by-products. May perform services on- or off-site, Categorized by light, medium, or heavy.

Industry: A use engaged in manufacturing, fabricating, and/or assembly activities.

Junk: Any worn out or discarded materials including but not necessarily limited to scrap metal, inoperable motor vehicles and parts, construction material, household wastes including garbage and discarded appliances, and yard debris, which is collected, stored or transported for salvage, destruction, or conversion to some use.

Junk Yard: A structure or parcel of land where junk, waste, discard, salvage, or similar materials such as old iron or other metal, wood, lumber, glass, paper, rags, cloth, leather, rubber, bagging, cording, barrels, containers, etc., are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including auto wrecking yards, inoperative machines, used lumber yards, house wrecking, and structure steel materials, and equipment, including establishments for sale, purchase, or storage of salvaged machinery and the processing of used, discarded, or salvaged materials, for any thirty (30) consecutive days.

Kennel: Any premises where domestic animals, such as dogs and cats, are confined, boarded, trained, treated, or groomed for compensation or bred or raised for sale purposes.

Landscaping: Some combination of planted trees, vines, ground cover, flowers or turf. In addition, the combination or design may include rock ground cover, earth mounds, and such structural features as fountains, ponds, art works, screens, walls, fences, benches, walks, paths, steps, terraces, garden structures, etc.

Loading Zone: An off-street area on the same lot with a building, or group of buildings, for temporary access and parking of a commercial vehicle while loading and unloading merchandise or materials.

Lot: A parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area; and to provide such yards and other open spaces as herein required. Such lot may consist of a single lot of record; a portion of a lot of record; a combination of contiguous lots of record, or contiguous portions of lots of record; or a parcel of land described by metes and bounds.

Lot Area: The area within the lot lines, but excluding that portion in a road or street right-of-way.

Lot, Corner: A parcel of land at the junction of and fronting or abutting on two or more intersecting roads.

Lot Coverage: Lot coverage is the percent of the gross area of a lot occupied by all of the ground floor of permanent buildings or structures which are under roof. It shall be measured as the gross area of the actual footprint of the foundations of all buildings on the site, plus the gross area of the footprint of any enclosed ground floor or upper story projections beyond the actual footprint, divided by the total gross square foot area of the lot. The following areas on a lot that are open to the sky with a finished surface are excluded from calculations:

- Vegetation (landscaping, gardens) or paved surfaces (both pervious and impervious);
- Unenclosed and uncovered patios, decks, or gazebos;
- Unenclosed areas covered overhead by a pervious material such as lattice or a trellis.

Lot, Depth: The average distance between the front and rear line of a lot measured in the general direction of its side lot lines.

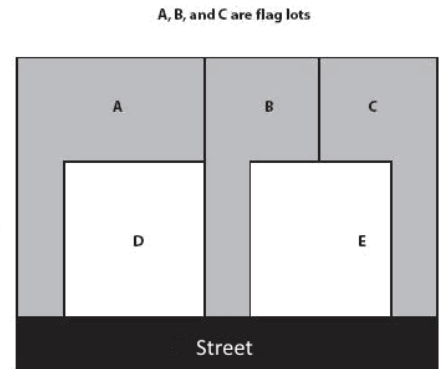
Lot, Interior: Any lot which has only one lot line fronting on a street.

Lot, Illegal Non-Conforming: A non-conforming lot that did not legally exist prior to the effective date of this Ordinance, and does not conform to current ordinance requirements for the district in which it is located.

Lot, Legal Non-Conforming: Any lot that legally existed prior to the effective date of this Ordinance, but which fails to meet all requirements of this Ordinance for lot size or width, or does not have the required frontage on a publicly maintained road.

**Lot Lines:** The lines bounding a lot as defined herein:

- **Front Lot Line:** In the case of an interior lot, that line separating the lot from the street, private road, or other access easement, and bearing the assigned street address for that lot. In the case of a through or corner lot, that line separating the lot from either street. In the case of a flag lot (see diagram), the line parallel and nearest to the main roadway.
- **Rear Lot Line:** The lot line that is neither a front nor side lot line.
- **Side Lot Line:** The lines that intersect with the front lot line(s).



**Lot Lines, Common:** Lot lines shared by adjacent lots.

**Lot Size:** The total area, measured in square footage, within the boundaries of a property's lot lines (parcel area).

**Lot of Record:** A lot which is part of a plat or a lot described by metes and bounds and recorded in the Office of the County Register of Deeds at the time of adoption of this Ordinance.

**Lot, Through:** An interior lot having frontage on two more or less parallel streets as distinguished from a corner lot.

**Lot Width:** The horizontal distance between the side lot lines measured along the front lot line. In the case of a curved front lot line, the horizontal distance as measured on a tangent line running between the two side lot lines where they meet the front lot lines.

**Manufactured Home:** Factory-built, single-family dwelling units prefabricated in part or total which meet the HUD Code 42 USC Sec 5401 (Federal Manufactured Home Construction and Safety Standards Act), and is transportable in one or more sections, is built on a permanent chassis, and is used as a place of human habitation; but which is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site, and which does not have wheels or axles permanently attached to its body or frame. Commonly referred to as a single-wide, double-wide, or modular home.

**Manufactured Housing Community:** A parcel or tract of land under the control of a person upon which three (3) or more manufactured homes are located on a continual, non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a manufactured home.

**Manufactured Housing Community Homesite:** The designated parcel of land within a manufactured housing community upon which one (1) single-family manufactured home and accessory buildings, if any, are placed.

Manufactured Housing Park: A tract of land prepared and approved according to the procedures in this Ordinance to accommodate manufactured homes on rented or leased lots.

Manufactured Housing Subdivision: A legally platted residential subdivision accommodating manufactured homes.

Medical Marihuana: Marihuana as defined by the Michigan Medical Marihuana Act (MCL 333.26421 et seq.). Grown, used or transferred for “medical use” as defined by the Act.

- Enclosed, Locked Facility: That term as defined in Section 3 of Initiated Law 1 of 2008, as amended (Michigan Medical Marihuana Act), being MCL 333.26423.
- Marihuana: A controlled substance as defined in section 7106 of the public health code, PA 368 of 1978, MCL 333.7106.
- Primary Caregiver: That term defined in Section 3 of Initiated Law 1 of 2008, as amended (Michigan Medical Marihuana Act), being MCL 333.26423 who is at least 21 years old and who has been registered by State Department of Licensing and Regulatory Affairs or any successor agency to assist with a Qualifying Patients’ use of medical marihuana.
- Primary Caregiver Facility: A building in which the activities of a Primary Caregiver are conducted.
- Qualifying Patient: That term defined in Section 3 of Initiated Law 1 of 2008, as amended (Michigan Medical Marihuana Act), being MCL 333.26423 who has been diagnosed by a physician as having a debilitating medical condition as provided by the Michigan Medical Marihuana Act and who has obtained a duly issued registry identification card from the State Department of Licensing and Regulatory Affairs or any successor agency.

Motel: A lodging establishment that may provide short-term and long-term lodging, normally located along highways, where lodging units provide parking in front of each unit and provides minimal amenities. Also referred to as “motorists’ hotel”.

Motor Vehicle: Every vehicle which is self-propelled by means of an engine, including, but not limited to, automobiles, trucks, vans, buses, truck tractors, motorcycles, motorbikes, bulldozers, front end loaders and other types of construction equipment, logging skidders, snowmobiles, all-terrain vehicles (ATV’s), personal watercraft, and boats.

Nuisance: Any object, thing, condition or conduct that endangers the safety, health, repose, or welfare of the public; offends public decency; interferes with, obstructs or renders dangerous any public area or navigable waterway; or in any way renders the public insecure in life or property is hereby declared to be a public nuisance.

Nursing Home (same as Convalescent Home or Extended Care Facility): A building having a principal purpose of providing sleeping, eating, and gathering rooms where infirm persons are housed, often for extended periods of time, and furnished with meals and full-time nursing care.

Office Establishments: Use in which activities are conducted in an office setting, and generally focus on business, government, non-profit, professional, and financial services. Accessory uses may include cafeterias and health facilities for employees.

Off-Premise: Outside the limits of the area encompassed by the lot of record on which the principal use is conducted.

Off-Street Parking: A facility providing vehicular parking spaces with adequate drives and aisles for maneuvering so as to provide access for entrance and exit for the parking of automobiles.

On-Premise: Within the limits of the area encompassed by the lot of record on which the principal use is conducted.

Open Space: Any unoccupied, at-grade area open to the sky and not covered by structures or devoted to vehicular use on the same lot with a building, as well as any lot or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment or for the use and enjoyment of owners, occupants, and their guests of land adjoining or neighboring such open space.

Ordinary High Water Mark: Is defined as in the Michigan Inland Lakes and Streams Act to mean the line between upland and bottom land which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the soil and the vegetation. On an inland lake which has had a level established by law, it means the high established level. On a river or stream, the ordinary high water mark shall be the ten-year flood limit line.

Outdoor Recreation and Entertainment Establishments: Businesses providing recreation and entertainment services in a primarily outdoor setting. Accessory uses might include such uses as related food and beverage service, management offices, seating areas, service areas, and maintenance facilities.

Outdoor Sales: The outdoor display and sales of goods or services in parking areas, sidewalks, and other locations outside of an enclosed building (does not apply to farmer's markets, produce stands, or yard sales as defined in this Ordinance).

Outdoor Storage: Keeping property or equipment in an area outside of a building as an accessory use to a non-residential and non-agricultural use.

Parapet: The extension of the main walls of a building above the roof line.

Parcel (see Lot)

Park: Land that is owned or controlled for the principal purpose of providing recreation or open space for public use.

Parking Space, Area, Lot: An off-street open area of definite length and width exclusive of drives, aisles or entrances giving access thereto, where the principal use of which is for the parking of automobiles, whether for compensation or not, or as an accommodation to clients, customers, visitors, or employee.

Pastures: Land that is primarily used for the production of forage upon which livestock graze.

Pasturing: The grazing of animals in a Pasture.

Permanent Structure: Any building, structure, or utility/waste system designed, constructed, and intended for use for more than one (1) year.

Permeable (same as Pervious): Surface maintained in its natural condition or covered by a material that permits infiltration or percolation of stormwater directly into the ground at the rate of absorption of vegetation-bearing soils.

Personal Service Establishment: Businesses primarily engaged in providing services involving the care of a person or his/her personal goods.

Permitted Use: A use by right which is specifically authorized in a particular zoning district, as contrasted with Special Land Uses which are authorized only if certain requirements are met and after review and approval.

Pets, Domestic: Mammals, rodents, birds, and reptiles that are partially or totally dependent on humans; live inside a residence in close proximity with humans; form bonds with humans; and interact with human companion.

Pets, Exotic: Breeds of animals that are uncommonly found as either pets or livestock. These breeds are often not indigenous, are undomesticated, unusual in appearance, poisonous, and can be potentially dangerous if they escape. Examples include monkeys, apes, chimps, most snakes and reptiles, large birds, spiders and other insects.

Planned Unit Development (PUD): A development of flexible design that is under unified control and is planned and developed as a whole in total or phased development stages according to the requirements of this Ordinance and any additional requirements placed upon it by the Planning Commission. The intent is to permit flexibility of design not available under normal zoning district requirements but which meets the PUD goals and criteria of this Ordinance and as determined through the discretionary review process.

Plat: A map of a subdivision of land recorded with the County Register of Deeds pursuant to the Land Division Act, P.A. 288 of 1967, as amended, MCL 560.102, or a prior statute.



Premises: A lot together with the buildings and structures thereon.

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

Principal Use: The primary or predominant use of any lot, building, or structure.

Public Facility: Land and structures used to provide public services, including, but not limited to transportation, water, wastewater, stormwater, fire, police, emergency, utility, and communication systems or other publically owned uses such as government offices, schools, libraries, museums, tourist information centers, marinas, and trails.

Public Space: Open space or improved land and facilities commonly open to view by the public or accessible to the public.

Public Service: Public service facilities within the context of this Ordinance shall include such services as voting booths, pumping stations, fire halls, police stations, temporary quarters for welfare agencies, public health activities and similar uses including essential services.

Public Utility: Any person, firm, corporation, municipal department board, or commission fully authorized to furnish and furnishing, under federal, state or municipal regulations, to the public, electricity, gas, steam, communications, telegraph, transportation, water services, or sewage disposal.

Quarry: Any pit, excavation, or mining operation for the purpose of searching for or removing from the premises any earth, rock, sand, gravel, clay, stone, slate, marble, or other non-metallic mineral in excess of fifty (50) cubic yards in any calendar year, but shall not include an excavation preparatory to the construction of a structure or public highway.

Recreational Unit: A tent or vehicular-type structure, primarily designed and used as temporary living quarters for recreational, camping, or travel purposes, which either has its own motive power or is mounted on or drawn by another vehicle which is self-powered. Includes travel trailer, camping trailer, motor home, truck camper, and other units used for the stated purpose.

Recreational Vehicle: A vehicle designed to be used primarily for recreational purposes, including temporary sleeping quarters and/or cooking facilities, or a unit designed to be attached to a vehicle and used for such purposes, including self-propelled motor homes, pickup campers, fifth wheel trailers, travel trailers and tent or pop-up trailers.

Religious Institutions: Facilities that primarily provide meeting areas for religious activities. They may provide accessory housing on-site for the religious leader. Other associated uses may include group housing, schools, day care centers, homeless shelters, soup kitchens and other similar principal uses.

Repair Services: Businesses that offer repair for small mechanical equipment or consumer goods within an entirely enclosed facility. Does not include motor vehicle repair.

Research and Development Establishments: A facility for carrying on investigation in the natural, physical, or social sciences which may include engineering and product development.

Resort: A place of typically seasonal entertainment, recreation and/or lodging. Resort lodging may include hotels, motels, single or multiple-family residential dwelling units, cottages, campgrounds, bed and breakfasts, or some combination, as regulated by appropriate sections of this Ordinance.

Restaurant (see Food and Beverage Establishments)

Restaurant, Drive Thru (see Drive-Through Establishments)

Restrictive Covenant: A restriction on the use of land set forth in a formal binding agreement. Restrictive covenants run with the land and are binding on subsequent owners of the property.

Retail Establishments: Businesses whose primary activity is the purchase and resale, leasing, or renting of goods or merchandise to the public for personal, household, or business use of consumption, and rendering services incidental to the sale of such goods.

Retention: The permanent on-site maintenance of stormwater.

Riding Academy: Any establishment where horses are kept for riding, driving or stabling for compensation or incidental to the operation of any club, association, ranch, or similar establishment.

Right-of-Way (ROW): A street, alley, or other thoroughfare or easement permanently established for passage of persons, vehicles, or the location of utilities. The right-of-way is delineated by legally established lines or boundaries, and is dedicated or deeded to the public for public use and under the control of a public agency.

Riparian Buffer: A vegetated buffer strip along a watercourse that filters stormwater and provides wildlife habitat.

Roadside Stand (see Farm Stand, same as Food Stand)

Runoff: Water that flows at a rate above the infiltration rate of the surface material which causes water to flow over the ground surface.

Road, Private: A road right-of-way which is not a public road, but which is intended for passage to and from five (5) or more lots or site condominium units.

Road, Public: A road right-of-way which has been dedicated to and accepted for maintenance by the County Road Commission, State of Michigan or federal government.

Sawmill: A facility where logs or partially processed trees are sawn, split, shaved, stripped, chipped, or otherwise processed to produce wood products, not including the processing of timber for use on the same lot by the owner or resident of that lot.

Screen: A structure or vegetative barrier meeting the buffer requirements of this Ordinance that provides a visual or noise barrier between the area enclosed and the adjacent property.

Setback: The minimum required horizontal distance by which a building or structure must be separated from a defined boundary, such as a road right-of-way line, easement, lot line, water feature, or adjacent structure.

Front Setback: The front setback is the minimum distance by which any building or structure must be separated from a street right-of-way or lot line. The front setback is measured from and perpendicular to the front lot line to the nearest foundation or building wall. The interior lot area behind the front setback line is part of the buildable area of the lot (no projections can extend into the public or private right-of-way or dedicated easement).

Side or Rear Setback: The side (or rear) setback is the minimum distance by which any building or structure must be separated from a side (or rear) lot line. The side (or rear) setback is measured from and perpendicular to the side (or rear) lot line to the nearest foundation or building wall. The interior lot area behind the setback line is part of the buildable area of the lot (no projections can extend into a public or private right-of-way or dedicated easement).

Water Setback: The water setback is the minimum distance by which any building or structure must be separated from the nearest shoreline. The water setback is measured from and perpendicular to a straight line which intersects both side lot lines at the nearest shoreline to the nearest foundation or building wall. The interior lot area behind the water setback line is part of the buildable area of the lot.

Setback Line: A line parallel to and equidistant from the relevant lot line (front, back, or side) between which no buildings or structures may be erected per the requirements of this Ordinance.

Sexually Oriented Business: Business engaged in the provision of sexually oriented products and services to adults, often of an adult entertainment character. May include, but not limited to adult book or video store, adult theater, live performances, adult novelty business, and similar uses with a substantial or significant portion (35 percent or more) of content or activities featuring “specified sexual activities”, or involving “specified anatomical areas” for sexual stimulation. “Specified sexual activities” include acts of human masturbation, sexual

intercourse, or sodomy; fondling or other erotic touching or viewing of human genitals, pubic regions, buttocks or female breasts; and human genitals in a state of sexual stimulation or arousal. "Specified anatomical areas" include less than completely and opaquely covered human genitals, pubic regions, buttocks, and female breasts below the top of the areola; and human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Shadow Flicker: Alternating changes in light intensity caused by the moving blade of a wind turbine casting shadows on the ground and stationary objects, such as window of a dwelling.

Shoreline: The line ascertainable by a visible inspection to identify the highest line where the water/normal wave action and wetland/beach type soils and vegetation are distinct from the soils and vegetation of the shore of the waterway.

**Signs – The following bulleted definitions deals only with signs:**

- Abandoned Sign – A sign which for a period of at least ninety (90) consecutive days no longer identifies or advertises a legal, ongoing business establishment, product, location, service, idea, or activity.
- 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 (as through repetitive or sequential light patterns), or light and/or color changes achieved through mechanical, electrical, electronic, or environmental means (thermal dynamics, wind, etc.).
- Banner – A temporary, lightweight sign attached or imprinted on a flexible surface that deforms under light pressure and is typically constructed of non-durable materials, including, but not limited to, cardboard, cloth, and/or plastic.
- Changeable Copy Sign – A sign or portion thereof on which the copy or symbols change either automatically through electrical or electronic means (for example, time and temperature units), or manually through placement of letters or symbols on a panel mounted in or on a track system.
- Commemorative Sign – Any sign erected in remembrance of a person or event or which recognizes the historical status of a building. Examples include cornerstones, historical markers, memorial plaques or tablets, etc.

- Electronic Message Sign – An electrically activated, changeable, permanent sign whose variable message and/or graphic presentation capability can be electronically programmed by computer from a remote location without having to physically or mechanically replace the sign face. These signs typically use an LED (Light Emitting Diode) light source.
- Flashing – An effect where sign illumination is characterized by a repetitive cycle of illumination (on) and non-illumination (off). For purposes of this Ordinance, flashing is defined as occurring if the cyclical period between on-off phases of illumination is less than twenty (20) seconds, or if each change is not complete within one (1) second or less.
- Freestanding Sign – A sign which is permanently affixed in or upon the ground, principally supported by one or more foundations, columns, poles, or braces. May also be referenced as a Pole, Ground, or Monument Sign.
- Governmental Sign – A sign erected and maintained pursuant to and in discharge of any governmental or utility functions, or as required by law, ordinance, or other governmental regulation. Examples include traffic, utility, safety, railroad crossing, and identification signs for public facilities.
- Informational Sign: A non-advertising sign used to identify architectural features of a land use such as building entrances, drop boxes, restrooms, handicapped ramps, fuel pump information and similar features.
- Ingress-Egress Sign: A directional sign located adjacent to the entrance or exit drives of a development to identify the points of vehicular ingress and egress.
- Interior Sign – Any sign placed within a building, but not including Window Signs.
- Marquee Sign: Any sign attached to or supported by a marquee structure.
- Message Board, Static: A sign with a changeable display/message consisting of alphabetic, pictographic, or symbolic informational content that must be changed manually by non-electronic means.
- Message Board, Electronic: A sign with a changeable display/message consisting of alphabetic, pictographic, or symbolic informational content that is composed of a series of lights that may be changed through electronic means.
- Monument Sign: Any sign attached directly to the ground by a solid base and foundation constructed of masonry, brick, stone, decorative metal, wood or other durable material.

- Mural – A picture on an exterior surface of a structure. A mural is a sign only if it is related by language or logo to the advertisement of any product or service or the identification of any business. Only the portion of the mural that is a sign is counted toward total permitted sign area.
- Off-Premise Sign (or Billboard) – A sign used to promote an interest other than that of businesses, individuals, goods, services, activities, events, or facilities conducted or maintained on the premises on which the sign is located, or the sale/lease of the premises on which the sign is displayed. (Also called Billboard or Commercial Outdoor Advertising Sign).
- On-Premise Sign – A sign used to promote businesses, individuals, goods, services, activities, events, or facilities conducted or maintained on the premises on which the sign is located, or the sale/lease of the premises on which the sign is displayed.
- Portable Sign – Any moveable sign not permanently attached to the ground or a building and easily removable using ordinary hand tools, including, but not limited to, sandwich board signs, A-frame signs, inverted “T” signs, and signs carried by a person. This does not include temporary, vehicle, and similar signs defined herein.
- Projecting Sign – A sign which projects from and is supported by a wall or parapet of a building with the display surface of the sign in a plane perpendicular to or approximately perpendicular to the wall.
- Roof Sign – A sign mounted on, above, or over 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, being fascia signs on roof-like projections.
- Sign – Any device visible from a public place whose essential purpose and design is to convey either commercial or noncommercial messages by means of graphic presentation of alphabetic or pictorial symbols or representations. The following shall not be included within this definition:
  - Signs not exceeding one (1) square foot in area and bearing only property numbers, post box numbers, names of occupants of premises, or other identification or premises not having commercial promotion;
  - Flags and insignias or any government, except when displayed in connection with commercial promotion;
  - Legal notices; identification, information, or directional signs erected or required by governmental bodies;
  - Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights;

- Signs directing and guiding traffic and parking to private property, but bearing no advertising matter.
- Special Event Sign – A temporary sign pertaining to any civic, patriotic, or special event of general public interest.
- Temporary Sign – Any sign intended to display messages of a transitory or temporary nature, and which is not permanently embedded in the ground or affixed to a building or structure.
- Travel Lane – as used in the measurement of sign setback, the boundary indicated by the marked pavement edge (white line).
- Vehicle Sign – Any sign permanently or temporarily attached to or placed on a vehicle or trailer.
- Wall Sign – A sign affixed to an exterior wall of a building or structure and that projects not more than twelve (12) inches from the building or structure wall. Also includes signs affixed to architectural projections provided the copy area of such signs remains on a parallel plane to the face of the building façade or to the face(s) of the architectural projection to which it is affixed.
- Window Sign – A sign affixed to the interior or exterior surface of a window with its message intended to be visible to the exterior environment. This includes a one-way vision decal which is a graphic affixed to either the interior or exterior of a window and which allows visibility either into or out of the window. A one-way vision decal is a sign only if it is related by language or logo to the advertisement of any product or service or the identification of any business. Only the portion of the window decal that is a sign is counted toward total permitted sign area.

**Site Plan:** The drawings and documents depicting and explaining all salient features of a proposed development so that it may be evaluated according to the procedures set forth in this Ordinance, to determine if the proposed development meets the requirements of this Zoning Ordinance.

**Site Plan Review:** A formal review by the Planning Commission and the Township Board of site plans to determine if the development may have a significant impact on the natural resources, traffic patterns, and adjacent land usage.

**Special Use:** A use that is not essentially incompatible with the uses permitted by right or with conditions in a zoning district, but possesses characteristics which require discretionary review in order to assure conformance with other agency standards or licensing requirements, avoid incompatibility with the surrounding area, and provide protection against nuisances or negative

traffic, visual, environmental, privacy, and safety impacts. A special use is permitted in a particular district only after review by the Planning Commission and issuance of a permit in accordance with the standards set forth in this Ordinance.

State Licensed Residential Facility: A structure constructed for residential purposes that is licensed by the State pursuant to Act No. 218 of the Public Acts of 1979 (Adult Foster Care Licensing Act), as amended, being Sections 400.701 to 400.737 of the Michigan Compiled Laws, or Act No. 116 of the Public Acts of 1973 (Child Care Organizations), as amended, being Sections 722.111 to 722.128 of the Michigan Compiled Laws, which provides resident services or care for six (6) or fewer individuals under twenty-four (24) hour supervision for persons in need of that supervision or care. Also known as “adult foster care facility”.

Steep Slope: Slopes of twenty-five (25) percent or more for a distance of fifty (50) feet or more.

Story: That part of a building, except a mezzanine, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. A half story is the uppermost story situated within a sloping roof.

Street: A public or private thoroughfare which affords the principal means of access to abutting property having a right-of-way not less than sixty-six (66) feet in width.

Structure: Anything constructed, erected or placed with a fixed location on the surface of the ground.

Structure Height: For all structures other than buildings or fences, the vertical distance measured from the finished grade to the highest point of the structure.

Structure, Illegal Non-Conforming: A structure that did not legally exist prior to the effective date of this Ordinance, and does not conform to the current ordinance requirements for the district in which it is located.

Structure, Legal Non-Conforming: A structure that legally existed prior to the effective date of this Ordinance, but does not conform to the current ordinance requirements for the district in which it is located.

Subdivision: The partitioning or splitting of a parcel of land for the purpose of sale, or lease of more than one year, or of building development that results in one or more parcels of less than 40 acres or the equivalent, and that is not exempted from the platting requirements of the Land Division Act, P.A. 288 of 1967, as amended, MCL 560.108 and 560.109. Does not include a property transfer between adjacent parcels. Any resulting parcel shall not be considered a building site unless it conforms to the requirements of P.A. 288 of 1967, as amended, and the lot requirements of this Ordinance.



Telecommunication Towers and Facilities or Tower: All structures and accessory facilities, including Alternative Tower Structures, relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals; including, but not limited to, radio towers, television towers, telephone devices and exchanges, microwave relay facilities, telephone transmission equipment buildings, private and commercial mobile radio service facilities, personal communication services towers (PCS), and cellular telephone towers. Not included in this definition are: citizen band radio facilities; short wave receiving facilities; radio and television broadcast reception facilities; satellite dishes; federally licensed amateur (HAM) radio facilities; and governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority.

Temporary Structure: A building or other structure designed, located, installed or intended for use for no more than one (1) year.

Tourist Service Establishment: Businesses generally serving the transient tourist population, such as offering rentals of recreation equipment, or sales of tourism products.

Unenclosed: without walls, fences, railings, or similar structures defining the perimeter.

Use: Any purpose, activity, occupation, or operation for which a building or other structure or tract of land may be planned, occupied, or maintained. In this Ordinance, uses may be permitted by right, with conditions, or by special use permit.

Use, Illegal Non-Conforming: A use of property or structure that was not legally permitted to exist prior to the effective date of this Ordinance, and is not allowed as a permitted use under current ordinance requirements for the district in which it is located.

Use, Legal Non-Conforming: A use of property or structure that was legally permitted to exist prior to the effective date of this Ordinance, but is not allowed as a permitted use under current ordinance requirements for the district in which it is located.

Variance: A modification of the literal provisions of the Zoning Ordinance, granted by the Zoning Board of Appeals, when certain findings have been made as outlined in the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended.

Waterbody: Any significant accumulation of water, including any creek, stream, canal, river, lake or bay, or any other source, natural or artificial, except a swimming pool or ornamental pool located on a single lot.

Wetland: Those areas that are inundated and saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas.

WECS (Wind Energy Conversion System): A machine that converts the kinetic energy in the wind into a useable form, commonly known as a “wind turbine”, “wind generator” or “windmill”; the WECS includes all parts of the system, including, but not limited to, the tower, pylon or other structure upon which any, all or some combination of components are mounted.

Wind Energy Facility: A power generating facility consisting of one or more wind turbines under common ownership or operation control, and includes substations, permanent MET towers, cables/wires, and other buildings accessory to such facility, whose main purpose is to supply electricity to off-site customers.

Wind Turbine Generator: A wind energy conversion system which converts wind energy into power. Includes a tower, pylon, or other structure, including all accessory facilities, upon which any, all, or some combination of the following are mounted:

1. A wind vane, blade, or series of wind vanes or blades, or other devices mounted on a rotor for the purpose of converting wind into electrical or mechanical energy.
2. A shaft, gear, belt, or coupling device used to connect the rotor to a generator, alternator, or other electrical or mechanical energy-producing device.
3. A generator, alternator, or other device used to convert the energy created by the rotation of the rotor into electrical or mechanical energy.

Wind Turbine Generator, Commercial: A wind turbine generator designed and used primarily to generate electricity by or for sale to utility companies.

Wind Turbine Generator Total Height:

- **Horizontal Axis Wind Turbine Rotors**: The distance between the ground and the highest point of the wind turbine generator, plus the length by which the rotor wind vanes or blades mounted on a horizontal axis wind turbine rotor exceeds the height of the wind turbine generator.
- **Vertical Axis Wind Turbine**: The distance between the ground and the highest point of the wind turbine generator including the top of the blade in its vertical position.

Yard: Required open space on the same site as a principal building, unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance.

Yard, Front: An open, unoccupied space extending across the full width of the lot, the depth of which is the minimum permitted horizontal distance between the front lot line and the nearest line of the principal building. Some lots have two front yards (see Lot Lines, Front).

Yard, Rear: An open, unoccupied space extending across the full width of the lot, the depth of which is the minimum permitted horizontal distance between the rear lot line and the nearest line of the principal building. Some lots may have no rear yard (see Lot Lines, Rear).

Yard, Side: An open, unoccupied space extending from the front yard to the rear yard, the depth of which is the minimum permitted horizontal distance between the side lot line and the nearest line of the principal building. Some lots have two side yards (see Lot Lines, Side).

Zoning District: A mapped area to which a uniform set of regulations governing the use of buildings and lots applies.

Zoning Administrator: The official designated for the purposes of enforcing and administering this Ordinance, and for carrying out certain duties and responsibilities as defined in this Ordinance.

Zoning Board of Appeals: The body appointed to hear appeals by any aggrieved party by a decision or order of the Zoning Administrator, or where it is alleged that the literal enforcement of this Ordinance would involve practical difficulties or would cause unnecessary hardship to the property owner.

Zoning Permit: A document reviewed and approved by the Zoning Administrator according to procedures established in this 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. Issuance of this document indicates that an application has been reviewed and determined to comply with the requirements of this Ordinance, or has been granted a variance therefrom.

## ARTICLE 4 ZONING DISTRICTS, USES, & REGULATIONS

For the purpose of this Ordinance, Marquette Township is hereby divided into the following seven (7) districts.

R-1 – General Residential  
R-2 - Rural Residential  
R-3 – Lakeshore Residential  
FR-1 - Forestry Recreational

C-1 - General Commercial  
A-1 - General Agricultural  
I-1 - General Industrial

### SECTION 4.01 – CATEGORIES OF PERMITTED USES

#### 101 - PERMITTED BY RIGHT (P)

A use permitted in a district without the need for special administrative review and approval, upon satisfaction of the standards and requirements of this Ordinance.

#### 102 - PERMITTED WITH CONDITIONS (C)

Conditional Uses are not necessarily incompatible with uses permitted by right in a zoning district, but because of special characteristics, these uses may require additional conditions to ensure compatibility before administrative approval. Before establishing, expanding, or amending a Conditional Use (with the exception of terminating a Conditional Use), the applicant shall obtain a Conditional Use Permit from the Zoning Administrator pursuant to permitting requirements using an application provided by the Zoning Administrator.

Conditional Uses are permitted by right in a particular zoning district provided that the use complies with all the applicable standards of this Ordinance including those in Article 7, and other applicable ordinances and regulations. The Zoning Administrator may refer the application to the Planning Commission for comment before rendering a decision. If the application is denied, the Zoning Administrator shall identify in writing the reasons for that denial. In such a case, an aggrieved Applicant may appeal the decision to the Zoning Board of Appeals.

#### 103 - PERMITTED BY SPECIAL USE PERMIT (S)

Special Uses may not necessarily be incompatible with uses permitted in a Zoning District, but may possess characteristics which require Planning Commission review and discretion to avoid incompatibility with the character of the surrounding area, public services and facilities, and adjacent uses of land. Before establishing, expanding, or amending a Special Use (with the exception of terminating a Special Use), the applicant shall obtain a Special Use Permit from the Zoning Administrator pursuant to permitting requirements using an application provided by the Zoning Administrator. Special Uses are permitted if approved in a particular zoning district provided that the use complies with all applicable standards of this Ordinance including those in Article 7 and other applicable ordinances and regulations. If the application is denied, the Planning Commission and Zoning Administrator shall identify in writing the reasons for that denial. In such a case, an aggrieved Applicant may appeal the decision to the Zoning Board of Appeals.

**104 – GENERAL USE PROVISIONS**

- A. Only uses permitted under the provisions of this Ordinance may be established on a parcel. All other uses may be permitted only if this Ordinance has been amended to permit them.
- B. Where a proposed use of land is not contemplated or specified by this Ordinance, or where the Zoning Administrator has a question as to the appropriateness of a use which, although basically permitted, involves other features which were not contemplated or specified by this Ordinance, the Zoning Administrator shall request the Planning Commission to consider the proposed use, and if deemed appropriate, to then initiate the necessary amendment to this Ordinance to provide for the requested use in appropriate districts and according to standards recommended by the Planning Commission and approved by the Township Board. Following adoption of the amendment by the Township Board, a permit application may be made to the Zoning Administrator to establish that use on a parcel in a district in which that use is permitted.

**SECTION 4.02 – R-1 GENERAL RESIDENTIAL DISTRICT**

**201 – PURPOSE**

The purpose of this district and its regulations is dedicated primarily to single family residential development that has occurred or appears likely to occur. The regulations for this district are designed to protect and stabilize the essential characteristics of these areas, and promote and encourage certain amenities within the residential neighborhood that will ensure the neighborhood a longer life.

**202 – PERMITTED, CONDITIONAL, AND SPECIAL USES**

The following lists the buildings and structures, and uses of parcels, lots, buildings and structures are permitted in this district by right, conditional use, and special use:

P = Permitted Right C=Conditional Use Permit S = Special Land Use * Site Plan Required	<b>GEN. RES. R-1</b>
<b>RESIDENTIAL USES</b>	
Accessory Buildings/Structures	<b>P</b>
Cottages/Camps	<b>C</b>
Dwelling Units in Support of a Commercial Establishment*	<b>S</b>
Home Occupations	<b>P</b>
Manufactured Housing Community/Park*	<b>S</b>
Multiple-Family Dwelling*	<b>S</b>
Planned Unit Development*	<b>S</b>
Accessory Dwelling Units	<b>S</b>

Single-Family Dwelling	P
Two-Family Dwelling	P
Amateur Radio Antenna (roof)	P
Amateur Radio Antenna (ground)	S
<b>HUMAN CARE AND SOCIAL ASSISTANCE</b>	
<b>Child Day Care Services</b>	
<i>Family Child Care Home</i>	C
<i>Group Child Care Home</i>	C
<i>Child Care Center or Day Care Center*</i>	S
Health Care Clinics/Dental Clinics	C
Hospitals	C
<b>Nursing &amp; Residential Care Facilities (see following):</b>	
<i>State-Licensed Residential Facilities (6 or less adults)</i>	C
<i>Nursing/Convalescent Home</i>	S
<i>Other Residential Care Facilities (substance abuse, correctional)</i>	S
<b>Social Assistance (see following):</b>	
<i>Individual &amp; Family Services</i>	C
<i>Community/Emergency &amp; Other Relief Services</i>	C
<i>Vocational Rehabilitation Services</i>	C
<b>AGRICULTURE &amp; FORESTRY</b>	
Apiary farms	S
Community garden as principal use	C
Accessory vegetable and flower gardens	P
Accessory keeping of animals for homesteading purposes	C
Accessory keeping of poultry	C
Accessory private horse riding arena/track	C
<b>EDUCATIONAL SERVICES</b>	
Private instructional facilities*	S
Public Schools*	P
Private Schools*	P
<b>PUBLIC FACILITIES</b>	
Community Centers*	P
Government Administration Facilities*	P
Libraries*	P
Police/Fire Stations*	P
Public Parks, Playgrounds, and Recreation Areas*	P
<b>ACCOMODATION AND FOOD SERVICES</b>	
Bed & Breakfasts	P

Rooming & Boarding Houses	P
<b>ARTS, ENTERTAINMENT, AND RECREATION</b>	
Bowling Establishments*	S
Marinas, Boat Launches, Docks, Launch Ramps, and Associated Parking Areas (provided they are located a minimum of fifty (50) feet from a residential use.*	P
Fitness & Recreational Sports Centers*	S
Nature Parks & Other Similar Institutions (private)*	C
Museums*	C
Outdoor Recreational Facilities (private)*	C
Outdoor Recreational Facilities (public)*	C
Performing Arts Companies*	S
Private Clubs; Lodges*	C
Theaters*	C
<b>GENERAL COMMERCIAL/BUSINESSES/SERVICES</b>	
Cemeteries*	S
Religious Institutions*	S
<b>RETAIL TRADE</b>	
Small to Medium Scale Retail	S
<b>MINING</b>	
Mines, quarries, gravel pits, other extractive activities*	C
<b>UTILITIES/ENERGY</b>	
Public utility facilities (without storage yards)*	S
Public utility facilities (with storage yards)*	S
Small On-Site Wind Energy Systems	C

## 203 – REGULATIONS

The following regulations shall apply in the R-1 district.

### 3000 – DIMENSIONAL REQUIREMENTS

1. LOTS
  - a. Minimum Lot Area – 7,500 square feet
  - b. Minimum Lot Width – 50 feet
  - c. Max % Lot Coverage – 35% (25% for residential uses, 10% for non-residential uses)
2. SETBACKS
  - a. Front – 40 feet
  - b. Side – 10 feet
  - c. Rear – 10 feet
  - d. Water – 50 feet
3. STRUCTURES

- a. Maximum Principal Building Height – 35 feet/3 stories
- b. Minimum Floor Area – 500 square feet for single family, 1000 square feet for multi-family
- c. Maximum Accessory Building Height – 25 feet

**3001 – ADDITIONAL REQUIREMENTS**

- 1. Off-street parking must be provided.
- 2. Manufactured Homes shall be built to current building codes and skirted within three (3) months (90 days) of occupancy.
- 3. Manufactured Homes shall not be added to, to make five hundred (500) square feet.
- 4. Home occupations shall be clearly incidental and secondary to the use of the dwelling unit for residential purposes, and shall utilize no more than thirty (30) percent of the total floor area.

**SECTION 4.03 – R-2 RURAL RESIDENTIAL DISTRICT**

**301 - PURPOSE**

The purpose of this district is to provide areas for outlying residential development of lots of sufficient size to accommodate the safe and healthful on-site water supply and liquid waste water disposal, since these areas will likely remain unserved by public water-sewer services for an extended period of time. It is also the purpose of this district to protect and stabilize the essential characteristics of these areas, in order to promote and encourage suitable environments for low density family life until such time as it may be in the public interest to promote development of greater intensity requiring higher levels of public services and utilities.

**302 - PERMITTED, CONDITIONAL, AND SPECIAL USES**

The following lists the buildings and structures, and uses of parcels, lots, buildings and structures are permitted in this district by right, conditional use, and special use:

P = Permitted Right C=Conditional Use Permit S = Special Land Use * Site Plan Required	<b>RUR. RES. R-2</b>
<b>RESIDENTIAL USES</b>	
Accessory Buildings/Structures	<b>P</b>
Cottages/Camps	<b>C</b>
Dwelling Units in Support of a Commercial Establishment*	<b>S</b>
Home Occupations	<b>P</b>
Manufactured Housing Community/Park*	<b>C</b>
Multiple-Family Dwelling*	<b>S</b>



Planned Unit Development*	S
Accessory Dwelling Units	S
Single-Family Dwelling	P
Two-Family Dwelling	P
Amateur Radio Antenna (roof)	P
Amateur Radio Antenna (ground)	P
<b>HUMAN CARE AND SOCIAL ASSISTANCE</b>	
<b>Child Day Care Services</b>	
<i>Family Child Care Home</i>	C
<i>Group Child Care Home</i>	C
<i>Child Care Center or Day Care Center*</i>	S
Health Care Clinics/Dental Clinics	C
Hospitals	C
<b>Nursing &amp; Residential Care Facilities (see following):</b>	
<i>State-Licensed Residential Facilities (6 or less adults)</i>	C
<i>Nursing/Convalescent Home</i>	S
<i>Other Residential Care Facilities (substance abuse, correctional)</i>	S
<b>Social Assistance (see following):</b>	
<i>Individual &amp; Family Services</i>	C
<i>Community/Emergency &amp; Other Relief Services</i>	C
<i>Vocational Rehabilitation Services</i>	C
<b>AGRICULTURE &amp; FORESTRY</b>	
Agricultural business related to the sale of field crops, forest products, and livestock (raised or cultivated on the property)	S
Animal Rescue Shelter*	S
Animal Shelter (structure specifically used on farms, to shelter animals from weather)	P
Apiary farms	P
Bulk seed, feed, fertilizer and nursery stock outlet and distribution centers*	S
Farms and agricultural operations	S
Greenhouse, nursery, landscaping and floriculture production*	S
Raising and growing plants, trees, shrubs, nursery stock	P
Accessory vegetable and flower gardens	P
Accessory keeping of animals for homesteading purposes	C
Accessory keeping of poultry	C
Accessory private horse riding arena/track	C
Large scale composting facility*	C
Roadside stands, Farmer's Markets	C
Seasonal Outdoor Mazes of agricultural origin	P

Veterinary services, animal clinics, animal hospitals, kennels*	P
<b>EDUCATIONAL SERVICES</b>	
Private instructional facilities*	S
Public Schools*	P
Private Schools*	P
<b>PUBLIC FACILITIES</b>	
Community Centers*	P
Government Administration Facilities*	P
Libraries*	P
Police/Fire Stations*	P
Public Parks, Playgrounds, and Recreation Areas*	P
<b>ACCOMODATION AND FOOD SERVICES</b>	
Bed & Breakfasts	P
Restaurants without Drive-Through*	S
Restaurants with Drive-Through*	S
Rooming & Boarding Houses	P
RV Parks & Campgrounds*	S
<b>ARTS, ENTERTAINMENT, AND RECREATION</b>	
Bowling Establishments*	S
Marinas, Boat Launches, Docks, Launch Ramps, and Associated Parking Areas (provided they are located a minimum of fifty (50) feet from a residential use.*	P
Fitness & Recreational Sports Centers*	S
Golf Courses*	P
Nature Parks & Other Similar Institutions (private)*	P
Museums*	C
Outdoor Recreational Facilities (private)*	P
Outdoor Recreational Facilities (public)*	P
Small-Scale Moto-Cross Track	S
Performing Arts Companies*	S
Private Clubs; Lodges*	C
Sportsmen's Clubs*	C
Theaters*	S
<b>GENERAL COMMERCIAL/BUSINESSES/SERVICES</b>	
Cemeteries*	S
Religious Institutions*	S
<b>RETAIL TRADE</b>	
Small to Medium Scale Retail	S
Large Scale Retail Development	S

<b>TRANSPORTATION SERVICES, WAREHOUSING &amp; STORAGE</b>	
Airports & Landing Fields*	<b>S</b>
<b>MINING</b>	
Mines, quarries, gravel pits, other extractive activities*	<b>C</b>
<b>UTILITIES/ENERGY</b>	
Small On-Site Wind Energy Systems	<b>P</b>
<b>CONSTRUCTION</b>	
Building, developing & general contracting*	<b>S</b>
Heavy construction*	<b>S</b>
Special trade contractors (ex: electrical, plumbing)*	<b>S</b>
<b>MANUFACTURING/INDUSTRIAL/ WHOLESALE TRADE/WASTE MANAGEMENT</b>	
Oil & gas extraction facilities (offsite from wellhead location)*	<b>S</b>
<b>COMMUNICATIONS</b>	
Antenna co-located on existing telecommunications	<b>P</b>
Telecommunications Towers & Facilities & Alternative Tower Structures*	<b>C</b>

**303 – REGULATIONS**

The following regulations shall apply in the R-2 district.

*3000 – DIMENSIONAL REQUIREMENTS*

1. LOTS
  - a. Minimum Lot Area – 40,000 square feet
  - b. Minimum Lot Width – 200 feet
  - c. Max % Lot Coverage – 20%
2. SETBACKS
  - a. Front – 50 feet
  - b. Side – 50 feet
  - c. Rear – 50 feet
  - d. Water – 50 feet
3. STRUCTURES
  - a. Maximum Principal Building Height – 35 feet/3 stories
  - b. Minimum Floor Area – 500 square feet for single family, 1000 square feet for multi-family
  - c. Maximum Accessory Building Height – 25 feet

*3001 – ADDITIONAL REQUIREMENTS*

1. For roadside stands, off-street parking shall be provided and no hazardous traffic conditions shall result from such activity. Such buildings and structures shall be located in conformance with all minimum yard requirements and no more than one (1) such roadside stand shall be permitted on each lot or parcel.
2. Manufactured Homes shall be built to current building codes and skirted within 3

- months (90 days) of occupancy.
3. Manufactured Homes shall not be added to, to make five hundred (500) square feet.
  4. For quarries or any extractive uses:
    - a. Must be set back fifty (50) feet from lot line.
    - b. Must be graded and shaped and banks sloped upon abandonment, where applicable.
    - c. Not more than one entrance per five hundred (500) feet of front lot line.
  5. For general and specialized farming and agricultural activities must meet the following conditions:
    - a. The lot or parcel of land upon which those activities are conducted is no less than five (5) acres in area.
    - b. All farm buildings other than dwellings shall be located a minimum of ninety (90) feet from an adjacent property line.

## SECTION 4.04 – R-3 LAKESHORE RESIDENTIAL DISTRICT

### 401 - PURPOSE

The purpose of this district is to encourage the proper development of residential use along the lakeshore. Building design and site layouts should reflect the importance of preserving the lakeshore. Building coverage of lots should be minimized, open space maximized, and paved space should drain toward landscaping.

### 402 - PERMITTED, CONDITIONAL, AND SPECIAL USES

The following lists the buildings and structures, and uses of parcels, lots, buildings and structures are permitted in this district by right, conditional use, and special use:

P = Permitted Right C=Conditional Use Permit S = Special Land Use * Site Plan Required		<b>LKSHORE RES. R-3</b>
<b>RESIDENTIAL USES</b>		
Accessory Buildings/Structures		P
Cottages/Camps		P
Home Occupations		P
Multiple-Family Dwelling*		S
Single-Family Dwelling		P
Two-Family Dwelling		S
Amateur Radio Antenna (roof)		P
Amateur Radio Antenna (ground)		S

<b>AGRICULTURE &amp; FORESTRY</b>	
Apiary farms	S
Raising and growing plants, trees, shrubs, nursery stock	S
<b>ACCOMODATION AND FOOD SERVICES</b>	
Resorts*	S
RV Parks & Campgrounds*	S
<b>ARTS, ENTERTAINMENT, AND RECREATION</b>	
Marinas, Boat Launches, Docks, Launch Ramps, and Associated Parking Areas (provided they are located a minimum of fifty (50) feet from a residential use.*	C
Nature Parks & Other Similar Institutions (private)*	S
Outdoor Recreational Facilities (private)*	S
<b>GENERAL COMMERCIAL/BUSINESSES/SERVICES</b>	
Cemeteries*	S
Religious Institutions*	S
<b>MINING</b>	
Mines, quarries, gravel pits, other extractive activities*	C
<b>MANUFACTURING/INDUSTRIAL/ WHOLESALE TRADE/WASTE MANAGEMENT</b>	
Oil & gas extraction facilities (offsite from wellhead location)*	S
<b>COMMUNICATIONS</b>	
Antenna co-located on existing telecommunications	P
Telecommunications Towers & Facilities & Alternative Tower Structures*	C

## 403 – REGULATIONS

The following regulations shall apply in the R-3 district.

### 3000 – DIMENSIONAL REQUIREMENTS

4. LOTS
  - a. Minimum Lot Area – 10,000 square feet
  - b. Minimum Lot Width – 50 feet
  - c. Max % Lot Coverage – 40%
5. SETBACKS
  - a. Front – 25 feet
  - b. Side – 10 feet
  - c. Rear – 10 feet
  - d. Water – 50 feet
6. STRUCTURES
  - a. Maximum Principal Building Height – 35 feet/3 stories
  - b. Minimum Floor Area – 500 square feet
  - c. Maximum Accessory Building Height – 25 feet

## SECTION 4.05 – A-1 AGRICULTURE DISTRICT

### 501 - PURPOSE

The purpose of this district is to protect and stabilize the essential characteristics of agricultural areas within the Township, and to insure proper maintenance of conditions for healthful and economically productive agricultural activities by preserving those areas which are predominately agricultural in nature, and which are most appropriate for present and future agricultural developments. The requirements of this district are designed so as not to impede necessary urban expansion, but to prevent unwarranted premature urban development from encroaching upon legitimate agricultural areas, thus disrupting the agricultural resources, environment, and economy, including the tax base. It is essential that development in areas which are predominately agricultural be based on sound principles which realize the importance of such activities to the economy and welfare of the Township. This district is intended to be maintained in larger tracts more economically suitable for farming or conservation purposes.

### 502 - PERMITTED, CONDITIONAL, AND SPECIAL USES

The following lists the buildings and structures, and uses of parcels, lots, buildings and structures are permitted in this district by right, conditional use, and special use:

P = Permitted Right C=Conditional Use Permit S = Special Land Use * Site Plan Required		GEN. AG. A-1
<b>RESIDENTIAL USES</b>		
Accessory Buildings/Structures		P
Home Occupations		P
Multiple-Family Dwelling*		S
Single-Family Dwelling		P
Two-Family Dwelling		P
Amateur Radio Antenna (roof)		P
Amateur Radio Antenna (ground)		P
<b>AGRICULTURE &amp; FORESTRY</b>		
Agricultural business related to the sale of field crops, forest products, and livestock (raised or cultivated on the property)		P
Agricultural Equipment Dealers*		C
Agricultural products processing, storage, retail and wholesale marketing*		P
Animal Rescue Shelter*		S
Animal Shelter (structure specifically used on farms, to shelter animals from weather)		P
Apiary farms		P
Bulk seed, feed, fertilizer and nursery stock outlet and distribution centers*		S

Farms and agricultural operations	P
Forest products processing*	S
Forestry and forest management (including timber harvesting)	P
Greenhouse, nursery, landscaping and floriculture production*	P
Lumber yards*	S
Raising and growing plants, trees, shrubs, nursery stock	P
Boarding stables*	P
Community garden as principal use	P
Accessory vegetable and flower gardens	P
Accessory keeping of animals for homesteading purposes	P
Accessory keeping of poultry	P
Accessory private horse riding arena/track	P
Large scale composting facility*	C
Roadside stands, Farmer's Markets	P
Sawmills (that operate for more than 60 days)*	S
Seasonal Outdoor Mazes of agricultural origin	P
Seasonal "U-Pick" fruits and vegetables operations	P
Veterinary services, animal clinics, animal hospitals, kennels*	S
<b>Ancillary uses related to agricultural tourism (see following):</b>	
<i>Bakeries selling goods grown primarily on-site</i>	P
<i>Educational tours, classes, lectures, and seminars</i>	P
<i>Family-oriented animated barns (fun houses, haunted houses)</i>	P
<i>Gift shops for agriculturally-related products, crafts</i>	S
<i>Historical agricultural exhibits</i>	P
<i>Kitchen facilities, processing/cooking items for sale</i>	P
<i>Organized meeting space (weddings, birthdays, corporate picnics)</i>	S
<i>Petting farms, animal display, and pony rides</i>	P
<i>Picnic areas (including rest rooms)</i>	P
<i>Playgrounds, wagon/sleigh rides, nature trails</i>	P
<i>Restaurant operations related to the agricultural use of the site*</i>	S
<i>Small-scale entertainment (music concert, car show, art fair)</i>	S
<b>EDUCATIONAL SERVICES</b>	
Public Schools*	P
Private Schools*	P
<b>PUBLIC FACILITIES</b>	
Community Centers*	P
Government Administration Facilities*	P
Libraries*	S

Police/Fire Stations*	P
Public Parks, Playgrounds, and Recreation Areas*	P
<b>ARTS, ENTERTAINMENT, AND RECREATION</b>	
Marinas, Boat Launches, Docks, Launch Ramps, and Associated Parking Areas (provided they are located a minimum of fifty (50) feet from a residential use.*	P
<b>GENERAL COMMERCIAL/BUSINESSES/SERVICES</b>	
Cemeteries*	S
Religious Institutions*	S
<b>RETAIL TRADE</b>	
Small to Medium Scale Retail	S
Large Scale Retail Development	S
<b>MINING</b>	
Mines, quarries, gravel pits, other extractive activities*	C
<b>UTILITIES/ENERGY</b>	
Commercial Wind Energy Facilities and Anemometer Towers*	S
Large Scale/Utility Class Solar Energy Systems	S
Public utility facilities (without storage yards)*	S
Public utility facilities (with storage yards)*	S
Small On-Site Wind Energy Systems	P
<b>MANUFACTURING/INDUSTRIAL/ WHOLESALE TRADE/WASTE MANAGEMENT</b>	
Oil & gas extraction facilities (offsite from wellhead location)*	S
<b>COMMUNICATIONS</b>	
Antenna co-located on existing telecommunications	P
Telecommunications Towers & Facilities & Alternative Tower Structures*	C

## 503 – REGULATIONS

The following regulations shall apply in the A-1 district.

### 3000 – DIMENSIONAL REQUIREMENTS

1. LOTS
  - a. Minimum Lot Area – 1 acre
  - b. Minimum Lot Width – 200 feet
  - c. Max % Lot Coverage – 30%
2. SETBACKS
  - a. Front – 60 feet
  - b. Side – 50 feet
  - c. Rear – 50 feet
  - d. Water – 50 feet
3. STRUCTURES
  - a. Maximum Principal Building Height – 40 feet/3 stories for residential structures.



- b. Minimum Floor Area – 500 square feet for single family, 1000 square feet for multi-family
- c. Maximum Accessory Building Height – none

**3001 – ADDITIONAL REQUIREMENTS**

1. Except in Partnerships or Corporations, homes can be built for those actively engaged in Agriculture on less than forty (40) acre lot, with Zoning Board of Appeals approval.
2. For quarries or any extractive uses:
  - a. Must be set back fifty (50) feet from lot line.
  - b. Must be graded and shaped and banks sloped upon abandonment, where applicable.
  - c. Not more than one entrance per five hundred (500) feet of front lot line.
3. Home occupations shall be clearly incidental and secondary to the use of the dwelling unit for residential purposes, and shall utilize no more than thirty (30) percent of the total floor area.

**SECTION 4.06 – C-1 COMMERCIAL DISTRICT**

**601 - PURPOSE**

This district is designed to provide areas suitable for a variety of commercial, retail, and service establishments including personal, professional, and other services commonly associate with local commercial and business centers.

**602 - PERMITTED, CONDITIONAL, AND SPECIAL USES**

The following lists the buildings and structures, and uses of parcels, lots, buildings and structures are permitted in this district by right, conditional use, and special use:

P = Permitted Right C=Conditional Use Permit S = Special Land Use * Site Plan Required	<b>GEN. COMM. C-1</b>
<b>RESIDENTIAL USES</b>	
Accessory Buildings/Structures	<b>P</b>
Dwelling Units in Support of a Commercial Establishment*	<b>P</b>
Home Occupations	<b>P</b>
Planned Unit Development*	<b>S</b>
Amateur Radio Antenna (roof)	<b>P</b>
Amateur Radio Antenna (ground)	<b>S</b>
<b>HUMAN CARE AND SOCIAL ASSISTANCE</b>	

<b>Child Day Care Services</b>	
<i>Child Care Center or Day Care Center*</i>	P
Health Care Clinics/Dental Clinics	P
Hospitals	P
<b>Social Assistance (see following):</b>	
<i>Individual &amp; Family Services</i>	P
<i>Community/Emergency &amp; Other Relief Services</i>	P
<i>Vocational Rehabilitation Services</i>	P
<b>AGRICULTURE &amp; FORESTRY</b>	
Agricultural business related to the sale of field crops, forest products, and livestock (raised or cultivated on the property)	C
Agricultural Equipment Dealers*	S
Animal Rescue Shelter*	P
Veterinary services, animal clinics, animal hospitals, kennels*	S
<i>Gift shops for agriculturally-related products, crafts</i>	P
<b>EDUCATIONAL SERVICES</b>	
Private instructional facilities*	S
Public Schools*	P
Private Schools*	P
<b>PUBLIC FACILITIES</b>	
Community Centers*	P
Government Administration Facilities*	P
Libraries*	P
Police/Fire Stations*	P
Public Parks, Playgrounds, and Recreation Areas*	P
<b>ACCOMODATION AND FOOD SERVICES</b>	
Bed & Breakfasts	P
Drinking Establishments*	P
Food Service Contractors*	P
Hotels & Motels*	P
Mobile Food Services*	P
Resorts*	S
Restaurants without Drive-Through*	S
Restaurants with Drive-Through*	S
Rooming & Boarding Houses	P
RV Parks & Campgrounds*	S
<b>ARTS, ENTERTAINMENT, AND RECREATION</b>	
Bowling Establishments*	S

Marinas, Boat Launches, Docks, Launch Ramps, and Associated Parking Areas (provided they are located a minimum of fifty (50) feet from a residential use.*	S
Fitness & Recreational Sports Centers*	P
Museums*	S
Automobile Raceway/Racetrack*	S
Performing Arts Companies*	S
Private Clubs; Lodges*	P
Sportsmen's Clubs*	S
Theaters*	P
<b>GENERAL COMMERCIAL/BUSINESSES/SERVICES</b>	
Automotive Body/Paint/Interior & Glass Repair*	S
Automotive Equipment Rental & Leasing*	S
Automotive Mechanical & Electrical Repair & Maintenance*	S
Automotive Oil Change & Lubrication Shops*	S
Business, Labor, Political & Like Organizations*	P
Carwashes*	P
Civic & Social Organizations; Social Advocacy Organizations*	S
Commercial/Industrial Equipment Rental & Leasing*	S
Commercial Equipment Repair & Maintenance*	S
Dry Cleaning & Laundry Services*	P
Electronic & Precision Equipment Repair & Maintenance*	S
Extermination & Pest Control Services*	P
Financial Institutions/Real Estate Offices*	P
Funeral Homes & Mortuaries*	P
General Rental Centers*	P
Grantmaking & Giving Services (example: Community Foundation)*	P
Insurance Carriers & Related Activities*	P
Medical Marihuana Primary Caregiver Facility	S
Parking Lots/Garages*	S
Personal & Household Goods Repair & Maintenance*	P
Personal Services *	P
Pet Care (except Veterinary and Animal Shelters)*	P
Professional Cleaning Services*	P
Professional Offices*	P
Religious Institutions*	P
Sexually Oriented Businesses*	P
<b>RETAIL TRADE</b>	
Automobile Service Stations (example: gas station)*	S
Building Material & Garden Equipment & Supplies Dealers*	P

Electronics & Appliance Stores*	P
Clothing & Clothing Accessories Stores*	P
Food & Beverage Stores*	P
Furniture & Home Furnishings Stores*	P
General Merchandise Stores *	P
Health & Personal Care Stores*	P
Other Similar Retail Trade (without outdoor storage)*	P
Outdoor sales facilities (open air sales)*	S
Small-Scale Craft Making*	P
Sporting Goods, Hobby, Book & Music Stores*	P
Small to Medium Scale Retail	P
Large Scale Retail Development	C
Truck and heavy equipment sales/service establishments*	C
<b>TRANSPORTATION SERVICES, WAREHOUSING &amp; STORAGE</b>	
Postal Service*	S
<b>MINING</b>	
Mines, quarries, gravel pits, other extractive activities*	C
<b>UTILITIES/ENERGY</b>	
Commercial Wind Energy Facilities and Anemometer Towers*	S
Small On-Site Wind Energy Systems	S
<b>CONSTRUCTION</b>	
Building, developing & general contracting*	P
Heavy construction*	P
Special trade contractors (ex: electrical, plumbing)*	P
<b>MANUFACTURING/INDUSTRIAL/ WHOLESALE TRADE/WASTE MANAGEMENT</b>	
Oil & gas extraction facilities (offsite from wellhead location)*	S
Printing & Related Support Activities*	P
<b>COMMUNICATIONS</b>	
Antenna co-located on existing telecommunications	P
Telecommunications Towers & Facilities & Alternative Tower Structures*	C

## 603 – REGULATIONS

The following regulations shall apply in the C-1 district.

### 3000 – DIMENSIONAL REQUIREMENTS

1. LOTS
  - a. Minimum Lot Area – Four (4) times the area covered by structures.
  - b. Minimum Lot Width – 100 feet
2. SETBACKS
  - a. Front – 10 feet

- b. Side – 10 feet
- c. Rear – 10 feet
- 3. STRUCTURES
  - a. Maximum Principal Building Height – 50 feet/3 stories
  - b. Maximum Accessory Building Height – none

**3001 – ADDITIONAL REQUIREMENTS**

- 1. Off-street parking must be provided.
  - a. One car space, at least two hundred seventy (270) square feet in area for every one hundred (100) square feet of floor area devoted to selling, office, or consumer service space, except motels and hotels which shall have one car space per unit or room.

**SECTION 4.07 – F-1 FORESTRY RECREATIONAL DISTRICT**

**701 - PURPOSE**

The purpose of this district is to set aside those lands which, because of their physical characteristics, would be suitable primarily for forestry operations and/or recreational activities. This area consists of timbered land, swamp land, scrub growth, and poor soil with forestry being the primary use. The regulations for these districts are designed to stabilize and protect essential characteristics of the district without unduly restricting its use solely to that of forestry; therefore development is limited to a low concentration and to those uses which would not be detrimental to future development.

**702 - PERMITTED, CONDITIONAL, AND SPECIAL USES**

The following lists the buildings and structures, and uses of parcels, lots, buildings and structures are permitted in this district by right, conditional use, and special use:

P = Permitted Right C=Conditional Use Permit S = Special Land Use * Site Plan Required	<b>FOR. REC. F-1</b>
<b>RESIDENTIAL USES</b>	
Accessory Buildings/Structures	<b>C</b>
Cottages/Camps	<b>P</b>
Dwelling Units in Support of a Commercial Establishment*	<b>S</b>
Home Occupations	<b>P</b>
Manufactured Housing Community/Park*	<b>P</b>
Multiple-Family Dwelling*	<b>S</b>
Planned Unit Development*	<b>S</b>
Accessory Dwelling Units	<b>S</b>

Single-Family Dwelling	P
Two-Family Dwelling	C
Amateur Radio Antenna (roof)	P
Amateur Radio Antenna (ground)	P
<b>HUMAN CARE AND SOCIAL ASSISTANCE</b>	
<b>Child Day Care Services</b>	
<i>Family Child Care Home</i>	C
<i>Group Child Care Home</i>	C
<i>Child Care Center or Day Care Center*</i>	S
Health Care Clinics/Dental Clinics	S
Hospitals	S
<b>Nursing &amp; Residential Care Facilities (see following):</b>	
<i>State-Licensed Residential Facilities (6 or less adults)</i>	S
<i>Nursing/Convalescent Home</i>	S
<i>Other Residential Care Facilities (substance abuse, correctional)</i>	S
<b>Social Assistance (see following):</b>	
<i>Individual &amp; Family Services</i>	S
<i>Community/Emergency &amp; Other Relief Services</i>	S
<i>Vocational Rehabilitation Services</i>	S
<b>AGRICULTURE &amp; FORESTRY</b>	
Agricultural business related to the sale of field crops, forest products, and livestock (raised or cultivated on the property)	C
Agricultural Equipment Dealers*	S
Agricultural products processing, storage, retail and wholesale marketing*	S
Animal Rescue Shelter*	S
Apiary farms	P
Bulk seed, feed, fertilizer and nursery stock outlet and distribution centers*	S
Farms and agricultural operations	S
Forest products processing*	P
Forestry and forest management (including timber harvesting)	P
Greenhouse, nursery, landscaping and floriculture production*	S
Lumber yards*	S
Raising and growing plants, trees, shrubs, nursery stock	P
Boarding stables*	P
Community garden as principal use	P
Accessory vegetable and flower gardens	P
Accessory keeping of animals for homesteading purposes	P
Accessory keeping of poultry	P

Accessory private horse riding arena/track	P
Large scale composting facility*	C
Roadside stands, Farmer's Markets	P
Sawmills (that operate for more than 60 days)*	P
Veterinary services, animal clinics, animal hospitals, kennels*	S
<b>EDUCATIONAL SERVICES</b>	
Private instructional facilities*	S
Public Schools*	P
Private Schools*	P
<b>PUBLIC FACILITIES</b>	
Community Centers*	S
Government Administration Facilities*	S
Libraries*	S
Police/Fire Stations*	S
Public Parks, Playgrounds, and Recreation Areas*	S
<b>ACCOMODATION AND FOOD SERVICES</b>	
Bed & Breakfasts	S
Resorts*	C
RV Parks & Campgrounds*	P
<b>ARTS, ENTERTAINMENT, AND RECREATION</b>	
Marinas, Boat Launches, Docks, Launch Ramps, and Associated Parking Areas (provided they are located a minimum of fifty (50) feet from a residential use.*	P
Fitness & Recreational Sports Centers*	S
Golf Courses*	P
Nature Parks & Other Similar Institutions (private)*	P
Outdoor Recreational Facilities (private)*	P
Outdoor Recreational Facilities (public)*	P
Automobile Raceway/Racetrack*	P
Small-Scale Moto-Cross Track	P
Professional Moto-Cross Track*	S
Private Clubs; Lodges*	P
Sportsmen's Clubs*	P
<b>GENERAL COMMERCIAL/BUSINESSES/SERVICES</b>	
Cemeteries*	S
Religious Institutions*	S
<b>RETAIL TRADE</b>	
Small to Medium Scale Retail	S
Large Scale Retail Development	S

Truck and heavy equipment sales/service establishments*	S
<b>TRANSPORTATION SERVICES, WAREHOUSING &amp; STORAGE</b>	
Airports & Landing Fields*	S
<b>MINING</b>	
Mines, quarries, gravel pits, other extractive activities*	C
<b>UTILITIES/ENERGY</b>	
Commercial Wind Energy Facilities and Anemometer Towers*	S
Small On-Site Wind Energy Systems	P
<b>CONSTRUCTION</b>	
Building, developing & general contracting*	S
Special trade contractors (ex: electrical, plumbing)*	S
<b>MANUFACTURING/INDUSTRIAL/ WHOLESALE TRADE/WASTE MANAGEMENT</b>	
Oil & gas extraction facilities (offsite from wellhead location)*	S
<b>COMMUNICATIONS</b>	
Antenna co-located on existing telecommunications	P
Telecommunications Towers & Facilities & Alternative Tower Structures*	C

## 703 – REGULATIONS

The following regulations shall apply in the F-1 district.

### 3000 – DIMENSIONAL REQUIREMENTS

1. LOTS
  - a. Minimum Lot Area – 1 acre
  - b. Minimum Lot Width – 200 feet
2. SETBACKS
  - a. Front – 60 feet
  - b. Side – 50 feet
  - c. Rear – 50 feet
  - d. Water – 50 feet
3. STRUCTURES
  - a. Maximum Principal Building Height – 35 feet/3 stories
  - b. Maximum Accessory Building Height – 25 feet

### 3001 – ADDITIONAL REQUIREMENTS

1. Manufactured Homes shall not be added to, to make five hundred (500) square feet.
2. Manufactured Homes shall be built to current building codes and skirted within 3 months (90 days) of occupancy.
3. Quarries:
  - a. Must be set back fifty (50) feet from lot line.
  - b. Must be graded and shaped and banks sloped upon abandonment, where applicable.
  - c. Not more than one entrance per five hundred (500) feet of front lot line.



## SECTION 4.08 - INDUSTRIAL DISTRICT

### 801 - PURPOSE

This district is designed to provide suitable space for light industrial uses which operate in a safe, non-objectionable and efficient manner, and which are compatible in appearance with and require a minimum of buffering measures from adjoining non-industrial districts. These uses generate a minimum of noise, glare, odor, dust, vibration, air and water pollutants, fire, explosive and radioactive hazards, and other harmful or obnoxious matter.

### 802 - PERMITTED, CONDITIONAL, AND SPECIAL USES

The following lists the buildings and structures, and uses of parcels, lots, buildings and structures are permitted in this district by right, conditional use, and special use:

P = Permitted Right C=Conditional Use Permit S = Special Land Use * Site Plan Required	<b>GEN. IND. I-1</b>
<b>RESIDENTIAL USES</b>	
Accessory Buildings/Structures	<b>P</b>
Planned Unit Development*	<b>S</b>
Amateur Radio Antenna (roof)	<b>P</b>
Amateur Radio Antenna (ground)	<b>S</b>
<b>AGRICULTURE &amp; FORESTRY</b>	
Bulk seed, feed, fertilizer and nursery stock outlet and distribution centers*	<b>P</b>
Lumber yards*	<b>S</b>
Sawmills (that operate for more than 60 days)*	<b>S</b>
<b>PUBLIC FACILITIES</b>	
Community Centers*	<b>P</b>
Government Administration Facilities*	<b>P</b>
Libraries*	<b>P</b>
Police/Fire Stations*	<b>P</b>
Public Parks, Playgrounds, and Recreation Areas*	<b>P</b>
<b>GENERAL COMMERCIAL/BUSINESSES/SERVICES</b>	
Medical Marihuana Primary Caregiver Facility	<b>S</b>
Religious Institutions*	<b>S</b>
Sexually Oriented Businesses*	<b>S</b>
<b>RETAIL TRADE</b>	
Small to Medium Scale Retail	<b>C</b>
Large Scale Retail Development	<b>C</b>
Truck and heavy equipment sales/service establishments*	<b>P</b>

<b>TRANSPORTATION SERVICES, WAREHOUSING &amp; STORAGE</b>	
Airports & Landing Fields*	S
Postal Service*	P
Truck Transportation Facilities*	P
Warehousing & Storage*	P
<b>MINING</b>	
Mines, quarries, gravel pits, other extractive activities*	C
<b>UTILITIES/ENERGY</b>	
Commercial Wind Energy Facilities and Anemometer Towers*	S
Public utility facilities (without storage yards)*	P
Public utility facilities (with storage yards)*	P
Small On-Site Wind Energy Systems	P
<b>CONSTRUCTION</b>	
Building, developing & general contracting*	P
Heavy construction*	P
Special trade contractors (ex: electrical, plumbing)*	P
<b>MANUFACTURING/INDUSTRIAL/ WHOLESALE TRADE/WASTE MANAGEMENT</b>	
Bulk storage and distribution facilities for petroleum and gas products, paint and chemicals*	S
Computer, Electronic, & Appliance Product Mfg*	P
Dry bulk blending plants*	P
Food/beverage processing and packaging*	P
Furniture & Related Product Mfg*	P
Industrial parks*	S
Junkyards/salvage yards*	S
Leather & Allied Product Mfg*	P
Miscellaneous Mfg*	P
Oil & gas extraction facilities (offsite from wellhead location)*	S
Oil and gas processing facilities*	S
Printing & Related Support Activities*	P
Recycling facilities*	P
Textile & Apparel Mfg*	P
Waste Collection Services*	P
Waste Treatment & Disposal Services*	P
Wholesale trade*	P
Wood Product Mfg*	P
<b>COMMUNICATIONS</b>	
Antenna co-located on existing telecommunications	P
Telecommunications Towers & Facilities & Alternative Tower Structures*	C

## 803 – REGULATIONS

The following regulations shall apply in this district.

### *3000 – DIMENSIONAL REQUIREMENTS*

1. LOTS
  - a. Minimum Lot Area – 2 acres
  - b. Minimum Lot Width – 200 feet
  - c. Max % Lot Coverage – 50%
2. SETBACKS
  - a. Front – 75 feet
  - b. Side – 50 feet
  - c. Rear – 50 feet
3. STRUCTURES
  - a. Maximum Principal Building Height – 40 feet
  - b. Maximum Accessory Building Height – none

## ARTICLE 5 NONCONFORMING STRUCTURES, USES, LOTS, AND SIGNS

### SECTION 5.01 – BUILDINGS & STRUCTURES

If a structure is nonconforming because of height, floor area, parking or loading space provisions of this Ordinance, it may be extended, enlarged, altered, remodeled or modernized to comply with these provisions. Once in compliance, no structure or use shall again become nonconforming in these categories.

#### 101 – MAINTENANCE OF NONCONFORMING BUILDINGS AND STRUCTURES

Nothing in this Ordinance shall prevent such necessary repairs and incidental alterations of a nonconforming building existing on the effective date of this Ordinance as may be necessary to secure a reasonable advantageous use thereof during its natural life.

Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe by the Building Official.

#### 102 – COMPLETION OF NONCONFORMING BUILDINGS AND STRUCTURES

Nothing in this Ordinance shall require any change in the construction or intended use of a building or structure if the construction of such building or structure has been substantially under way on the effective date of this Ordinance.

#### 103 - DAMAGED OR TOTAL DESTRUCTION OF NONCONFORMING BUILDING OR STRUCTURE

Any building or structure, whether it be nonconforming because of the building itself or the lot on which it is located, may be reconstructed to its original configuration in the event it is destroyed or partially destroyed by explosion, fire, flood, or other natural disasters.

#### 104 - ALTERATIONS OF A NONCONFORMING BUILDING OR STRUCTURE

Structural alterations which do not increase the nonconformity of the building or structure shall be permitted.

Nothing in this Ordinance shall prevent the modification of a building without limit when doing so required so as to comply with barrier-free requirements and the Americans with Disabilities Act.

#### 105 - MOVING OF A NONCONFORMING BUILDING OR STRUCTURE

No such nonconforming building or structure shall be moved in whole or in part to any other portions of the lot or parcel occupied, other than to correct or lessen the nonconforming conditions.

## SECTION 5.02 – NONCONFORMING USES

The lawful use of any premises existing at the time of the adoption of this Ordinance may be continued, although such use does not conform to provisions of this Ordinance.

### 201 - ABANDONMENT OF A NONCONFORMING USE

If a property owner has the intent to abandon a nonconforming use or structure and in fact abandons a nonconforming use or structure for a period of one (1) year or more, then any subsequent use of the property or structure shall conform to the requirements of this Ordinance. When determining the intent of the property owner to abandon a nonconforming use or structure, the Zoning Administrator shall consider the following factors:

- A. Whether utilities such as water, gas, and electricity to the property have been disconnected.
- B. Whether the property, buildings, and grounds have fallen into disrepair.
- C. Whether signs or other indications of the existence of the nonconforming use have been removed.
- D. Whether equipment or fixtures necessary for the operation of the nonconforming use have been removed.
- E. Other information or actions that evidence an intention on the part of the property owner to abandon the nonconforming use or structure.

### 202 - CHANGE OF NONCONFORMING USE

No nonconforming use shall be changed to anything other than a conforming use, nor shall any use be reverted to a former non-conforming use after said use has been changed to a conforming use. *(Example: a commercial establishment in a residential zoning district is a nonconforming use. Once the primary use is made residential, it cannot be made back into commercial or used as anything other than residential.)*

### 203 - EXTENSION OF NONCONFORMING USE

A Special Use Permit for extension of a nonconforming use throughout a building or parcel of land not completely occupied by such nonconforming use on the effective date of this Ordinance may be granted by the Planning Commission when not contrary to the purposes of the Ordinance or the District.

## SECTION 5.03 – NONCONFORMING LOTS

Except as provided in §5.04, any nonconforming lot of record may be used for any purpose authorized by the district in which it is located. Any required variances may be requested pursuant to the procedures and standards of this Ordinance.

#### SECTION 5.04 – NONCONFORMING CONTIGUOUS PARCELS

If two (2) or more contiguous lots, parcels, or portions of lots or parcels are under the same ownership and do not individually meet the lot width, depth, and/or area requirements of this Ordinance, then those contiguous lots, parcels, or portions of lots or parcels shall be considered an undivided lot or parcel for the purposes of this Ordinance, and no portion of such undivided lot or parcel shall be used or divided in a manner that diminishes compliance with the lot width, depth, and/or area requirements established by this Ordinance.

#### SECTION 5.05 – ZONING BOARD OF APPEALS VARIANCE

Although it is the intent of this ordinance to restrict the expansion and perpetuation of nonconforming uses of land and/or buildings, the Board of Appeals, subject to a hearing, may allow an expansion or enlargement of a nonconforming use.

## ARTICLE 6 PLOT PLANS, SITE PLAN REVIEW

### SECTION 6.01 – PURPOSE

The purpose of this article is to specify the documents and/or drawings required for site plan review so as to ensure that a proposed land use or development activity is in compliance with this ordinance, other local ordinances, and state and federal statutes and regulations. Furthermore, its purpose is to ensure that development taking place within the Township is properly designed, safe, efficient, environmentally sound, and designed in such manner as to protect adjacent properties from substantial adverse impacts.

### SECTION 6.02 – PLOT PLANS

All applications for Zoning Permits which do not require a site plan shall be accompanied by a Plot Plan, drawn to scale, showing the following:

- A. The shape, location and dimensions of the lot, drawn to scale. The scale shall be of such size as deemed adequate by the Zoning Administrator to make a judgment that the application meets the requirements of this ordinance. When deemed necessary by the Zoning Administrator, a survey may be required.
- B. Name and address of the property owner(s), developer(s), and designer(s), and their interest in said properties.
- C. The scale and north arrow.
- D. Location of required setbacks of the zoning district.
- E. The location, shape, dimensions, and height of all structures or impervious surfaces to be erected, altered or moved onto the lot and of any building or other structure already on the lot, drawn to scale. In addition, an elevation drawing of the proposed building(s) may be required by the Zoning Administrator in order to measure the height of the proposed structures.
- F. The location and configuration of the lot access and driveway, drawn to scale.
- G. The location and width of all abutting rights-of-way, easements, and public open spaces within or bordering the subject project.
- H. Location of existing or proposed septic system and water well.
- I. The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.
- J. Natural features such as forests, water bodies, wetlands, high risk erosion areas, slopes over 25%, drainage and other similar features, if determined by the Zoning Administrator to be applicable.
- K. Other information concerning the lot or adjoining lots that may be essential for determining whether the provisions of this Ordinance are being observed.

## SECTION 6.03 – SITE PLAN REVIEW

Required site plans give the Planning Commission an opportunity to review development proposals in a concise and consistent manner. The use of the site plan ensures that the physical changes in the property meet with local approval and that development actually occurs as it was planned and represented by the developer.

### 301 – CIRCUMSTANCES REQUIRING A SITE PLAN

- A. All new uses and/or structures designated with an asterisk (\*) in Article 4 of this Ordinance (and also in Appendix A - Table of Permitted & Special Land Uses).
- B. Expansion or renovation of an existing use or structure designated with an asterisk (\*) in Article 4 of this Ordinance (and also in Appendix A - Table of Permitted & Special Land Uses) which increases the existing floor space more than twenty-five (25) percent.
- C. Changes of use for an existing structure or lot except for the circumstances listed in §6.04.
- D. Any non-residential use requiring off-street parking.
- E. Establishment of a plat, a condominium subdivision, or other form of real estate development on greater than 10 acres of land on any parcel of land, provided the plat, the condominium subdivision plan or other real estate development establishes either
  - a. More than two residential units
  - b. Any other use requiring a site plan under this Ordinance.
- F. Other uses as required by this Ordinance.

### 302 – PRE-APPLICATION MEETING

- A. The Zoning Administrator, Planning Commission Chair and/or Planning Commission shall have the authority to conduct a pre-application meeting with the applicant/developer to assist them in understanding the site plan review process, and other ordinance requirements; and to provide insight as to what portions of their proposed development may be of special concern to the Planning Commission.
- B. Except for §9.18 (PUDs), this conference is not mandatory, but is recommended. For large projects, a pre-application conference should be held several months in advance of the desired start of construction. Such an advance conference will allow the applicant/developer time to prepare the needed information for the Planning Commission to make a proper review.

### 303 – REQUIRED SITE PLAN ELEMENTS

Each site plan shall contain the following items unless specifically waived, in whole or in part, by the Township Planning Commission and/or Zoning Administrator, when any of the requirements are not applicable to the proposed development.

- 1) Name and address of the property owner(s), developer(s), and designer(s), and their interest in said properties.
- 2) The parcel's legal description.
- 3) The date, a north arrow, the scale and name of the individual or firm responsible for preparing said plan.



- 4) A certified survey of the property prepared and sealed by a professional licensed surveyor, showing, at a minimum, the boundary lines of the property, all dimensions and a legal description.
- 5) Boundary dimensions of environmental features such as forests, water bodies, wetlands, floodplains, high risk erosion areas, slopes over twenty-five (25) percent, drainage and other similar features.
- 6) The location, dimension, and height of all existing structures and all proposed uses or structures on the site, including principal building(s), accessory structures, walkways, signs, exterior lighting, proposed drives, neighboring drives, curb cuts, vehicular circulation features, size and number of parking spaces, service lanes (show the dimensions of a typical parking stall and parking lot), loading and unloading areas, common use areas, recreational areas and facilities, and any impervious surface. An elevation drawing of the proposed building(s) is required in order to review the proposed building bulk and to verify height.
- 7) Area of the property subject to be covered by structures (not available as open space).
- 8) The location and width of all abutting rights-of-way, easements, utility lines, and public open spaces within or bordering the subject project.
- 9) The location and identification of all existing structures, lighting, signs, ingress drives, roads, and parking within a two hundred (200) foot radius of the site, including road names.
- 10) The front yard dimensions of the nearest building on both sides of the proposed structure.
- 11) The existing zoning district in which the site is located and the zoning of adjacent parcels.
- 12) The location of all existing and proposed landscaping as well as all existing and proposed fences or walls.
- 13) The location, size and slope of all surface and subsurface drainage facilities.
- 14) Location and status of any floor drains in structures on the site. The point of discharge for all drains and pipes shall be specified on the site plan.
- 15) Description and location of any existing or proposed outdoor storage facilities (above ground and below ground storage).
- 16) Description and location of on-site wastewater treatment and disposal systems.
- 17) Location of existing and proposed private drinking water wells, monitoring wells, test wells, irrigation wells, or wells used for industrial processes.
- 18) The location of snow storage areas.
- 19) The topography of the existing and finished site shall be shown by contours or spot elevations. Where the existing slope on any part of the site is ten percent (10%) or greater, contours shall be shown at height intervals of two (2) feet or less.
- 20) Generalized soil analysis data, which may include data prepared by the Conservation District regarding the soils and their adaptability to the use. More detailed information may be required where the Planning Commission

- determines that the site and use warrant a more critical review of soils.
- 21) All site plans shall comply with the terms of any County Ordinances related to soils erosion and stormwater. It shall be the applicant's responsibility to provide documentation of compliance with any County Ordinances.
  - 22) Anticipated hours of operation for the proposed use. The Planning Commission may impose reasonable limits to hours of operation as a condition of site plan approval when warranted to assure compatibility with surrounding land uses.
  - 23) Site plans for residential projects (multiple family developments and manufactured home parks) shall include the following additional information:
    - i. Minimum floor area of dwelling units.
    - ii. Total number of units proposed.
    - iii. Number of bedrooms per unit in multiple family developments.
    - iv. Areas to be used for open space and recreation.
  - 24) Impact Statement. The statement shall address itself to the following as applicable to the type of use:
    - i. A complete description of the proposed development including: areas of the site; the number of lots or units; and the number and characteristics of the population impact such as density, as it relates to elderly persons, school children, tourists, family size, income, and related information as applicable.
    - ii. Expected demands on community services, and how these services are to be provided, to specifically include: school classroom needs, volume of water consumption related to ground water reserves, change in traffic volume on adjacent streets and other factors that may apply to the particular development.
    - iii. Statements relative to the impact of the proposed development on soil erosion, shoreline protection, wildlife habitat, air pollution, water pollution (ground and surface), noise and the scale of development in terms of the surrounding environment.

#### 304 – APPLICATION SUBMITTAL PROCEDURE

- A. At least eight (8) copies of the proposed site plan, including all required additional or related information, shall be presented to the Zoning Administrator by the petitioner or property owner or his designated agent *at least thirty (30) days prior* to the Planning Commission meeting at which the site plan will be considered. The Zoning Administrator will review the materials submitted to assure all information required by the Ordinance has been provided. If the application is incomplete the Zoning Administrator will send a notice with a detailed list of all deficiencies to the applicant. If the site plan, including all required additional or related information, is determined to be complete, the Zoning Administrator shall cause the submittal to be placed on the agenda of the next regular Planning Commission meeting.
- B. The Planning Commission may distribute the site plan to agencies and County Departments as deemed appropriate for comment prior to consideration for approval.
- C. Application fees to cover the estimated review costs as determined pursuant to §8.05 of this Ordinance shall be paid when the application and site plan are submitted.

- D. Where the applicant is dependent upon the grant of any variances by the Zoning Board of Appeals, said favorable action by the Zoning Board of Appeals shall be necessary before the site plan approval can be granted, or the site plan may be approved subject to favorable action by the Zoning Board of Appeals.
- E. The applicant or his/her representative shall be present at the scheduled review. If the applicant fails to provide representation, the review will be addressed at the next scheduled Planning Commission meeting.

#### SECTION 6.04 – STANDARDS FOR GRANTING SITE PLAN APPROVAL

- A. The Planning Commission shall approve, or approve with conditions, an application for a site plan only upon a finding that the proposed site plan complies with all applicable provisions of this Ordinance and the standards listed below unless the Planning Commission waives a particular standard upon a finding that the standard is not applicable to the proposed development under consideration and the waiver of that standard will not be significantly detrimental to surrounding property or to the intent of the Ordinance. The Planning Commission’s decision shall be in writing and shall include findings of fact, based on evidence presented on each standard.
  - 1) **Public Welfare and Adjoining Properties:** The uses proposed will not adversely affect the public health, safety, or welfare. Uses and structures located on the site shall take into account the size of the property, uses on the adjoining property and the relationship and size of buildings to the site. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
  - 2) **Topography and Natural Landscape:** All elements of the site plan shall be designed so that there is a limited amount of change in the overall natural contours of the site and shall minimize reshaping in favor of elements that respect existing features of the site in relation to topography. The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and by topographic modifications which result in smooth natural appearing slopes as opposed to abrupt changes in grade between the project and adjacent areas.
  - 3) **Drainage:** On site drainage shall be required. Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties. Provisions shall be made to accommodate stormwater and to prevent erosion and the formation of dust. The use of detention or retention ponds may be required. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic or create puddles in paved areas. Catch basins may be required to contain oil filters or traps to prevent contaminants from being discharged to the natural drainage system.
  - 4) **Privacy:** The site plan shall provide reasonable visual and sound privacy for all dwelling units located therein. Fences, walls, barriers and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.

- 5) **Emergency Vehicle Access:** All buildings or groups of buildings shall be so arranged as to permit emergency vehicle access by some practical means to all sides.
- 6) **Vehicular and Pedestrian Circulation:** Safe, convenient, uncontested, and well-defined vehicular and pedestrian circulation shall be provided for ingress/egress points and within the site. The pedestrian circulation system shall be as insulated as completely as reasonably possible from the vehicular circulation system. Drives, streets and other circulation routes shall be designed to promote safe and efficient traffic operations within the site and at ingress/egress points. The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are part of an existing or planned street pattern which serves adjacent development shall be of a width appropriate to the traffic volume they will carry. Where possible, shared commercial access drives shall be encouraged.
- 7) **Access:** Every structure or dwelling unit shall have access to a public street, private road, walkway or other area dedicated to common use.
- 8) **Outdoor Storage:** All loading and unloading areas and outside storage areas, including areas for the storage of trash, which face or are visible from residential districts or public thoroughfares, shall be screened, by a vertical screen consisting of structural or plant materials no less than six feet in height.
- 9) **Exterior Lighting:** Exterior lighting shall be arranged so that it is deflected away from adjacent properties and so that it does not interfere with the vision of motorists along adjacent streets. Lighting of building or structures shall be minimized to reduce light pollution.
- 10) **Compliance with other Statutes and Regulations:** Site plans shall conform to all applicable requirements of state and federal statutes and the Marquette Township Master Plan, and approval may be conditioned on the applicant receiving necessary state and federal permits before the actual zoning permit is granted.
- 11) **Groundwater Protection:**
  - i. The project and related improvements shall be designed to protect land and water resources from pollution, including pollution of soils, groundwater, rivers, streams, lakes, ponds, and wetlands.
  - ii. Storm water detention, retention, transport, and drainage facilities shall be designed to use or enhance the natural storm water system on site, including the storage or filtering capacity of wetlands, watercourses, and water bodies, and/or the infiltration capability of the natural landscape. Storm water facilities shall not cause flooding or the potential for pollution of surface or groundwater, on-site or off-site. Storm water facilities shall conform to the requirements of the County Drain Commission office.
  - iii. General purpose floor drains shall be connected to an on-site holding tank (not a septic system) in accordance with state and county

requirements, unless a groundwater discharge permit has been obtained from the Michigan Department of Environmental Quality. General purpose floor drains, which discharge to groundwater, are prohibited.

- iv. Sites at which hazardous substances, hazardous wastes, or potentially polluting materials are stored, used, or generated shall be designed to prevent spills and discharges of such materials to the air, surface of the ground, groundwater, lakes, streams, rivers or wetlands.
  - v. Secondary containment facilities shall be provided for above-ground storage or hazardous substances, hazardous wastes, or potentially polluting materials in accordance with state and federal requirements. Above-ground secondary containment facilities shall be designed and constructed so that the potentially polluting material cannot escape from the unit by gravity through drains or other means directly or indirectly into groundwater.
  - vi. Underground storage tanks shall be registered, installed, operated, maintained, closed and removed in accordance with regulations or the Michigan Department of Environmental Quality.
  - vii. Out-of-service or abandoned underground storage tanks shall be closed and removed in accordance with regulations of the Michigan Department of Environmental Quality.
  - viii. Above-ground storage tanks shall be certified, installed, operated, maintained, closed or removed in accordance with regulations of the Michigan Department of Environmental Quality.
  - ix. Bulk storage facilities for pesticides and fertilizers shall be in compliance with requirements of the Michigan Department of Agriculture.
  - x. Abandoned water wells (wells that are no longer in use or are in disrepair), abandoned monitoring wells, and cisterns shall be plugged in accordance with regulations and procedures of the Michigan Department of Environmental Quality and the County Health Department.
  - xi. State and federal requirements for storage, spill prevention, record-keeping, emergency response, transport and disposal of hazardous substances, hazardous wastes, liquid industrial waste or potentially polluting materials shall be met. No discharge to surface water or groundwater, including direct or indirect discharges of waste, waste effluent, wastewater, pollutants, or cooling water, shall be allowed without approval from state, county and local agencies.
- B. The Planning Commission may seek the recommendations of the Fire Department, the County Road Commission, the County Health Department, the Michigan Department of Natural Resources, the Michigan Department of Environmental Quality, or other agencies as appropriate, where applicable.

## SECTION 6.05 – APPROVAL OF SITE PLAN

- A. Within sixty (60) days of the site plan application being found complete, the Planning Commission shall act to approve, approve with modifications and/or conditions, or disapprove the site plan in writing with reasons.
- B. If the Planning Commission does not act on the site plan, and put its action in writing within the prescribed time, the site plan shall be conclusively presumed to have been approved. If the proprietor and the Zoning Administrator or Commission mutually agree, the time limit may be extended.
- C. If approved by the Planning Commission, three (3) copies of the site plan shall be signed and dated by both the applicant and Zoning Administrator or Planning Commission Chair. One signed and dated site plan shall be provided to the applicant; one shall be retained by the Zoning Administrator as part of the Township’s permanent zoning file, and one copy shall be made part of the Planning Commission’s permanent record of proceedings on the site plan.

## 501 – CONFORMITY TO APPROVED SITE PLAN REQUIRED

Following approval of a site plan by the Planning Commission, the applicant shall construct the site plan improvements in complete conformity with the approved site plan. Failure to do so shall be deemed a violation of this Ordinance.

## 502 – AMENDMENT OF APPROVED SITE PLAN

Amendment of an approved site plan shall be permitted only under the following circumstances:

- A. The owner of property for which a site plan has been approved shall notify the Zoning Administrator of any desired change to the approved site plan. 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 site plan, nor any specified conditions imposed as part of the original approval. Minor changes may include the following:
  - 1) Reduction of the size of any building and/or sign.
  - 2) Movement of buildings and/or signs by no more the ten (10) feet.
  - 3) Landscaping approved in the site plan that is replaced by similar landscaping to an equal or greater extent.
  - 4) Changes in floor plans that do not exceed five (5%) percent of the total floor area and which do not alter the character of the use or increase the amount of required parking.
  - 5) Internal re-arrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.
  - 6) Changes that will preserve the natural features of the site without changing the basic site layout.
  - 7) Changes related to item 1) through 6) above, required or requested by Marquette Township, Mackinac County, or other state or federal regulatory agencies in order to conform with other laws or regulations; provided the extent

of such changes does not alter the basic design and character of the site plan, nor any specified conditions imposed as part of the original approval.

- 8) All amendments to a site plan approved by the Zoning Administrator shall be in writing. After approval by the Zoning Administrator, the Applicant shall prepare a revised site plan showing the approved amendment. The revised site plan shall contain a list of all approved amendments and a place for the zoning administrator to sign and date all approved amendments.
- B. An amendment to an approved site plan that cannot be processed by the Zoning Administrator shall be processed in the same manner as the original site plan application.

#### 503 – EXPIRATION OF SITE PLAN

- A. The site plan shall expire unless construction of an approved site plan improvement has begun within 365 days of approval. Thirty days prior to expiration of an approved final site plan, an applicant may make application to the Planning Commission for a one-year extension of the site plan at no fee. The Planning Commission shall grant the requested extension for an additional one year if it finds good cause for the extension.
- B. Any subsequent re-submittal of a site plan due to expiration which has not been granted an extension shall be processed as a new request with new fees.

#### SECTION 6.06 – SITE PLAN WAIVER

The Zoning Administrator may waive site plan review requirements and, in the case of a use that would normally require Planning Commission approval, the stated review and approval procedures by the Planning Commission where:

- A. Accessory structures for a non-residential use.
- B. A change in principal use where such change would not result in an increase in impervious surface, additional off-street parking, access or other external site characteristics, or create a violation of this Ordinance.

## ARTICLE 7 GENERAL PROVISIONS

The provisions of this Article shall apply to all districts, except as noted herein. Where the requirements of a general provision and a district regulation differ, the more restrictive requirement shall prevail.

### SECTION 7.01 – STRUCTURES

#### 101 – HEIGHT EXEMPTIONS

The following structures and appurtenances shall be exempt from height regulations in all zoning districts in which they are permitted, provided no portion of the exempted structure be used for human occupancy:

1. Appurtenances necessary for mechanical or structural functions, such as chimneys and smokestacks, ventilators, cupolas, church steeples and spires, or other structures where the manufacturing or agricultural process requires a greater height, provided these appurtenances do not exceed seventy-five (75) feet in height or not more than fifteen (15) feet higher than the highest point of the structure, whichever is higher. These appurtenances shall be setback a distance from the property line at least equal to the height of the structure above the ground. Public-owned water tanks and water towers are not subject to any height limitation.
2. Flagpoles shall not exceed thirty-five (35) feet in height.

#### 102 – HEIGHT IN RELATION TO GRADE

No premises shall be filled or graded so as to discharge surface runoff onto abutting premises or in such a manner that will cause inconvenience or damage to adjacent properties. When property is developed adjacent to existing properties previously developed, existing grades have priority. The intent of these provisions is to prohibit the erection of buildings or structures taller than the established natural grade plus what the height restriction of this Ordinance would otherwise permit while accommodating proper sanitary facilities. It is also to avoid causing issues of runoff or erosion on adjacent properties.

Adding fill of earth or other materials to an elevation above the established or natural grade of adjacent land, or the minimum amount of fill required by the Health Department to provide sanitary facilities shall be configured to contain runoff from buildings and structures on the premises, and not to be directed onto adjacent properties or the public right-of-way.

#### 103 – PERMITS FOR STRUCTURES

Zoning Permits are required for all structures or additions to structures (including decks and enclosed porches) with the following exceptions:

1. Decks and accessory structures less than two-hundred (200) square feet in area, children's play houses, and tree houses provided they meet the setback requirements of this Ordinance.
2. Temporary fencing and garden support structures or hoop houses erected seasonally that meet the setback requirements of this Ordinance.



## SECTION 7.02 – SIGNS

### 201 – APPLICABILITY

This Section shall govern and control the erection, placement, alteration, enlarging, moving, operation, and maintenance of all signs by permitted uses within all districts. These regulations apply to signs that are visible from the public right-of-way, public facilities, trails open to the public, and navigable waterways. Nothing herein contained shall be deemed a waiver of the provisions of any other ordinance or regulation applicable to signs. Whenever regulations or restrictions imposed by this Ordinance are either more or less restrictive than those imposed by any governmental authority, the regulations, rules, or restrictions which are more restrictive, or which impose higher standards or requirements, shall govern. Regardless of any other provision of this Ordinance, no sign shall be erected or maintained in violation of any state or federal law or regulation. Any sign that can be displayed under the provisions of this Ordinance may contain a non-commercial message.

### 202 – INTENT

The sign regulations of this Section are intended to balance public and private interests to promote a safe, well-maintained, vibrant and attractive community while accommodating the need for signs to inform, direct, identify, advertise, advocate, promote, endorse, and otherwise communicate information. It is not the intent or purpose of this Section to regulate the message displayed on any sign or the content. These provisions are intended to: prevent blight and protect aesthetic qualities by preventing visual clutter and preserving scenic and natural beauty; promote an ordered visual environment that supports a healthy economy and business climate by providing businesses with opportunities to inform, identify, and communicate effectively without excessive competition for visual attention; enable the public to locate goods, services, and facilities without difficulty and confusion; protect and enhance public and private investment in property by encouraging the design, scale, and placement of signs so that they are appropriately conspicuous, visible, and legible; assure that the information displayed is clearly visible, legible, and readable so that the sign achieves the intended purpose; protect public safety by controlling the proliferation of signs that are unduly distracting to motorists or that reduce the effectiveness of signs directing and warning the public; and prohibiting signs that are structurally unsafe or poorly maintained; reinforce and support the desired community character in a manner that takes into consideration building scale and massing, building and sign setbacks, travel speed, and pedestrian presence so that signage contributes to a sense of place; ensure that the constitutionally guaranteed right of free speech is protected and to allow signs as a means of communication for business identification and other commercial speech, non-commercial speech, and dissemination of public information, including but not limited to public safety information and notification as may be required by law.

## 203 – MEASUREMENT STANDARDS

### *3000 – SIGN AREA*

- A. For a wall sign which is framed or outlined to provide a background for a sign display, the area shall include the entire portion within such background or frame.
- B. For a wall sign composed of individual letters, the area of a sign shall be the area of the geometric figure which approximates the perimeter of all sign elements in the display. The Zoning Administrator may exclude minor appendages to a regular shape from the calculations.
- C. For a freestanding sign, the sign area shall include the frame, if any, but shall not include the pole or other structural support unless such pole or structural support is internally illuminated or otherwise so designed to constitute a display device.
- D. When two (2) identical sign faces are placed back to back so that both faces cannot be viewed from any point at the same time, and are part of the same sign structure, the sign area shall be computed as the measurement of one (1) of the two (2) faces. 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.

### *3001 – SIGN HEIGHT*

- A. For a freestanding sign, height is measured from the base of the sign or supportive structure at its point of attachment to the ground to the highest point of the sign.
- B. A freestanding sign on an earth mound or other base that has the effect of raising the grade shall be measured from the grade of the nearest road.
- C. Where a freestanding sign is mounted along a road that has a higher grade level as compared to the grade level directly below the freestanding sign, then height shall be measured from the road grade to the highest point of the sign.

### *3002 – SIGNS IN THE R-2, FR-1, A-1 DISTRICTS*

No sign shall exceed an area of forty-eight (48) square feet. Freestanding signs shall not exceed a height of sixteen (16) feet.

### *3003 – SIGNS IN THE C-1 and I-1 DISTRICTS*

No sign shall exceed an area of one hundred (100) square feet. Freestanding signs shall not exceed a height of twenty (20) feet.

### *3004 – SIGNS IN THE R-1 and R-3 DISTRICTS*

No sign shall exceed an area of eight (8) square feet. Freestanding signs shall not exceed a height of five (5) feet.

## 204 – SIGNS EXEMPT FROM PERMITTING

The following signs or other visual displays shall not require permits for erection, provided they do not exceed the specified standards.

- A. Real estate signs not more than sixteen (16) square feet in area.
- B. Local Governmental signs, not more than six (6) square feet in area.
- C. Commemorative signs, not more than six (6) square feet in area.
- D. Security and warning signs, not more than six (6) square feet in area.
- E. Manual changeable copy signs, not more than forty-eight (48) square feet in area.
- F. Signs for residential uses, not more than six (6) square feet in area.
- G. Construction project signs denoting the contractor, not more than sixteen (16) square feet in area, may be erected 30 days prior to start of construction and removed within 30 days of completion of construction.
- H. Political campaign signs, which shall be removed within fifteen (15) days after an election.
- I. Any other temporary signs provided they do not exceed sixteen (16) square feet in area and are removed within ninety (90) days of posting/construction. Note: Temporary signs shall not be attached to fences, trees, utility poles, or the like; and shall not be placed in a position that will obstruct the vision of traffic or create a hazard or disturbance to the safety, health and welfare of the public in any manner. Temporary signs are required to be setback ten feet from all street right-of way lines and no signs are permitted in any street right-of-way.
- J. Interior signs, including signs affixed to interior windows.
- K. Vehicle signs located on the rolling stock of common carriers or on licensed motor vehicles or trailers which are primarily and actively used for business purposes and/or personal transportation.
- L. Public art including sculpture; original art murals; and painted, carved, and/or applied building accents and decorations (including those on awnings, canopies, or other appurtenances) that are not signs related by language or logo to the advertisement of any product or service or the identification of any business.
- M. Flags
- N. Holiday decorations

## 205 – PROHIBITED SIGNS

The following signs are prohibited:

- A. Any sign which imitates any official traffic lights, signs, or signals, or signs that interfere with the effectiveness of any official traffic light, sign, or signal.
- B. Any sign which obstructs the view of authorized traffic signs or signals for pedestrians and motorists; or which prevents the driver of a motor vehicle from having a clear and unobstructed view of approaching, intersecting, or merging traffic; or which extends into the public right-of-way without authorization of the road authority.
- C. Signs which prevent unhindered ingress or egress from any door, window, fire escape, or that prevent unhindered access from one part of a roof to any other part.
- D. Abandoned signs as defined in this Ordinance.

## 206 – ILLUMINATED SIGNS

- A. Externally illuminated signs shall utilize fully-shielded fixtures that minimize glare and light spill to non-sign areas.
- B. The lighting source shall be positioned so that the source is not directly visible from any usual viewing angle by pedestrians, motorists, or adjacent property owners.
- C. The minimum necessary illumination or wattage to achieve readability from the public space shall be utilized. Bright colored lighting is prohibited on signs except as regulated as part of an electronic message sign.

## 207 – CHANGEABLE COPY SIGNS

- A. Changeable copy by non-electronic means may be utilized on any permitted sign.
- B. For electronic changeable copy signs:
  - a. Surface Area: The message display area shall not exceed thirty-two (32) square feet, and shall be included in the calculation for total permitted area for the type of sign upon which the message is displayed.
  - b. The electronic display shall display a static message that does not change more frequently than once every ten (10) seconds.
  - c. The electronic display shall not blink, flash, fade, rotate, scroll, or vary in illumination intensity, and it shall not contain moving characters or images, or perform actions that convey motion, except when the electronic message or display is changed to another message or display. Each change shall be complete in one (1) second or less.

## 208 – NONCONFORMING SIGNS

- A. Subject to the remaining restrictions of this section, nonconforming signs that were otherwise lawful on the effective date of this Zoning Ordinance may be continued.
- B. No person shall increase the extent of nonconformity of a nonconforming sign. Without limiting the generality of the foregoing, no nonconforming sign may be enlarged or altered in such a manner as to aggravate the nonconforming condition. Nor may illumination be added to any nonconforming sign.
- C. A nonconforming sign may not be moved or replaced except to bring the sign into complete conformity with this Zoning Ordinance or as allowed in §5.05.
- D. Nonconforming signs may be repaired, maintained, serviced or repainted.

## 209 – SIGN MAINTENANCE

All signs and sign components (including supports, braces, anchors, electrical components, etc.) shall be kept in a good state of repair, in compliance with all applicable building and electrical codes, and in conformance with the requirements of this Ordinance. Any sign which is determined by the Zoning Administrator to be unsecured, in danger of falling, and/or a hazard to safety or public welfare shall be immediately abated by repair, rehabilitation, demolition, or removal. Such sign and/or sign structure may be removed by Marquette Township and may be removed only at grade if such sign is not located in a public right-of-way.

## 210 – SIGN ADMINISTRATION AND ENFORCEMENT

It shall be unlawful for any person to erect, relocate, or structurally alter or repair any sign or other advertising structure within Marquette Township as defined in this Ordinance without first obtaining a Zoning Permit.

### 1000 – PERMITTING

- A. Application for a permit to erect or replace or alter a sign shall be made by the owner of the property, or their authorized agent, to the Township Zoning Administrator, by submitting the required forms, fees, exhibits and information. Fees for sign permits for all signs erected pursuant to this Ordinance shall be established by the Township Board.
- B. An application for a sign permit shall contain the following:
  - 1) The applicants name and address in full, and a complete description of their relationship to the property owner.
  - 2) If the applicant is other than the property owner, the signature of the property owner concurring in submittal of said application is required.
  - 3) The address and parcel identification number of the property.
  - 4) An accurate scale drawing of the property showing the location of all buildings and structures and their uses, and location and height of all existing and proposed signs.
  - 5) If applicable (wall, canopy, marquee signs, etc.), area of all building facades or building unit facades. If applicable (projecting sign), the linear feet of the building façade or building unit facade.
  - 6) A complete description and scale drawings of all existing and proposed signs, including dimensions of sign elements and sign area in square feet.
- C. A sign permit shall become null and void if the work for which the permit was issued has not been completed within a period of six (6) months after the date of the permit. Said sign permit may be extended for a period of thirty (30) days upon request by the applicant and approval of the Zoning Administrator.

### 1001 – VARIANCES & APPEALS

A variance from Ordinance standards can only be granted by the Zoning Board of Appeals upon completion of a proper application and review process and according to standards applicable to other variances as defined in this Ordinance. Appeals shall be heard by the Zoning Board of Appeals upon completion of a proper application and review process and according to applicable standards of this Ordinance.

### 1002 – ENFORCEMENT

Sign compliance status based on any false statement in the application or supporting documents is absolutely void and shall be revoked. Violations shall be enforced according to the provisions of this Ordinance.

## SECTION 7.03 – WIND ENERGY PROVISIONS

Free standing wind turbine and permanent anemometer towers exceeding 60 feet in height shall be permitted as a conditional use in any district, subject to Township Board approval.

### 301 - APPLICATION FOR APPROVAL

The application for approval shall contain the following information and demonstrate a plan for compliance with the following requirements:

**A. Site Plan Data Required:** A conceptual drawing of the project signed or stamped by a licensed professional engineer, including a narrative describing the project, its location, the approximate generating capacity of the wind turbine or project, the height and location of the turbine or turbines to be constructed and a description of ancillary facilities and transmissions lines. The project narrative shall outline the process for administrative review and approval of variances regarding siting of the final location of the infrastructure.

**B. Impact Statement:** A narrative describing any state or federal required mitigation measures to minimize impacts on the natural environment.

**C. Setbacks:** Each proposed wind turbine tower as measured from the tower base shall be set back from any property line of a non-participating landowner or public road a distance equal to 1.25 times the height reached by any part of the turbine, blade or tower.

**D. Color:** Wind turbines shall be kept in the neutral color in which they are manufactured.

**E. Lighting:** Wind turbines and anemometer towers shall not be artificially lit except as required by law or otherwise required by the FAA.

**F. Visual Impact:** Wind turbines and anemometers towers shall not display advertising.

**G. Maximum Noise Levels:** The ambient sound level from a wind turbine shall not be in excess of 55 decibels on the dB(A) scale at the property line of a non-participating landowner during normal operating conditions. This sound pressure level may be exceeded during short-term events such as utility outages and/or severe windstorms. Results of the noise study conducted shall be submitted by the developer/manufacturer with the application for approval. With the signed consent of a non-participating landowner, an increase in the limit shall be considered by the Township Planning Commission on a case-by-case basis.

**H. Signal Interference:** The project will be designed to minimize disruption, degradation, interference, or loss of radio, telephone, television, satellite or similar signals to any adjacent or neighboring property as required by applicable Federal Communications Commission Rules.

**I. Minimum Ground Clearance:** The minimum blade clearance above the ground is twenty (20) feet.

**J. State or Federal Laws:** The wind turbine must comply with State of Michigan Public Services Commission, and Federal Energy Regulatory Commission Standards, as well as other relevant Federal, State and Local laws.

**K. Safety:** Shall comply with all applicable safety codes to ensure public safety and limit unauthorized access. All access doors shall be lockable; appropriate warning signs shall be placed on wind turbine towers, electrical equipment, and facility entrances, and emergency contact information. Fencing may be required if determined to be in the best interest of the community.

**L. Decommissioning Plan:** A decommissioning plan is required that includes anticipated lifespan of the project, estimated decommissioning costs in current dollars, less credit for salvageable value of any materials, method of ensuring that funds will be available for decommissioning and anticipated manner in which project will be decommissioned and the site restored. Decommissioning funds are required to be available the earlier of the 15th year post commercial operations or five years prior to the expiration of the power sales agreement, whichever comes first. Decommissioning is to include: (1) removal of all turbine components and associate transformers from the site; (2) removal of the collector circuit components from the site, including cutting off all poles, up to three (3) feet below grade; and (3) removal of all substation components from the site which are owned by the developer. Road materials would stay in place. The amount of the decommissioning fund should represent the full estimated costs of decommissioning less the estimated salvage value. The decommissioning fund may be funded by cash in escrow, letter of credit, bond or corporate guarantee.

**M. Shadow Flicker:** Shadow flicker across roadways, and adjacent occupied dwellings located off the property where the wind turbine is located, should be minimized. A shadow flicker impact study shall be submitted with the application for approval referencing industry standards.

**N. Potential Ice Throw:** The potential ice throw or ice shedding for the wind turbine generator shall not cross the property lines of a non-participating landowner nor impinge the right-of-way, any overhead utility line, public roads or habitable structures. Compliance shall be determined via setbacks at least 1.5 times the Wind Turbine Generator Total Height from specified infrastructure and non-participating landowner property.

**O. Height:** Shall demonstrate a plan for compliance with the Michigan Tall Structures Act (P.A. 259 of 1959, as amended), and FAA regulations.

**P. Tower Separation:** Wind turbine separation distance shall be based on 1) industry standards, 2) manufacturer recommendation, and 3) the characteristics (prevailing wind, topography, etc.) of the particular site location. At a minimum, there shall be a separation between the towers of not less than three (3) times the turbine rotator diameter.

**Q. Approvals:** Site approval by the Township is independent of all required approvals from other local, regional, state or federal agencies. In the case where site plan approval is a requirement for other local, regional, state, or federal agency approval, evidence of such approvals shall be submitted prior to construction.

#### SECTION 7.04 – LOT-BUILDING RELATIONSHIP

Hereafter, every building erected, altered or moved shall be located on a zoning lot. Except as provided for temporary dwelling occupancy during construction of a dwelling, multi-family developments, Planned Unit Developments, office complexes, retail business complexes, or industrial complexes, there shall be no more than one (1) principal building and its permitted accessory structures located on each lot in any zoning district. No building, structure or permanent accessory building shall be erected without first obtaining a zoning permit from the Zoning Administrator.

#### SECTION 7.05 – RESTORATION OF UNSAFE BUILDINGS/BARRIER FREE MODIFICATION

Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe.

Nothing in this Ordinance shall prevent the unlimited modification of a building only as may be necessary to comply with barrier free requirements and the Americans with Disabilities Act.

#### SECTION 7.06 – CONTINUED CONFORMANCE WITH REGULATIONS

The maintenance of yards, open spaces, lot areas, height and bulk limitations, fences, walls, clear vision areas, parking and loading spaces, and all other requirements, including the proper maintenance and repair of screening arrangements, for a building or use specified within this Ordinance shall be a continuing obligation of the owner of such building or property on which such building or property or use is located.

#### SECTION 7.07 – ACCESSORY BUILDINGS

Accessory buildings, except as otherwise permitted in this Ordinance, shall be subject to the following regulations:

- A. Authorized accessory buildings or structures may be connected to the principal building by a roofed porch, patio, breezeway or similar structure or may be completely detached from the principal building.
- B. Where any accessory building or structure is attached to a principal building, such accessory building or structure shall be considered part of the principal building for purposes of determining yard dimensions, regardless of whether the accessory building was constructed as a detached building and then attached.
- C. Except as provided in §7.07(D) of this Ordinance, a detached accessory building or structure shall be located no closer to a side or front lot line than the permitted distance for the principal building on the same lot and shall not be located closer than ten (10) feet from the rear lot line.



- D. A detached accessory building or structure that is no greater than 200 square feet in size may be located no closer than five (5) feet from a side or rear lot line regardless of the zoning district in which it is located. A detached accessory building shall conform to the front setback of the district in which it is located.
- E. No accessory building or structure on the same lot with a principal building shall be used for dwelling purposes. Approved secondary dwelling units as a Special Use shall be the exception.
- F. Truck bodies, school bus bodies, travel trailers or other items built and intended for other uses shall not be used as permanent accessory buildings. Semi-trailers may be used as temporary storage for commercial, industrial, or agricultural establishments.

## SECTION 7.08 – STRUCTURES

### 801 – TEMPORARY BUILDINGS FOR CONSTRUCTION OR TIMBER MANAGEMENT PURPOSES

Temporary buildings may be utilized during either construction or timber management activities for the storage of materials, equipment, and offices during a period as permitted herein. Temporary structures utilized as dwellings during the construction of a permanent dwelling are controlled by §7.14 of this ordinance. Temporary buildings for use incidental to construction work/timber management shall be removed within thirty (30) days after the completion or abandonment of the work. No structures shall be used for temporary dwelling purposes that do not comply with the requirements of this Ordinance or any applicable building codes, provided the Zoning Board of Appeals may allow variances on the size of temporary dwelling units. No garage or other accessory building or structure, travel trailer, basement, tent, barn, partial or temporary structure, whether of a fixed or portable construction, shall be erected or moved onto a lot and used for any dwelling purposes unless authorized by the issuance of a zoning permit by the Zoning Administrator. Failure or refusal to remove a temporary building within thirty (30) days after the completion or abandonment of work constitutes a violation of this Ordinance.

### 802 – BASEMENT AS A DWELLING

Dwelling spaces contained in basements shall meet the requirements of the State of Michigan Residential Code.

### 803 – MOVING BUILDINGS

The moving of a building to a different location shall be considered the same as erection of a new building. All provisions, regulations or requirements relative to the erection of a new building shall be applicable to a structure that is moved. No building shall be moved within Marquette Township without first obtaining a zoning permit from the Zoning Administrator.

### 804 – DEMOLITION OF BUILDINGS

No principal structure shall be demolished until an inspection has been completed by the appropriate Building Department. The demolition shall be completed within such reasonable time period as shall be prescribed by the Building Department and under conditions that may be specified by the Building Department deemed necessary to protect the public health, safety

and welfare. The Building Department is furthermore authorized to prescribe conditions relating to the filling of excavations, the proper termination of utility connections, and the manner in which demolition will be carried out in situations where asbestos is present.

#### SECTION 7.09 – SETBACK ENCROACHMENTS

The following encroachments shall be permitted into the setbacks specified in all zoning district classifications:

- A. Terraces, patios, decks, and similar structures may project into the front or rear setback requirements provided that such structure be unroofed and without walls or other continuous enclosures and the same is not constructed in the road right-of-way. Porches and other appurtenances shall be considered an integral part of the building to which they are attached and shall be subject to all setback requirements thereof. All terraces, patios, decks, and similar structures shall conform to the stated side yard setbacks in that district.
- B. Chimneys, flues, cornices, eaves, gutters and similar features may project into any required setback a maximum of twenty-four (24") inches.
- C. Un-enclosed and un-roofed fire escapes, outside stairways and balconies may project into a required setback a maximum of five (5') feet.

#### SECTION 7.10 – INTERSECTION VISIBILITY AND STREET RIGHTS-OF-WAY

On any corner lot, no fence, wall, sign or other structure or planting shall obstruct vision between the heights of three (3') feet and ten (10') feet within the triangular area formed by the intersecting street right-of-way lines and a straight line intersecting them at points which are on said right-of-way lines and thirty (30') feet distant from their point of intersection. Such heights of clear vision areas shall be measured from the elevation of the street center-lines at the point of intersection. No fence, wall, screen, hedge, sign or other structure or planting shall obstruct vision from a driveway between the heights of three (3') feet and ten (10') feet, measured above the elevation of the street center line, within ten (10') feet of any front property line.

#### SECTION 7.11 – ESSENTIAL SERVICES

The erection, construction, alteration, maintenance, and operation by public utilities or municipal departments or commissions, of overhead or underground gas, electrical, steam or water distribution, transmission systems, collection, supply systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, poles, electrical substations, gas regulation stations, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utility or municipal department or commission or for the public health or safety or general welfare, shall be permitted as authorized or regulated by law and other Ordinances of Marquette Township in any use District, provided that the above meet the setback and dimensional requirements of the respective districts and the Zoning Administrator

is notified at least sixty (60) days prior to any major construction, and provided a Zoning Permit is obtained. Electrical substations shall comply with the fencing provisions of this Ordinance.

Telecommunication towers, alternative tower structures, antennas, wind turbine generators, and anemometer towers shall be regulated and permitted pursuant to this Ordinance and shall not be regulated or permitted as essential services, public utilities or private utilities.

#### SECTION 7.12 – MANUFACTURED HOMES ON INDIVIDUAL LOTS OR PARCELS

A manufactured home newly sited on an individual lot shall meet the standards for minimum lot size, yard set-backs, and minimum floor area for the district in which it is located and shall meet the following additional standards:

- A. Manufactured homes shall be attached to an approved permanent foundation or basement and shall be anchored using a system that meets the Michigan Manufactured Housing Commission requirements.
- B. The wheels, axles and towing assembly shall be removed from a manufactured home before the unit is attached to the foundation. Additionally, no manufactured home shall have any exposed undercarriage or chassis.
- C. Manufactured homes shall be installed according to the United States Department of Housing and Urban Development (HUD) regulations.
- D. Manufactured homes shall not be attached to each other. Additions, new roofs and accessory buildings may be attached to a manufactured home.
- E. No person shall occupy a manufactured home as a dwelling within Marquette Township until a certificate of compliance with the HUD Code has been issued by the Appropriate Building Department.
- F. No manufactured home shall be located or placed in Marquette Township without prior completion of site preparation to include electric, water, sewage disposal and foundation to meet the current HUD rules and regulations and County Health Department regulations.
- G. Manufactured homes shall not be used as accessory buildings.
- H. No un-occupied manufactured home shall be stored on any lot or parcel in Marquette Township.

#### SECTION 7.13 – RECREATIONAL VEHICLES OR TRAVEL TRAILERS

In all districts, travel trailers and similar recreational vehicles may be stored on a lot or parcel of land containing a dwelling unit subject to the following conditions:

- A. The travel trailer or recreational vehicle shall carry current state license plates.
- B. Travel trailers or recreational vehicles may be stored in a rear or side yard of a lot containing a permanent dwelling, provided the yard setback requirements are met.
- C. The travel trailer or recreational vehicle shall not be connected to public water and sewer services.
- D. The unit shall not be used for permanent/continuous dwelling purposes.

## SECTION 7.14 – TEMPORARY DWELLING OCCUPANCY DURING CONSTRUCTION OF A DWELLING

For the express purpose of promoting the health, safety and general welfare of the inhabitants of the Township, and of reducing hazards to health, life and property, no basement-dwelling, cellar-dwelling, garage-house, tent, camper, travel trailer, recreational vehicle, and manufactured home not installed according the requirements of this Ordinance, or other temporary structure shall hereafter be erected or moved upon any premises and used for dwelling purposes except under the following applicable conditions:

- A. The location shall conform to the provisions governing yard requirements of standard dwellings in the district where located.
- B. The use shall be for the sole purpose of providing dwelling facilities for the owner of the premises during the period in which a dwelling conforming to the provisions of this Ordinance is in the process of erection, construction and completion, but not to exceed twelve (12) months. One (1) additional twelve (12) month extension may be obtained from the Zoning Administrator upon expiration of the original zoning permit. The temporary dwelling shall be removed upon completion of construction of a dwelling complying with the requirements of this Ordinance. Failure or refusal to remove a temporary dwelling within the time frame specified constitutes a violation of this ordinance.
- C. A septic system and a water well shall be constructed and maintained in accordance with the standards for materials, design and installation required by the County Health Department, and shall precede occupancy of the temporary dwelling. In the event the temporary dwelling unit has self-contained sanitary facilities, these facilities may be utilized in lieu of a traditional septic system and water well.
- D. Application for the erection and use of a temporary dwelling shall be made at the time of zoning permit application for the permanent dwelling. On approval and delivery of the zoning permit, the applicant shall certify in a space allotted for that purpose, and on the copy retained for filing by the township, that he has full knowledge of the limitations of the permit and the penalty pertaining thereto. No such permit shall be transferable to any other person.
- E. No additions shall be constructed to temporary dwellings.

## SECTION 7.15 – WATERFRONT SETBACK

To provide minimum setback standards in the Zoning Ordinance to protect surface water resources and flood plains from adverse construction or alteration, these measures are deemed to be the minimum necessary.

- A. Any property which borders on or contains a natural river, stream, pond, or lake, which is identifiable on the U.S. Geological Survey Maps of Marquette Township, shall be subject to waterfront setbacks for buildings and uses, as follows:

- 1) No fill or permanent construction shall occur in any floodway appurtenant to a natural river, stream, pond, or lake, which is identifiable on U.S. Geological Survey Maps, and which is further identified as an area that is prone to annual flooding (i.e. a natural storage basin during high water levels). Fill can be approved if accomplished in such a way as to not reduce or diminish the water holding capacity of the natural floodway, and that such is documented by a Registered Professional Engineer or similarly qualified professional.
- 2) Permanent structures, parking lots, and other impervious surfaces, except boat docks, boat slips, ramps, or marinas, or other water-dependent uses, shall observe a minimum setback of fifty (50) feet from the International Great Lakes Datum 1985 High Water Mark in all Districts. Except for a potential interference in floodways, the setbacks of this paragraph shall not apply to drains or intermittent streams. An intermittent stream is one which holds water at some time during each year, but for not more than eight (8) months.
- 3) Ground decking and patios without railings and which are less than eighteen (18) inches above the natural grade at the deck building line may extend into the setback area, but not nearer to the shoreline than twenty-five (25) feet. Railed decks and enclosed patios over eighteen (18) inches high shall observe the setback lines for main buildings, in the applicable zoning district. Walkways and pathways, if not wider than six (6) feet, and if perpendicular to the shoreline, are not restricted by this section.

**B. Other Environmental Rules**

Any filling or construction within flood plains or wetlands, or other environmental areas protected by State Law, or other laws, shall require appropriate permits from the government unit or agency having jurisdiction.

## SECTION 7.16 – HOME OCCUPATIONS

While Marquette Township recognizes that many residents feel the necessity to work at home, the Township also recognizes the rights of all residents to be free from actual or potential nuisance conditions which may be caused by non-residential activities conducted in a residential zone. The intent of this section is to provide standards to ensure home occupations are compatible with other allowed uses in residential districts, and thus to maintain and preserve the residential character of the neighborhood.

### 1601 – GENERAL STANDARDS

- A. Home Occupations are permitted in all zoning districts in which single-family dwellings are permitted as a matter of right. A zoning permit is required.
- B. Home Occupations shall be operated entirely within the dwelling or within an attached or detached garage or accessory building.

- 1) Home Occupations in the Primary Dwelling: No more than twenty-five percent (25%) of the dwelling's ground floor area shall be devoted to the Home Occupation.
  - 2) Home Occupations located within attached or detached residential garages or other accessory buildings may utilize the entire floor area.
- C. Home Occupations shall be conducted by the person or persons occupying the premises as their principal residence. Not more than three (3) nonresident persons shall be employed at the place of the Home Occupation.
  - D. Additions to a dwelling for the purpose of conducting a Home Occupation shall be of an architectural style that is compatible with the architecture of the dwelling, shall meet all required setbacks in the zoning district classification in which the dwelling is located, and shall be designed so that the addition can be used for dwelling purposes if the Home Occupation is discontinued.
  - E. Home Occupations shall be incidental and subordinate to the principal use of the dwelling for residential purposes and shall not detract from the residential character of the premises or the neighborhood.
  - F. Home Occupations shall not result in the creation of conditions that would constitute a nuisance to neighboring property owners, nor to the Township as a whole. Any machinery, mechanical devices, or equipment employed in the conduct of a Home Occupation shall not generate noise, vibration, radiation, odor, glare, smoke, steam, or other conditions not typically associated with the use of the dwelling for residential purposes. Furthermore, the Home Occupation shall not create an electrical interference with the transmission of television, cellular, wireless service, or radio in the area which exceeds that which is normally produced by a residential dwelling unit in the district.
  - G. The outdoor storage of goods and/or materials of any kind is prohibited unless screened (by a tight-board wood fence, landscaped buffer, landscaped berm, or similar method) from view from neighboring property and bordering road rights-of-way. If screening is required, the type and location of the same shall be approved by Zoning Administrator.
  - H. Traffic and delivery or pickup of goods shall not exceed that normally created by residential uses.
  - I. No such Home Occupation shall require the delivery of goods or the visit of customers before 6:00 a.m. and after 9:00 p.m.
  - J. Sufficient solid waste receptacles must be provided and sufficiently screened from view. The property must be maintained free of debris.
  - K. There shall be no parking permitted within any setback areas. No Home Occupation shall require parking for customers that cannot be accommodated on the site and/or not exceeding one (1) parking space at curbside on the street.
    - 1) To ensure that a Home Occupation is compatible with surrounding residential use, the Planning Commission may limit the number of vehicles that may be parked on the premises during business operations.

- L. No process, chemicals, or materials shall be used which are contrary to all applicable state or federal laws.
- M. Any applicable local, state, or federal licenses shall be obtained and copies submitted to the Zoning Administrator prior to issuance of a Home Occupation permit.

#### 1602 – TERMINATION, EXTENSIONS, REVISIONS, AND INSPECTIONS

- A. Upon written application by the owner, the Planning Commission may, for just cause, grant a time extension for compliance with the conditions of this Section.
- B. Any Home Occupation shall be subject to periodic review by the Zoning Administrator.
- C. If the Zoning Administrator has reason to believe the property owner is in violation of his or her permit or that grounds for revocation exist, written notice of alleged violation(s) shall be sent to the operator of the Home Occupation and to the owner of the real property premises, if different from the operator of the Home Occupation. The operator shall be afforded the opportunity to appear at a public hearing before the Planning Commission to present his or her case. The hearing notice procedures shall be the same as those for a Special Land Use.
- D. Following the public hearing, the decision of the Planning Commission shall be made in writing and shall be based on specific findings of fact. Reasonable conditions may be imposed to prevent conflicts with other property uses or to assure compatibility with the standards of this ordinance. The Planning Commission shall have the authority to limit the hours of operation, to impose conditions of operation or, if deemed necessary, to order the complete termination of the activity.

#### SECTION 7.17 – FENCES & WALLS

- A. Except for as provided in §7.17 (B) or unless specifically provided for by other provisions in this Ordinance, fences, walls, or hedges may be permitted on any property in any District, provided that no fence or wall shall exceed a height of ten (10) feet in the side and rear yards and six (6) feet in the front yard. In no event shall a fence or wall be installed or constructed closer than five (5) feet to the front property line or road right-of-way. The height of a fence is measured vertically from the surface of the ground to the top of the fence/post combination. For the purposes of fencing, the front yard shall be considered as beginning at the front of the primary structure to the front property line. Fences or walls installed or constructed in accordance with the provisions of this Ordinance shall not obstruct sight distances needed for safe vehicular traffic, nor create a hazard to traffic or pedestrians. Fences in a side or rear yard must be set back one (1) foot from the property line. Fences may be located on the lot line in the side or rear yards if a prearranged agreement is signed by both abutting property owners. Said agreement shall not terminate upon sale of the property.
- B. The height of fences in any platted subdivision, site condominium or planned unit development shall not exceed six (6) feet in the side or rear yard. Front yard fence height and setback requirements shall be the same as in §7.17 (A).

- C. Except for fences constructed for agricultural purposes:
  - 1) Fences shall not be constructed on the waterfront side within the waterfront setback where a lot borders a lake or stream or has lake views.
  - 2) Fences in the waterfront yard shall not exceed four (4) feet in height, nor unreasonably restrict views to the water from neighboring properties.
  - 3) Barbed wire and electrified fencing is only permitted for agricultural purposes.
- D. No fence shall be approved which
  - 1) Constitutes a fire hazard either by itself or in connection with the existing structures in the vicinity; or
  - 2) Interferes or will interfere with access by the Fire Department in case of fire to buildings in the vicinity; or
  - 3) Will constitute a hazard to street traffic or to pedestrians.
- E. The portions of all fences facing property other than the property of the fence owner or facing a street right-of-way shall be finished so that, to the extent possible by the design of the fence, the fence posts and the horizontal and/or vertical fence supports are not visible from that other property or from the street right-of-way.
- F. All fences shall be maintained in good condition and shall not constitute a safety hazard. Any fence not maintained as required by this subsection shall be removed by the owner of the fence.
- G. Any outdoor swimming pool, including an in-ground, above-ground or on-ground pool shall comply with any State and/or County Building Codes.

## SECTION 7.18 – PARKING AND LOADING SPACE REQUIREMENTS

There shall be provided in all districts at the time of erection or enlargement of any main building or structure, automobile off-street parking space with adequate access to all spaces. The number of off-street parking spaces, in conjunction with all land or building uses, shall be provided prior to occupancy or use of the property as hereinafter prescribed.

### 1801 – PARKING REQUIREMENTS

- A. Off-street parking for other than residential uses shall be either on the same lot or within four hundred (400) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot. Ownership shall be shown on all lots or parcels intended for use as parking by the applicant.
- B. Residential off-street parking spaces shall consist of a parking strip, parking bay, driveway, garage, carport, or combination thereof, and shall be located on the premises they are intended to serve.
- C. Areas designated for required off-street parking shall not be changed to any other use unless and until equal facilities meeting the standards of this section are provided and approved at a differing location on the property or elsewhere as permitted within this ordinance. If parking requirements for the site are changed due to a change in use or occupancy, the designated off-street parking areas may be revised and approved only in



accordance with a site plan to be submitted to the Township Planning Commission in accordance with Article 6 of this ordinance.

- D. Off-street parking existing at the effective date of this Ordinance in connection with the operation of an existing building or use shall not be reduced to an amount less than required for a similar new building or new use.
- E. Two (2) or more buildings or uses may collectively provide the required off-street parking. In which case the required number of parking spaces for the individual uses may be reduced by up to twenty-five (25%) if a signed agreement is provided by the property owners. Such parking requirements shall bind future owners of parcels and shall be recorded with the Register of Deeds office.
- F. Parking Lot Deferment: Where the property owner can demonstrate that the required amount of parking is excessive or where there will be a dual function of parking spaces between two uses where operating hours do not overlap, the Planning Commission may approve a smaller parking area. Area of sufficient size to meet the parking space requirements of this Article shall be retained as open space, and the owner shall agree to construct the additional parking if needed at the direction of the Planning Commission based on observed usage within six (6) months of being informed of such request in writing by the Zoning Administrator. The site plan shall note the area where parking is being deferred, including dimensions and a dotted parking lot layout. Any required landscaping placed in this area shall be relocated when the parking area is expanded.
- G. In order to minimize excessive areas of pavement, which are unsightly and contribute to high rates of stormwater runoff, exceeding the minimum parking space requirements by greater than ten percent (10%) shall not be allowed, except as approved by the Planning Commission. In granting such additional space, the Planning Commission shall determine that such parking will be required, based on documented evidence, to accommodate the use on a typical day.
- H. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accordance with the use which the Planning Commission considers to be similar in type.
- I. The storage of merchandise, motor vehicles for sale, trucks, or the repair of vehicles is prohibited on required off-street parking lots.

#### 1802 – PARKING SPACE DIMENSIONS

All required off-street parking spaces shall meet the following dimensional standards:

Parking Pattern (in degrees)	Maneuvering Lane Width	Parking Space	
		Width	Length
0 degree (parallel parking)	12 feet	8 feet	23 feet
30 to 53 degrees	12 feet	9 feet	20 feet
54 to 74 degrees	15 feet	9 feet	20 feet
75 to 90 degree	20 feet	10 feet	20 feet*

\* May include a maximum of two (2) foot unobstructed vehicle parking area at the front of the parking space to account for normal vehicle overhang.

- J. Vehicle Stacking Space: Stacking spaces required for vehicles waiting to access service windows, pumps, pedestals or other service facilities shall be dimensioned to be twenty (20) feet by ten (10) feet per space, but shall not include the space vehicles actually use at the time of service. Where a use provides a drive-through or similar service, but is not within use categories for which specific standards are provided, the Planning Commission may require a minimum number of stacking spaces which are equivalent to the number required for a use which the Planning Commission determines to be most similar.
- K. The number of off-street parking spaces shall be in accordance with the following schedule:

Residential Parking Requirements	
Use	Requirements
One family and two family	2 for each dwelling unit
Multiple family	1.5 per each efficiency or one-bedroom dwelling unit, 2 per each unit with 2 or more bedrooms
Manufactured homes	2 for each manufactured home site
Housing for the elderly	1 for each 2 units, and 1 for each employee Should units revert to general occupancy, then 2 spaces per unit shall be provided
Rooming houses and group quarters	1 for each bed
Group day care homes	2 for each home in addition to the 2 required for the residence. For this use only, such additional spaces may be located in the side yard setback

<b>Institutional Parking Requirements</b>	
<b>Use</b>	<b>Requirements</b>
Churches, temples, or similar places of worship; theaters, auditoriums, and assembly buildings; stadiums, sports arenas, or similar places of outdoor assembly	1 space for each 4 seats or 8 linear feet of benches in the main unit, plus 1 for each 2 employees
Nursery schools, day nurseries, or child day care centers	2 for each employee plus 1 space for each 8 children of licensed authorized capacity
Elementary, middle, and junior high schools	1 for each teacher, employee, or administrator, or the requirements of the auditorium, whichever is greater
Senior high schools	1 for each teacher, employee, administrator, and 1 for each 5 students; or the requirements of the auditorium, whichever is greater
Government offices	1 for every 1500 square feet of usable floor area
Homes for the aged and convalescent homes	1 for each 3 beds or 2 rooms, whichever is less, plus 1 for each employee on duty based upon maximum employment shift.
Hospitals	1 for every 2 beds, one for each doctor, one for every two employees, plus one for every 1,000 square feet of treatment area.
Private clubs or lodges	1 for each 3 persons allowed within the maximum occupancy load as established by city, county, or state fire, building, or health codes

<b>Business Parking Requirements</b>	
<b>Use</b>	<b>Requirements</b>
Professional offices of doctors, dentists, or similar professions	4 for every 1000 square feet of usable floor area
Bank, business offices, or non-medical professional offices	1 for each 200 square feet of useable floor area, plus 2 spaces for each ATM, and stacking area equivalent to 3 stacking spaces for each drive up window
Restaurants and establishments for on premises sale and consumption of food, refreshments, and/or beverages	1 for each 2 persons of seating capacity
Food consumption services or drive in, drive through, or take out	Use seating capacity standards as applicable for sit-down restaurants. A minimum of 5 stacking spaces shall be provided for each service window where a drive through operation is present.
Motel, hotel, or other commercial lodging establishments	1 for each 1.5 occupancy unit plus 1 for each employee, plus spaces for any dining rooms, cocktail lounges, ballrooms, or meeting rooms, based upon maximum occupancy code

Furniture and appliance, hardware, household equipment, repair shops, shoe repair, showroom of a plumber, decorator, electrician or similar trade, and other similar uses	1 for each 800 feet of useable floor area, plus 1 for each 2 employees
Retail stores, planned commercial or shopping centers by square feet of gross leasable area (GLA) A. 1 to 15,000 square feet GLA	1 space per 150 square feet of useable floor area plus 3 stacking spaces are required for each service bay, window, or pedestal
B. 15,001 to 400,000 square feet GLA	3.0 spaces minimum, 3.75 maximum, per 1000 GLA
C. 400,001 square feet GLA and higher	3.5 spaces minimum, 4 maximum, per 1000 GLA
Retail stores except as otherwise specified	1 for each 150 square feet of useable floor area
Convenience store, with or without automotive fuel service	4 spaces for every 1000 square feet of usable floor area, plus spaces required for automotive fuel
Beauty parlor or barber shop	2 spaces for each of the first 2 beauty or barber chairs, and 1.5 spaces for each additional chair
Laundromats and coin operated dry cleaners	1 for each 3 washing and/or dry cleaning machines
Dry cleaners	2 for every 1000 square feet of gross leasable floor area
Mortuary establishment	3 for each 100 square feet of useable floor area
Auto service stations	2 for each service rack or pit and 1 for each single or dual gasoline pump, but not less than 6 spaces
Automobile wash (self-service or coin operated)	3 for each washing stall in addition to the stall itself, plus 1 upon exiting each stall
Motor vehicle sales and service	1 for each 200 square feet of gross floor space of sales room and 1 for each service stall.
Marine sales and service centers, including RVs	1 space for each employee, and 1 for each service stall. Add 1 space for every 400 square feet usable
Veterinary clinics or hospitals	4 for every 1000 square feet of usable floor area
Mini-warehouses, self-storage establishments	1 per 10 storage units, equally distributed throughout the storage area

<b>Miscellaneous Use Parking Requirements</b>	
<b>Use</b>	<b>Requirements</b>
Wholesale establishments	5 spaces, plus 1 for every 1.5 employees in the largest working shift; or 1 for every 1700 square feet of useable space, whichever is greater
Warehouse and/or storage building	5 spaces, plus 1 for each 3 employees; or 1 for every 1700 square feet of useable floor area, whichever is greater

Mini-Storage, Self-Storage facilities	No designated parking spaces shall be required in addition to the traffic circulation pattern shown on the approved site plan.
Dance Halls, Exhibition Halls, Pool Halls, Billiard Parlors and Assembly Halls without fixed seats	1 per every 2 persons allowed within the maximum occupancy load.
Golf Courses	1 per every 2 persons allowed within the maximum occupancy load.
Industrial Establishments	One for every 1 ½ employees based on the greatest number of persons employed at any one period during the day or night.

<b>Agricultural Tourism-Related Uses</b>	
1.	The number of parking spaces required will be determined on a case by case basis taking into consideration such factors as building size, expected visitor numbers, seasonal or year- round use, and other factors determined by the Planning Commission.
2.	Parking facilities may be located on a grass or gravel area for seasonal uses such as road side stands, u-pick operations and agricultural mazes. All parking areas shall be defined by either gravel, cut lawn, sand or other visible marking.
3.	For uses permitted by Special Use Permit, parking may be either gravel or paved as determined by the Planning Commission, based on applicant estimates for seasonal parking and the intensity of the use. Overflow parking areas may be required by the Planning Commission to accommodate seasonal peak demand.

**1803 – LOADING SPACE REQUIREMENTS**

- A. For every building, or addition to an existing building, hereafter erected to be occupied by a use allowed in any commercial zoning district or other similar use requiring the receipt or distribution in vehicles of materials or merchandise, there shall be provided and maintained on the same premises with such building or addition, off street loading spaces in relation to floor area as follows:
  - 1) Up to twenty-five thousand (25,000) square feet — one (1) space.
  - 2) Twenty-five thousand (25,000) to fifty thousand (50,000) square feet — two (2) spaces.
  - 3) Fifty thousand (50,000) to one hundred thousand (100,000) square feet — three (3) spaces.
  - 4) One (1) additional space for each additional one hundred thousand (100,000) square feet or fraction thereof.
- B. Each loading space shall be a minimum of (10) feet in width, twenty-five (25) feet in length, and fourteen (14) feet in height. No loading space shall be located closer than fifty (50) feet to any lot in any residential district unless wholly within a completely enclosed building or enclosed on all sides by a wall.

#### SECTION 7.19 – WATER SUPPLY AND SEWAGE DISPOSAL FACILITIES

All water supply and sanitary sewage disposal systems either public or private, for any building hereafter erected, altered or moved upon any premises shall be subject to compliance with County Health Department sanitary code requirements. Plans must be submitted to and approved by the responsible agencies.

Permitted industrial uses shall be served by a public sewer service or an approved sanitary treatment facility, approved by the County Health Department. All treatment facilities shall meet all other applicable federal, state, and local standards and regulations. The effluent from same shall be disposed of in a manner and method which conforms to or exceeds the minimum standards of the State of Michigan Water Resources Commission and the County Health Department. The collection system used in conjunction with a packaged treatment facility shall be located and designed to readily connect into a future public sewer service system without the need for reconstruction of any main or lateral sewer links.

#### SECTION 7.20 – STORMWATER RETENTION

The property owner or developer is required to retain on site all stormwater drainage in excess of natural conditions. This provision may require stormwater retention ponds where appropriate. An exception can be made for water leaving the site via an existing stormwater pipe, or through other stormwater facilities which will be developed at the same time as the proposed new use. All stormwater facilities, including detention or retention ponds, shall be designed at minimum to handle a storm with the projected frequency of once every ten years (ten year design storm).

#### SECTION 7.21 – GROUNDWATER PROTECTION AND HAZARDOUS SUBSTANCES

State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances and polluting materials shall be met. No discharges to groundwater, including direct and indirect discharges, shall be allowed without required permits and approvals.

All toxic wastes shall be disposed of in accordance with all state or federal laws, rules and regulations governing the disposal of specific toxic substances.

#### SECTION 7.22 – SALVAGE OR DUMPING OF MOTOR VEHICLES

There shall be no salvaging or dumping of automobiles, trucks, trailers, tractors, or other similar vehicles within the Township, except in a legally authorized junk yard. Nor shall any unlicensed or inoperable motor vehicle be stored on any property unless stored within a totally enclosed structure or screened from adjacent properties and roads.

#### SECTION 7.23 – DUMPING OF MATERIALS

The natural terrain shall not be altered in any fashion to create safety and health hazards or substantially alter the character of the land so as to make it unsafe for the uses for which it was originally zoned or to create olfactory or visual pollution.

- A. Dumping or stockpiling of waste material or junk; the collection, accumulation, storage or disposal of waste material, used construction material, junk, debris, or refuse is prohibited, except under the following circumstances.
  - 1) Such practices are a necessary accessory use to a permitted agricultural use.
  - 2) Such practices occur in a junk yard, landfill, recycling facility, or transfer station authorized under this Ordinance, and are included in the approved site plan.
  - 3) Such practices are a necessary accessory use to a commercial or industrial use authorized under this Ordinance, and are included in the approved site plan.
- B. Dumping of soil, sand and clay materials: The material to be placed on the site shall be of such a composition as not to create potential contamination of the natural environment including groundwater, vegetation, soils and surface waters. No dumping of soil, sand, clay or similar material shall be undertaken that appreciably increases the surface runoff reaching adjacent or surrounding property. Surface runoff shall be dissipated by retention on the development parcel, percolation into the soil, evaporation, or by transport by natural drainage way or conduit to any appropriate point of discharge.
- C. Dumping of toxic materials and/or nuclear wastes shall not be allowed in Marquette Township.

#### SECTION 7.24 – PETS AND FARM ANIMALS/LIVESTOCK

- A. Domestic household pets, including but not limited to, dogs, cats, birds and fish (but not including poisonous or dangerous reptiles, wild or dangerous animals) may be kept as an accessory residential use on any premises without a zoning permit, but subject to state and county licensing requirements. If the keeping of domestic pets meets the definition of kennel under the Mackinac County Animal Control Ordinance, a zoning permit will be required as such.
- B. The raising and keeping of livestock is allowed in any district, granted the following are met. The Planning Commission may impose additional conditions if deemed necessary.
  - 1) Adequate space shall be provided for the clean and healthful keeping of such animals.
  - 2) Such animals shall be kept so as not to present a danger to the property of others or to human life and limb.
  - 3) Such animals shall be kept so that manure piles shall not be offensive to nearby properties.

#### SECTION 7.25 – DRIVEWAYS

Driveways that provide access to not more than four (4) parcels shall meet the following standards:

- A. Access to the principle structure(s) shall require a driveway which have a minimum of fifteen feet (15') horizontal and fourteen feet (14') vertical clearance of all obstacles and

vegetation, except ground covers, cleared and continually maintained in a drivable condition for the purpose of access by emergency vehicles.

- B. A vehicle turn around area shall be provided within one hundred feet (100') of the principle structure(s) capable of handling thirty foot (30') vehicles (Minimum T-type turn around 20' x 35') for police, fire, and ambulance, and be connected to a private or public road. Mackinac County or Marquette Township cannot be held responsible for non-maintenance of access.

#### SECTION 7.26 – CLASSIFICATION OF UNLISTED USES

When the proposed use of land or use of a structure is not specified in this Ordinance, the Planning Commission shall have the power upon written request of the property owner or Zoning Administrator to classify the unlisted property use. In determining the proper classification of an unlisted property use, the Planning Commission shall consider the characteristics of the proposed unlisted property use in relation to similar and comparable uses listed in any zoning district and in relation to the requirements of the Marquette Township Master Plan. Once classified, the unlisted property use is subject to all applicable regulations pertaining to similar uses in the zoning district in which placed, including the regulations pertaining to uses subject to special use permit approval, if classified as such a use by the Planning Commission.

#### SECTION 7.27 – SOLAR ENERGY SYSTEMS (SES)

A Solar Energy System (SES) as defined by this Ordinance is allowed as a Special Land Use when approved by the Planning Commission in accordance with the process defined herein. Utility Scale/Large Solar Energy Systems are permitted as a special use only in agricultural zoned property. Small Scale/Personal Systems shall be permitted as an accessory use structure in all zoning districts. In addition to the standards and requirements specified in the Ordinance, the Planning Commission shall not approve the issuance of a Special Land Use Permit unless the requirements in this section shall be met.

- A. **PURPOSE AND INTENT.** To promote the use of solar energy within Marquette Township as a clean alternative energy source and to provide for the land development, installation, and construction regulations for large solar farms and small residential solar facilities subject to reasonable conditions that will protect the public health, safety, and welfare. These regulations establish requirements and standards for the placement, construction, and modification of solar facilities, while promoting a renewable energy source for our community in a safe, effective, and efficient manner.

With advances in technology of SES, in general, specific locations within the Township may support the implementation of Utility Scale SES. To prepare for potential solar projects within the Township, this Ordinance will require such developments to obtain a Special Land Use Permit to ensure solar development sites are appropriately located so as to protect the character and stability of the Township's residential,



agricultural, recreational, commercial, and/or industrial areas while simultaneously preserving and protecting the Township's important and sensitive ecological and environmentally sensitive areas. Accordingly, regulations are necessary to further the above goals and, equally important, to minimize the potential adverse effects of this emerging land use on adjacent properties.

## B. DEFINITIONS.

- 1) Ancillary Solar Equipment. Any accessory part or device of a SES that does not require direct access to sunlight, such as (but not limited to) batteries, electric meters, converters, or water heater tanks.
- 2) Applicant. An individual, firm, corporation, company, limited liability corporation or other entity, as well as the Applicant's successors, assigns and/or transferees requesting permission to have a Small Scale/Personal SES or a Utility Scale/ Large SES erected on property within Marquette Township abiding by the terms indicated in this Ordinance. The duties and obligations regarding a zoning approval for any approved SES shall be with the SES owner, and jointly and severally with the owner/operator and lessee of the SES if different than the SES owner.
- 3) Decommissioning Plan. A document that details the planned shutdown and/or removal of a SES.
- 4) Operator. A person designated by the owner who maintains and keeps records of the SES maintenance.
- 5) Owner. A business or corporation that has the legal right of possession of a Utility Scale/Large SES.
- 6) Participating Landowner. A landowner who has leased land to the SES applicant, recorded the notice of a lease agreement with the Mackinac County Register of Deeds, and has a contract with the SES applicant. A Participating Landowner may also be called a SES contract leaseholder and may or may not have equipment or infrastructure located on their property.
- 7) Participating Landowner, Non-. A landowner who has not signed a contract or any legal document with the SES applicant and has not given up rights to their owned land to the SES applicant.
- 8) Public Road. Any road or highway which is now or hereafter dedicated to the public and is under jurisdiction of the Mackinac County Road Commission and/or the Michigan Department of Transportation (MDOT).

- 9) Solar Siting. Location of any size SES on the applicant's property so that it complies with all site zoning limitations and is suitably located to allow production of the intended solar energy.
- 10) Solar Collector Surface. Any part of a SES that absorbs solar energy for use in the system's transformation process. The collector surface does not include frames, supports, and mounting hardware.
- 11) Solar Energy. Radiant energy received from the sun that can be collected in the form of heat or light by a SES.
- 12) Solar Energy System (SES). A system (including solar collectors and ancillary equipment) either affixed to a permanent principal or accessory building or functioning as a freestanding structure, that collects, stores, and distributes solar energy for heating or cooling, generating electricity, or heating water. SES's include but are not limited to photovoltaic (PV) power systems and solar thermal systems.
  - a. Small Scale/Personal SES. A SES that is accessory to the principal use on the site for which the sale to a public utility or others is not the primary purpose. A Small Scale/Personal SES shall be placed on a parcel of ground of not more than 5 acres.
  - b. Utility Scale/Large SES. A SES that meets on or more of the following:
    - (1) is primarily used for generating electricity for sale and distribution to an authorized public utility, and/or
    - (2) the total surface area of all solar collector surfaces exceeds 1,500 square feet, and is not an accessory use.
    - (3) is constructed on a parcel of ground of more than 5 acres.
  - c. Building Mounted SES. A SES affixed to a permanent principal or accessory building (i.e. roof or wall).
  - d. Ground Mounted SES. A freestanding SES that is not attached to and is separate from any building on the parcel of land on which the SES is located and instead relies on its own support system attached to the ground.
- 13) Solar Glare. The effect produced by sunlight reflecting from a solar panel with intensity sufficient to cause a loss of visibility.
- 14) Solar Inverter. A type of electrical converter which converts the variable direct current (DC) output of a photovoltaic (PV)solar panel into a utility frequency

alternating current (AC) that can be fed into a commercial electrical grid or used by a local, off-grid electrical network. It is a critical balance of system (BOS) component in a PV system, allowing the use of ordinary AC-powered equipment. Grid-tie inverters match phase with a utility-supplied sine wave. Grid-tie inverters are designed to shut down automatically for safety reasons upon loss of utility supply.

15) Wetlands. As used in this Ordinance, wetlands shall mean the areas defined as such by Michigan law (see Part 301 Inland Lakes and Rivers and Part 303 Wetland Protections of the Natural Resources and Environmental Protection Act, last revised effective 3-29-2019), and regulated by the Michigan Department of Natural Resources, and the Michigan Department of Environment, Great Lakes, and Energy.

C. STANDARDS FOR SMALL SCALE/PERSONAL SES. A Small Scale/Personal SES shall be permitted as an accessory use/structure in all zoning districts. If an SES is 5 acres or less and dedicated to agricultural use on the same property, it shall be a Small Scale/Personal SES. The SES is subject to the following standards:

- 1) Application for Approval of Small Scale/Personal SES. A Small Scale/Personal SES requires an applicant to obtain all permits required by the Zoning Administrator and/or State agencies, except as excluded in Subparagraph 5. An application for approval shall be submitted to the /Zoning Administrator and shall include the following:
  - a. photographs of the property's existing conditions,
  - b. a plot plan, drawn to scale, indicating where the SES is to be installed on the property (or, if building-mounted, the system's location of the permanent building), including property setbacks and the total solar collector surface area and,
  - c. elevations showing the height of the SES:
    - (1) above ground for ground-mounted systems,
    - (2) and the elevation of the highest finished height of the system for a building-mounted system and the system shall not exceed the height of the finished roof surface on which it is mounted,
    - (3) if the system is mounted on a Flat Roof, the elevations shall show the highest finished height of the system and the highest point of the roof, including any parapets on the building,
    - (4) if the system is Wall-Mounted the edge of the Solar panel must not surpass the outside edge of any wall of the building.

- 2) Ground-Mounted and/or Building SES. In all Zoning Districts, Ground-Mounted SES shall be located only in the rear or side yard and shall meet the setback regulations outlined in the Township Zoning Ordinance. The Building-Mounted SES shall follow the same district setback regulations as is required for the building it is mounted on. Ground-Mounted SES shall not exceed 15 feet in height, measured from the existing natural grade at the base of such equipment to the fully elevated point of the system. Building-Mounted Flat Roof Surface SES shall not exceed 8 feet above the roof's surface.
  - a. Attachment. SES shall be permanently and safely attached to the ground or building, meeting all building code requirements. Proof of the safety and reliability of the means of such attachment, in the form of certification by a professional engineer or other qualified person, shall be submitted with the application.
  - b. Installation and Maintenance. SES shall be installed and maintained and used only in accordance with the manufacturer's directions. A copy of such directions shall be submitted with the plot plan application.
  - c. Solar Glare. The SES shall not cause solar glare when viewed from any other property or public or private road.
  - d. Coating and Color. A SES shall have a non-glare coating and be of a neutral color. No advertising copy may be included on the SES larger than 100 square inches.
  - e. Compliance with Additional Codes. SES, and the installation and use thereof, shall comply with the construction codes of the State of Michigan and other applicable State and Township laws. Installation of a SES shall not commence until all required permits have been issued.
- 3) Ancillary Solar Equipment. Where feasible, Ancillary Solar Energy equipment shall be located inside of a building or be screened from public view. All ancillary solar equipment such as, but not limited to, water tanks, supports, batteries, and plumbing shall be screened to the maximum extent possible without compromising the effectiveness of the solar collectors. When solar storage batteries are included as part of the solar collector system, they must be placed in a secure container or enclosure meeting the requirements of the construction codes of this State, and when no longer in use shall be disposed of in accordance with applicable laws and regulations.
- 4) Safety. Solar systems present special considerations for firefighters and responders. Potential system hazards include tripping, structural collapse due to extra weight from the system, fire spread (depending on the materials used),

inhalation/exposure to toxic materials, electrical shock and other hazards if battery energy storage systems are also present. The SES must meet the guidelines for safety as outlined by the IFC (International Fire Code), the NFPA (National Fire Protection Association), and the NEC (National Electric Code).

- 5) Exclusions from Permits for Small Scale/Personal SES. The following situations do not require permits, but shall still comply with all other standards of the Ordinance:
    - a. the installation of 1 Building-Mounted SES with a total solar collector surface area of less than 8 square feet.
    - b. the installation of 1 Ground-Mounted SES with a height of less than 6 feet and a solar collector surface of less than 8 square feet.
    - c. repair and replacement of existing solar energy equipment, provided that there is no expansion of the size or coverage area of the SES.
- D. STANDARDS FOR UTILITY SCALE/LARGE SOLAR FARM SES. All applications for a Special Land Use Permit for an SES shall require a site plan for each construction phase to be presented to the Planning Commission for approval. A Utility Scale/Large Solar Farm SES shall be permitted as a Special Land Use in all zoning districts except the R-1, R-2, and R-3 Districts, subject to the following standards:
- 1) Application for Approval of Utility Scale/Large Solar Farm SES. Application to establish a Utility Scale/Large Solar Farm SES shall be made in accordance with the Township Zoning Ordinance, Section 6.03, being the procedures for an approval of Special Land Use Permit Site Plan Review.
  - 2) Height. A Utility Scale/Large Solar Farm SES shall not exceed 15 feet in height, measured from the existing natural grade at the base of such equipment to the fully elevated highest point of the system.
  - 3) Soil Erosion. Soil erosion from water runoff shall be no more than pre-construction conditions based on standards of the USDA Soil Conservation Service.
  - 4) Fencing. A Utility Scale/Large Solar Farm SES shall be secured with perimeter fencing between the solar system and the vegetative screening to restrict unauthorized access. Perimeter fencing shall be equal to or greater than 8 feet in height. Barbed wire is prohibited and fencing is not subject to setbacks.
  - 5) Screening. The SES shall follow the screening and/or landscaping standards for the zoning district of the project site to conceal the solar array from visual

observation. All four sides of the SES shall be screened. Any required screening and landscaping shall be placed outside the perimeter fencing. Other screening requests shall be considered by the Planning Commission. At the discretion of the Planning Commission, the Utility Scale/Large Solar Farm SES shall utilize “screening” consisting of a combination of vegetation and native conifer trees. Berms are prohibited from use as screening. Requirements include a minimum screening height of 70 percent of the maximum height of the SES at construction completion. In addition, the minimum effectiveness of the utilized combination of visual barriers will be a 70% “opacity” or lack of transparency in the required areas. It shall further include the installation and maintenance of a native perennial vegetation mix of low-growing, flowering plants and grasses underneath and surrounding all components of the SES until the site is decommissioned. Vegetation establishment and maintenance must include the control of invasive plant species and noxious weeds. The area inside the screening will be “brush-hogged” once between July 1 and July 31 each year the SES is operational. Existing trees shall be preserved within areas where screening is required. The Planning Commission may allow existing foliage on a participating lot to count as the required screening landscaping, providing that it creates a sufficient screen from neighboring residential uses. Foliage on non-participating lots shall not count for screening requirements. If existing foliage is permitted to count for screening requirements, the SES owners shall be responsible for the maintenance of the existing foliage, including the planting of new landscaping to replace any areas that no longer form a sufficient screen due to death, disease, or destruction of plants. All unhealthy plants, (60% or greater of individual plants) and dead plant material shall be removed and replaced by the owner/operator of a Large SES within 6 months or by the next appropriate planting period, whichever occurs first, but under no circumstances shall the owner of a Utility Scale/Large Scale Solar Energy System allow unhealthy or dead material to remain in place for more than 6 consecutive months.

- 6) Exterior Lighting. Applicant must submit with the application a plan that describes all lighting that will be utilized. Such a plan shall include, but is not limited to, the planned number and location of lights, light color, activation methods and effect on Township residents. Applicant shall, if available, provide example locations with product descriptions where similar or proposed lighting solutions are currently deployed. Lighting shall be limited to inverter and/or substation locations only. Light fixtures shall have down-lit shielding and be placed to keep light on-site and glare away from adjacent properties, bodies of water and adjacent roadways. Flashing or intermittent lights are prohibited.
- 7) Setbacks.
  - a. Participating Properties. The minimum setback from an occupied dwelling of a participating landowner shall be no less than 50 feet.

- b. Non-Participating Properties. The minimum setback from any property line of a non-participating landowner shall be no less than 100 feet. Also, there shall be no less than 375 feet to an existing occupied dwelling.
  - c. Road Right-of-Way. The minimum setback from any road right-of-way shall be 60 feet.
  - d. Non-Road Right-of-Way. The minimum setback from any on-road (utility line, overhead power line, etc.) right-of-way shall be 100 feet or in accordance with federal guidelines whichever is greater.
  - e. Lakes, Rivers, Streams, and Wetlands. Minimum setbacks will comply with existing state and federal regulations and laws.
- 8) Lot Size. The minimum lot area required for Utility Scale/Large Solar Farm SES shall be greater than 5 acres, subject to complying with all other requirements of the Ordinance.
- 9) Signage. Each SES shall have one sign per SES site, located at the roadside and one sign at each entrance to the site, easily visible throughout the four seasons. The signs shall be in accordance with existing Township ordinances and contain the following:
- a. High voltage warning,
  - b. Participating landowner's name, SES owner's/operator's name,
  - c. Emergency telephone number and web address of the SES owner/operator,
  - d. Unique identification such as address of SES. If more than one SES is on an access drive, units shall have further identification such that first responders can positively identify the location. For example: 1000 Power Lane, Pickford, MI 49774.
- 10) Coating and Color. A SES shall have a non-glare coating and be of a neutral color. No advertising copy may be included on the SES.
- 11) Stray Voltage. The applicant shall demonstrate that the SES prohibits stray voltage, surge voltage, and power from entering the ground (except for electrical grounding apparatus).
- 12) Communication Interference. Each SES shall be designed, constructed, and operated so as to not cause radio and television or other communication interference. In the event that verified interference is experienced and confirmed

by a licensed engineer, the applicant/operator must produce confirmation that said interference has been resolved to the satisfaction of the Township Board of Trustees within 90 days of receipt of the complaint. Any such complaints shall follow the process stated in the Complaint Resolution section. (paragraph 31)

- 13) Safety. SES present special considerations for firefighters and responders. Potential system hazards include tripping, structural collapse, fire spread, inhalation exposure to toxic materials, electrical shock, and other hazards if battery energy storage systems are also present. The SES must meet the guidelines for safety as outlined by the IFC (International Fire Code), the NFPA (National Fire Protection Association) and the NEC (National Electrical Code). Additionally, the SES shall meet the following safety requirements:
  - a. the SES shall be designed to prevent unauthorized access to electrical and mechanical components and shall have access doors/gates that are kept securely locked at all times when service personnel are not present,
  - b. all materials and/or equipment used in maintenance shall be properly and safely removed in a timely manner from the SES site. If materials and/or equipment are kept on site they must be stored in a secured building,
  - c. all collection system wiring shall comply with all applicable safety and stray voltage standards.
- 14) Safety Manual. The applicant must provide unredacted copies of all safety manuals and applicable Material Safety Data Sheets (MSDS) for all proposed SES equipment and materials without distribution restraints at the time of application for a Special Land Use Permit, to be kept at the Township Hall and other locations deemed necessary by the Planning Commission or local first responders. The manuals and MSDS should include details of materials and chemicals that may be encountered by first responders in an emergency situation as well as safe distances and safety procedures to be observed.
- 15) Protection of Adjoining Property. In addition to the other requirements and standards contained in this section, the Planning Commission shall not approve a SES Special Land Use Permit unless it finds that the SES will not pose a safety hazard or unreasonable risk of harm to the occupants of any adjoining property, the environment or area wildlife based on the recommendation of the United States Fish and Wildlife Service (USFWS) and/or State of Michigan DNR or EGLE. Any damage to underground drainage tiles, other storm water infrastructure, and/or county drains caused by the installation of the SES shall be repaired by the SES owner within 90 days of the discovery of the damage. The Planning Commission may extend this deadline upon determination that the SES owner has made good faith progress toward the repair.



- 16) Escrow for Permitting Costs. An escrow account shall be established when the applicant applies for a SES Special Land Use Permit. The monetary amount filed by the applicant with the Township shall be in an amount estimated by the Township Zoning Administrator to cover all reasonable costs and expenses associated with the application review and approval process. Costs can include, but are not limited to, the fees of officials appointed or contracted by the Township as well as any reports or studies which the Township anticipates it may have done related to the Special Land Use Permit process. Such escrow amounts shall include regularly established fees. At any point during the review process, the Township may require the applicant place additional monies into the escrow account should the amount in the account drop below \$500.00. If the escrow account needs replenishing and the applicant refuses to do so within 14 days after receiving notice, the review and approval process shall cease until and unless the applicant makes the required escrow deposit. Any escrow amount which is in excess of actual costs shall be returned to the applicant within 90 days of the permitting process completion. An itemized billing of all expenses shall be provided to the applicant. The Township shall hire qualified professionals for each and any of the technical fields (e.g. environmental, economic, wildlife, health, and land use) required during the approval process.
- 17) Abandonment. The owner or operator of a Utility Scale/Large Scale Solar Farm SES shall provide the Township Board of Trustees with quarterly reports on usage and output of the SES. If this information is considered a confidential trade secret, the Township, upon written request from the owner/operator, will keep such information confidential to the extent and through the means authorized by Public Act 442 of 1976. Any SES that is not used to produce energy for a period of 6 successive months or longer shall be deemed to be abandoned and shall be promptly dismantled and removed from the property in accordance with the decommissioning regulations of this Ordinance, unless the owner/operator receives a written extension of that period from the Township Board of Trustees in a case involving an extended repair schedule for good cause.
- 18) Decommissioning. To ensure proper removal of each Utility Scale/Large Scale Solar Farm SES when it is abandoned or deemed non-operational, an application for a Special Land Use Permit shall include a proof of the financial security in effect before the permit is approved. The security guarantee shall be in the form acceptable to the Township and may be a cash deposit, letter of credit, or surety bond. Each SES shall have its own security guarantee escrow account. The escrow agreement shall be reviewed by an attorney selected by the Township and financed by the Permitting Costs Escrow account.
- a. The amount of each SES security guarantee shall be the average of at least 2 independent demolition quotes obtained by the Township. Regardless of

the amount of the demolition quotes, the security guarantee shall be no less than the original amount of the SES value, with 150% for the first SES, 120% for the second SES, and 100% for each additional SES. Quotes shall be based on individual SES removal and shall not group multiple SESs simultaneous removals together. Quotes shall be ordered and obtained by the Township from established demolition companies and quotes shall not include salvage values. The security guarantee shall be updated every 2 years at the rate of 1.5 times the Consumer Price Index (CPI) for each year.

- b. Such security guarantee shall be deposited with the Township Treasurer, or with a third-party fiduciary, at the discretion of the Township, after a Special Land Use Permit has been approved but before construction operations begin on the SES project. Failure to keep such financial security in full force and effect at all times while the SES exists shall constitute a material and significant violation of the Special Land Use Permit and this Ordinance and shall subject the owner/operator to all available remedies to the Township including, but not limited to, enforcement action, fines, revocation of the Special Land Use Permit, and/or SES removal.
- c. The owner/operator shall be responsible for the payment of all attorney fees and other costs incurred by the Township in the event that the structure is not voluntarily removed, and the Township has to enforce removal.

19) Transfer or Sale. In the event of a transfer or sale of the SES, the Township shall be notified, and the Special Land Use Permit may be amended administratively by the Township Board of Trustees.

- a. A change in ownership alone shall be considered a minor amendment to the Special Land Use Permit and may be approved administratively without a public hearing.
- b. Any proposed changes to the operating procedure or approved site plan shall be amended and resubmitted for Township review according to the procedures for all Utility Scale/Large Solar Farm SES as outlined herein, including a public hearing.
- c. Upon transfer or sale, the security guarantee shall be always maintained, the estimated costs of decommissioning shall be resubmitted, and the security guarantee adjusted to account for the new estimate.

20) Substations and Accessory Buildings. Structures related to a SES shall be subject to the dimensional and location standards of structures in the zoning district. Where structures are visible from adjacent properties, vegetative or manmade

screening shall be required to minimize visual impact off-site.

- 21) Infrastructure Wiring. All electrical connection systems and lines from the SES to the electrical grid interconnection shall be located and maintained underground. Buried depth shall be such that causes no known environmental, land use, or safety issues. Depth shall be in accordance with State of Michigan Electric Codes. The Planning Commission may waive the burial requirement and allow above-ground structures in limited circumstances, such as where geologic conditions prohibit burial or in the case of a demonstrated benefit to the Township. The waiver shall not be granted solely on the basis of cost savings to an applicant. A request for variation shall consider aesthetics, future use of the land, and the effect on nearby landowners.
- 22) Inspections. The Township shall have the right upon issuing a Special Land Use Permit for a SES to inspect the premises and equipment of the SES at any reasonable time. The Township may hire a consultant to assist with any such inspections at a reasonable cost to be paid by the owner/operator of the SES.
- 23) Utilization of Prime Agricultural Land. Land that is or has been subject to the Michigan Farmland and Open Space Preservation Act (commonly referred to as PA 116), administered by the Michigan Department of Agriculture and Rural Development (MDARD), may be eligible for Utility Scale/Large Solar Farm SES installations, subject to all other (but no additional) provisions of this section.
- 24) Government Compliance. A Utility Scale/Large Solar Farm SES shall comply with all applicable Township ordinances and statutes and regulations of the State of Michigan and the Federal Government.
- 25) Road Damage. The applicant and/or its contractor shall inform the Mackinac County Road Commission (MCRC) and the Township of all the roads they propose to use as haul routes to each construction (including repair and decommissioning) site. This shall be done prior to beginning any construction (or decommissioning) at any site. A third-party road inspector will be retained with mutual approval of the Township, the applicant, and the MCRC or the MDOT if a state highway is involved. The road inspector will determine any precautions to be taken (including videotaping and physical inspections) during the construction/decommissioning process to determine any damage that may be caused by the applicant's contractor(s). If damage to the road is caused by the construction/decommissioning process the third-party road inspector will determine the repair procedure to return the road to the appropriate standards. The cost of the third-party inspector and/or any other required assistance and all of the repairs necessitated to restoring the roads (and related property which may have been damaged during the construction/decommissioning process shall be the responsibility of the SES owner/operator and/or their contractor and shall

in no case be the responsibility of the Township. Monies for the services of the third-party road inspection may be taken from the Permitting Cost Escrow Account.

- 26) Liability Insurance. The current SES owner/operator shall insure for liability the SES in an amount of \$2,000,000.00 per occurrence, per SES site, without interruption until removed and comply with section 27, "Site Insurance" to make certain funds are available to resolve damage/injury claims.
- 27) Site Insurance. The applicant shall provide proof of Commercial General Liability Coverage during the application process and shall maintain this in effect at all times during the construction, operation and decommissioning for each SES in the Township. This coverage shall have a minimum liability of \$2,000,000.00 per occurrence, including but not limited to bodily and property damage liability coverage. To assure that this coverage remains in effect, the Township shall be named as an "Additional Insured" with the right to be notified of cancellation and/or significant reduction of coverage, and applicant shall provide annual (or more frequently if appropriate to the term of coverage) proof of the continuing insurance. Aggregate policies are allowed if minimum coverage per SES is satisfied, and coverage is provided for every site where applicant's equipment is located.
- 28) Removal and Site Renovation. A condition of every approval shall be adequate provision for the removal of SES facilities in their entirety whenever they cease to actively produce power for 6 successive months or more. The Planning Commission can grant an extension of an additional 6 months upon the SES owner/operator demonstrating that the facilities will be put back into use, in which case the SES owner/operator must provide data indicating the repaired SES is in good operational condition and functioning at an efficiency similar to surrounding SES's. Removal shall include the proper receipt of a Demolition Permit from the Zoning Administrator and proper restoration of the site, including but not limited to all contracted participation parcels, to original condition. Removal of the structure, wiring and its components in the entirety. Restoration must be completed within 1 year of a non-operation determination.
- 29) Operation and Maintenance. In compliance with Township ordinances and other items that are pertinent to a large SES, as outlined in this Utility Scale/Large Solar Farm SES ordinance, each SES shall be kept and maintained in good repair and condition at all times. If a SES is not maintained in operational and reasonable condition or poses a potential safety hazard, the owner/operator shall take expeditious action to correct the situation, including SES removal as necessary. The owner/operator shall keep a maintenance log on each SES and must provide a copy of the complete log to the Township within 30 days of request.

30) Complaint Resolution. It is the intent of this Ordinance to provide a mechanism to address and resolve complaints prior to the expenditure of significant funds by the Township and/or owner/operator for investigation and resolution. Therefore, the Township shall perform an initial vetting of complaints prior to requesting funds from the owner/operator for complaint resolution efforts. Complaints of noncompliance with the requirements of this ordinance shall be resolved in the following manner:

- a. Complaints shall be submitted to the Township in writing from the affected property owner, or written designee, including name, address, contact information and specific complaint. The written complaint shall include the specific section of the Ordinance which is believed to be violated. The complaint shall be added to the agenda of the next Township Board of Trustees meeting in accordance with the procedure for setting the agenda,
- b. the Township shall submit to the owner/operator of record notice of all written complaints to the Township within 30 days of receipt of any complaint. Complaints received by the Township and the date of any Township Board of Trustees meeting where complaints may be considered shall be communicated to the owner /operator at least 10 days prior to the meeting. The notice shall state that the Township Board of Trustees may determine that the SES, as well as the owner/operator is in violation of its permit and is therefore a nuisance and may be ordered out of service until the owner/operator can demonstrate compliance with the requirements of this Ordinance,
- c. upon review, if the Township Board of Trustees, by an affirmative vote of the majority of the members present, deems a complaint sufficient to warrant an investigation, the Township Board of Trustees shall advise the owner/operator of the SES that an investigation has been requested by the Board,
- d. upon the notice that an investigation is to be conducted the SES owner/operator shall be required as a condition of the operation to fund an escrow account to cover the costs of the investigation of complaints for, but not limited to: glare, stray voltage, noise and signal interference in the amount of \$15,000.00 to be used at the discretion of the Township Board of Trustees to pay for third-party investigative services. Such funds shall be deposited with the Township Treasurer, or with a third-party fiduciary, at the discretion of the Township. When the escrow balance is below \$5,000.00 the Township shall notify the owner/operator, and the owner/operator shall replenish the account to the amount of \$15,000.00 within 45 days. All unused funds shall be returned to the owner/operator including an itemized receipt of funds used upon the resolution of the

complaint,

- e. if the SES is found in violation of this Ordinance, the owner/operator shall take immediate action to bring the SES into compliance. If the owner/operator fails to bring the SES into compliance within 30 days, the Township may seek any relief at law or equity to abate the nuisance and may also issue a municipal civil infraction citation. Each violation for the owner/operator is deemed responsible shall result in a \$500.00 fine. Each day of non-compliance shall be a separate offence,
- f. if, upon investigation, the complaint is found to be frivolous and/or malicious in nature, any costs of the investigation will be the responsibility of the party making the complaint.

## ARTICLE 8 ADMINISTRATION & ENFORCEMENT

This Article sets forth the provisions and requirements for submittal, review, and approval of applications and for Ordinance enforcement. These provisions are intended to clarify administrative duties and procedures; inform citizens and property owners; and ensure efficiency and consistency in administering and enforcing the Ordinance.

### SECTION 8.01 – DUTIES

The provisions of this Ordinance shall be administered by the Marquette Township Board, Planning Commission, Zoning Administrator, Zoning Board of Appeals, and Township Attorney in accordance with the *Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended; the Open Meetings Act, Public Act 267 of 1976, MCL 15.261 to MCL 15.275, as amended; the Freedom of Information Act, Public Act 442 of 1976, MCL 15.231 to 15.246, as amended*; any duly adopted Township rules and guidelines, and the delegation of responsibility assigned by this Ordinance.

#### 101 - TOWNSHIP BOARD

The Township Board shall have the primary responsibility for supervision of the administration and enforcement of the Ordinance.

#### 1000 - DUTIES

The Township Board **shall** perform the following duties in relation to this Ordinance:

- A. Consider and vote upon the adoption of a zoning ordinance (with or without amendments) or proposed amendments to the zoning text and zoning map.
- B. Grant a hearing on a proposed ordinance provision to an interested property owner who requests a hearing by certified mail, addressed to the Township Clerk.
- C. Set the amount of permit fees.

#### 1001 – OPTIONAL DUTIES

The Township Board **may** perform the following duties in relation to this Ordinance:

- A. Adopt rules, guidelines, and forms to assist the Zoning Administrator and the Planning Commission in administering and enforcing this Ordinance.
- B. Hold additional public hearings.
- C. Refer proposed Ordinance amendments back to the Planning Commission for further information or discussion.
- D. Approve the engagement of professional services to assist the Planning Commission and approve payment for those services.

#### 102 - PLANNING COMMISSION

The Planning Commission shall have the primary responsibility of the development of this Ordinance, including language, dimensional standards, and other requirements as needed.

### 2001 - DUTIES

The Planning Commission **shall** perform the following duties in relation to this Ordinance:

- A. Make an annual written report to the Township Board concerning administration and enforcement of the Ordinance and recommendations for amendments or supplements to the Ordinance.
- B. Prepare forms, rules, procedures, and guidelines for the proper administration and enforcement of the Ordinance which are to be forwarded to the Township Board for approval prior to implementation.
- C. Conduct public hearings on matters requiring a public hearing, or which in the Planning Commission's discretion warrant a public hearing, prior to action.
- D. Review and take appropriate action on all applications for zoning text change, rezoning, conditional rezoning, and special use permits.
- E. Review and advise the Township Board on all applications for amendments to the Ordinance
- F. Advise and make recommendations to the Township Board concerning future amendments, changes, additions, or departures from the Ordinance.

### 2002 – OPTIONAL DUTIES

The Planning Commission **may** perform the following duties in relation to this Ordinance:

- A. Hold additional public hearings.
- B. Recommend to the Township Board provisions of an ordinance or rules governing the subdivision of land authorized under section 105 of the Land Division Act, 1967 PS 288, MCL 560.105, as amended.
- C. Review and make recommendations on plats before action by the Township Board under section 112 of the Land Division Act, 1967 PS 288, MCL 560.105, as amended.
- D. Engage the services of a professional planner subject to approval by the Township Board.

### 103 - ZONING ADMINISTRATOR

The Zoning Administrator, or any other employee charged with the enforcement of this Ordinance, **shall** enforce the provisions of this Ordinance.

### 3000 – GENERAL

- A. The Zoning Administrator shall have all administrative powers in connection with the administration of the Ordinance which are not specifically assigned to some other officer or body.
- B. The Zoning Administrator shall have no power to vary or waive Ordinance requirements.
- C. The Zoning Administrator shall be appointed by the Marquette Township Board for such term and subject to such conditions as the Board deems desirable to carry out the provisions of the Ordinance. The Zoning Administrator shall receive such compensation as determined by the Board.
- D. The Zoning Administrator shall not refuse to issue a permit when the conditions



imposed by this Ordinance are complied with by the applicant despite violations of contracts, such as covenants or private agreements which may occur upon the granting of said permit.

### 3001 – DUTIES

The Zoning Administrator, or other deputized agent shall, among other responsibilities, be empowered to, **and may**, perform the following duties:

- A. Attend Planning Commission, Zoning Board of Appeals, and such other meetings related to administration of this Ordinance as necessary or when requested.
- B. Assist citizens in determining which forms and procedures apply to proposed zoning and development requests, and aid them in completing the required application forms. Help citizens with an alternate procedure if the request is not in compliance.
- C. Receive and review all permit application forms to determine level of completion and level of compliance with the provisions of the Ordinance.
- D. Review all requests for administrative or legislative action and forward an analysis of site factors and other information pertaining to the request to the appropriate body. The analysis may include a recommendation for action.
- E. Issue the appropriate permits provided the request complies with all applicable provisions of this Ordinance and has met approval of the appropriate authority. The issuance of permits includes the authority to impose any condition authorized by this Ordinance. For permits requiring Planning Commission approval, the Zoning Administrator shall refer all complete applications to that body for review.
- F. Maintain files and records of all zoning applications and permit approvals and denials. Such files and records shall be open to public inspection. Copies shall be furnished upon request at a cost established by the Township Board.
- G. Make as many inspections of buildings or premises as necessary in order to properly carry out the enforcement of this Ordinance or any permit or condition of a permit or order under this Ordinance. At a minimum the property shall be inspected upon staking for any building and prior to occupancy.
- H. Identify, monitor, and control changes in nonconforming uses.
- I. Enforce the Zoning Ordinance to ensure conformance with issued permits, investigate alleged Ordinance violations including the conditions of permits or approvals, issue violation notices, appear in court or other jurisdictional proceedings, and undertake such other enforcement activities as may be delegated by the Township Board or Township Planning Commission. Once a case is shifted to the Township Attorney or other legal representative retained for such purpose, the Zoning Administrator and Township Attorney shall share enforcement responsibility.
- J. Issue violation notices and appearance summons, and work with the Township Attorney to seek the issuance of warrants for the arrest of alleged violators, or to enforce appropriate civil action for violation.
- K. Keep a record of every complaint of a violation of any of the provisions of this Ordinance as a public record.
- L. Report to Township Board on behalf of the Planning Commission periodically,

- including an annual report. The annual report shall summarize the number of requests for zoning approval or enforcement, including the number of requests approved, approved with conditions, and denied, by type of request, including, zoning text changes, rezonings, conditional rezonings, zoning permits, conditional use permits, special use permits, all minor design modifications, administrative waivers, all complaints of violations, all interpretations made, and appeals and variances granted by the Zoning Board of Appeals. The Zoning Administrator shall include any recommendations regarding zoning changes or proposed amendments which would improve the content and/or enforcement of the Zoning Ordinance.
- M. Prepare forms, manuals and guidelines with the assistance of the Planning Commission for administration of the Zoning Ordinance. All such forms, manuals and guidelines shall be approved by the Township Board before implementation.

## SECTION 8.02 – PERMITS

No clearing, grading, excavation, or filling of land for a building or structure shall be commenced; no erection, addition to, alteration of, or moving of any building or structure shall be undertaken, nor shall any land (vacant or otherwise) be changed to a different use except in accordance with and pursuant to one of the following permits or approvals. No permit shall be required for any lawful use of any building or structure in existence as of the adoption date of this Ordinance. Exempted from the permit requirements are exterior alterations and ordinary maintenance repairs that do not require a building, mechanical, electrical or plumbing permit.

### 201 - ZONING PERMIT

A Zoning Permit is a document signed by the Zoning Administrator acknowledging that, after having completed the appropriate review and approval process, and been approved for all other applicable permits, a use, structure, building, or lot either complies with or is legally nonconforming to the provisions of this Ordinance, or is an authorized variance or modification. A Zoning Permit shall be issued before a Building Permit shall be issued. The Zoning Administrator shall perform inspections prior to issuance of a Zoning Permit, and at such other times as is necessary to ensure conformance with this Ordinance and the conditions of any permit or approval.

### 202 - BUILDING PERMIT

No building permit shall be issued without first having obtained a Zoning Permit and all other applicable permits. All building permits shall indicate by the signature of the Zoning Administrator that required zoning compliance has been verified. If such verification is not present, the building permit shall not be valid and no construction activity may commence.

## SECTION 8.03 – APPLICATION PROCESS

The general provisions of this Section shall apply to all applications for development approval and procedures under this Ordinance, unless otherwise stated.

### 301 – APPLICATION FILING

Application shall be made in duplicate upon forms provided by the Township. The application shall be signed by the owner of the premises or the owner’s agent and shall certify that all provisions of this Ordinance and other applicable laws and requirements are to be complied with. If the applicant is not the owner of the land, or is a contract purchaser of the land, a letter signed by the owner consenting to the submission of the application shall be submitted. If the applicant is not the sole owner of the land, a letter signed by the other owners or an association representing the owners consenting to or joining in the application shall be submitted. Any application requiring approval from the Planning Commission must be submitted not less than thirty (30) days prior to a scheduled meeting for consideration at that Planning Commission meeting.

### 302 – REQUIRED APPLICATION CONTENTS AND SUPPORTING DOCUMENTATION

A complete application on an approved form provided by the Township shall be accompanied by the following:<sup>1</sup>

- a. An acceptable general description of the location of the premises.
- b. A plot plan or site plan adhering to the requirements set forth in Article 6 of this document.
- c. A list of any permits that will be required for the development or use from federal, state, county, or local agencies.
- d. A copy of the deed or proof of equitable title for any new principal or accessory structure on any non-platted parcel in order to assure compliance with dimensional requirements of this Ordinance, to protect easements from encroachment, and to assure conformance with the Land Division Act, Public Act 288 of 1967, as amended.
- e. A statement of compliance with all applicable sections of this Ordinance in relation to the use under consideration.
- f. The location and type of sewage disposal system and water supply facilities, accompanied by a County Health Department approval permit.
- g. Any other information deemed necessary by the Zoning Administrator to properly administer the Ordinance (unless a waiver is granted by the Zoning Administrator for the number of copies or required information). The Zoning Administrator will determine the number of required copies of the basic site plan.

### 303 - ISSUANCE AND LIMITATION OF PERMIT

- a. If the Zoning Administrator finds the application conforms to the requirements of the Ordinance and other applicable law, he shall mark both copies approved over his signature, including the date. One (1) copy shall be filed in his office. The other shall be delivered to the applicant together with a card stating the terms of the Permit, which card shall be displayed and remain on the premises during the process of any construction authorized.

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<sup>1</sup> Properties smaller than two (2) acres in size may be required to submit a legal survey, sealed by a professional surveyor (not a mortgage survey). The Zoning Administrator shall have the authority to require such a survey in the cases where there may be encroachment on the setbacks by the proposed structures or when the exact locations of lot lines are not known.

- b. Any Permit under which no work has been done within twelve (12) months of issue shall expire by limitation, but shall be renewable upon reapplication and payment of one-half of the original fee; subject, however, to the provisions of any Ordinance in effect at the time of renewal.
- c. The Zoning Administrator shall have the power to revoke or cancel any Permit in case of failure or neglect to comply with the provisions of this Ordinance, or in the case of false statements or misrepresentation made in the application. The owner shall be given reasonable notice of liability of voiding action before revocation, which notice shall be in writing.
- d. The Zoning Administrator shall advise the applicant of the pertinent details of this Ordinance and the applicant's rights and procedures under the provisions of this Ordinance.
- e. The location of the property boundaries and all structures shall be staked on the ground for Zoning Administrator's use prior to the issuance of the Zoning Permit.
- f. No Zoning Permit shall be valid until the required fees have been paid. No separate fee shall be required for accessory buildings or structures when application thereof is made at the same time as the principal building or structure. Applications and petitions filed pursuant to the provisions of this Ordinance shall be accompanied by the filing fees as specified by the Township Board.
- g. Upon issuance of the Zoning permit, a copy of the permit and the application, including any drawings shall be transmitted to the Township Assessor.

#### 304 - INSPECTION

The erection of every building or structure shall be subject to two (2) inspections: One (1) when excavation for foundation is complete, and building lines established, and the second (2) upon completion of the construction. Additional inspections may be performed. Failure to give proper notification shall automatically cancel the permit and require issuance of a new permit before construction may proceed or occupancy be permitted. The purpose of the inspections will be to insure compliance with the provisions of this Ordinance and to insure proper electrical and plumbing inspections have been conducted by authorized agencies.

#### 305 - CONDITIONS

The Marquette Township Planning Commission and Marquette Township Zoning Board of Appeals may attach reasonable conditions on discretionary zoning decisions under its respective jurisdiction. These conditions may include those necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Any conditions imposed, however, shall meet all of the following requirements:

- A. Be designed to protect natural resources, the health, safety, and welfare and social and economic well-being of those who will use 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.
- B. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
- C. Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

#### SECTION 8.04 – PUBLIC NOTICES

All applications for development approval requiring a public hearing shall comply with the Michigan Zoning Enabling Act, PA 110 of 2006, as amended, and the other provisions of this Section with regard to public notification.

- A. **Published Notice:** When the provisions of this Ordinance or the Michigan Zoning Enabling Act require that notice be published, the Township Clerk shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation in Marquette Township and mailed or delivered as provided in this Section.
- B. **Content:** All mail, personal and newspaper notices for public hearings shall:
  - a. Describe the nature of the request: Identify whether the request is for a rezoning, text amendment, Special Land Use, planned unit development, variance, appeal, ordinance interpretation or other purpose.
  - b. Location: Indicate the property that is subject to the request. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used such as a tax parcel identification number, identification of the nearest cross street, or the inclusion of a map showing the location of the property. No street addresses must be listed when eleven (11) or more adjacent properties are proposed for rezoning, or when the request is for an ordinance interpretation not involving a specific property.
  - c. When and where the request will be considered: indicate the date, time and place of the public hearing(s).
  - d. Written comments: include a statement describing when and where written comments will be received concerning the request. Include a statement that the public may appear at the public hearing in person or by counsel.
  - e. Disabled access: Information concerning how disabled access will be accommodated if the meeting facility is not disabled accessible.

**C. Personal and Mailed Notice**

- a. General: When the provisions of this Ordinance or state law require that personal or mailed notice be provided, notice shall be provided to:
  - i. The owners of the property for which approval is being considered and the applicant, if different than the owner(s) of the property.
  - ii. Except for rezoning requests involving eleven (11) or more adjacent properties or an ordinance interpretation request that does not involve a specific property, notice shall be given to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property subject to the request, regardless of whether the property or the occupant is located within Marquette Township. If the name of the occupant is not known, the term “occupant” may be used in making notification. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.
  - iii. All neighborhood organizations, public utility companies, railroads and other persons which have requested to receive notice pursuant to §8.04 (401)
  - iv. Other governmental units or infrastructure agencies within one (1) mile of the property involved.
- b. Notice Deemed Given: Notice shall be deemed given when personally delivered or by its deposit in the United States mail, first class, properly addressed, postage paid. The Planning Commission Secretary shall prepare a list of property owners and registrants to whom notice was mailed, as well as of anyone to whom personal notice was delivered.

**D. Timing of Notice:** Unless otherwise provided in the Michigan Zoning Enabling Act, PA 110 of 2006, as amended, or this Ordinance where applicable, notice of a public hearing shall be provided as follows:

- a. For a public hearing on an application for a rezoning, text amendment, special land use, planned unit development, variance, appeal, or ordinance interpretation: not less than fifteen (15) days before the date the application will be considered for approval.

#### 401 – REGISTRATION TO RECEIVE NOTICE BY MAIL

- A. **General:** Any neighborhood organization, public utility company, railroad or any other person may register with the Township Clerk to receive written notice of all applications for development approval within the zoning district in which they are located. The Township Clerk shall be responsible for providing this notification, as established by the Township Board.
- B. **Requirements:** The requesting party must provide the Township Clerk information on an official form to ensure notification can be made. All registered persons must register annually to continue to receive notification pursuant to this section.

#### 402 – REHEARING PROCESS

- A. **Final Decisions:** Except as provided in this section, a decision of the Planning Commission or Zoning Board of Appeals shall be final. The Planning Commission or Zoning Board of Appeals may grant a rehearing under exceptional circumstances for any decision made by it. Exceptional circumstances shall mean any of the following:
  - a. The applicant who brought the matter before the Planning Commission or Zoning Board of Appeals made misrepresentations concerning a material issue, which was relied upon by the Planning Commission or Zoning Board of Appeals in reaching its decision.
  - b. There has been a material change in circumstances regarding the Planning Commission or Zoning Board of Appeals' findings of fact, which occurred after the public hearing.
  - c. The Township attorney by written opinion states that in the attorney's professional opinion the decision made by the Planning Commission or Zoning Board of Appeals or the procedure used in the matter was clearly erroneous.
- B. **Rehearing Procedure:** A rehearing may be requested by the applicant or by the Zoning Administrator, or a rehearing may be granted by the Planning Commission or Zoning Board of Appeals on its own motion.
  - a. A request for a rehearing which is made by an applicant must be made within twenty- one (21) days from the date of approval of the Planning Commission's or Zoning Board of Appeals' minutes regarding the decision for which the rehearing is being requested.
  - b. A request for a rehearing made by the Zoning Administrator or a rehearing granted by the Planning Commission or Zoning Board of Appeals on its own motion may be granted at any time as long as the applicant has not been prejudiced by any delay.
  - c. Whenever the Planning Commission or Zoning Board of Appeals considers granting a rehearing, it shall provide written notice to the applicant that a rehearing will be considered. The notice may be served upon the applicant by first class mail at the applicant's last known address or may be served personally on the applicant. The notice must be served at least nine (9) days before the time set for the hearing if served by mail, or at least seven (7) days before the time set for the hearing if served by personal service. Service by mail shall be complete upon mailing. In addition to serving the above notice on the applicant,

all other notice requirements for the type of decision being heard shall be completed before the Planning Commission or Zoning Board of Appeals holds a hearing at which it considers whether to grant a rehearing.

- d. If the Planning Commission or Zoning Board of Appeals grants a rehearing, then the rehearing shall not be held until all notice requirements for the type of decision being reheard have been satisfied.

#### SECTION 8.05 – FEES

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. These fees, paid to the Township Clerk, shall be placed in a Zoning Fund which shall be used solely for the costs of administering this Ordinance, as directed by the Township Board.

- A. Fees may be established for the following:
  - a. Zoning permits
  - b. Special Land Use permits
  - c. Ordinance interpretations by the Zoning Board of Appeals including appeals of administrative decisions or request for interpretation. Appeals and requests for interpretation initiated by the Township Board, the Planning Commission, or the Zoning Administrator shall not be subject to a zoning fee.
  - d. Requests for variances from the Zoning Board of Appeals.
  - e. 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.
  - f. Site plan reviews.
  - g. Requests by the applicant for a special meeting of the Marquette Township Planning Commission.
  - h. Any other discretionary decisions by the Planning Commission or Zoning Board of Appeals.
  
- B. The amount of these zoning fees shall cover the costs associated with the review of the application or appeal, including but not limited to, all costs associated with conducting a public hearing or inspection, including publishing the newspaper notice and any map, sending required notices to property owners and renters, photocopying, Planning Commission, Township Board and/or Zoning Board of Appeals meeting time, mileage and any costs associated with reviews by qualified professionals. The fee schedule and any amendments shall be available at the Township Clerk's office following adoption by the Township Board.



- C. No application shall be processed until the established fee has been paid; except that the Township Board may exempt Township projects or the projects of other governmental agencies from all or part of the fees by resolution. The Township Treasurer shall keep accurate records of all fee payments.
- D. If the Planning Commission, Zoning Board of Appeals, or Zoning Administrator determines that the basic zoning fees will not cover the actual costs of application review or appeal, or that the participation of a qualified professional engineer, planner, attorney or other qualified professional is necessary, then the applicant shall deposit with the Township Treasurer additional fees as determined by the Zoning Administrator to equal the estimated amount of additional costs. The additional fees shall be held in escrow in the applicant's name and shall be used solely to pay for additional costs. Failure of the applicant to make any escrow deposit required under this Ordinance shall render the application incomplete or the appeal procedurally deficient, 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 the 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 the release of a final decision on an appeal. Failure of the applicant to make timely payment of any balance due will entitle the Township to place a lien on the subject property for the unpaid balance.
- E. Professional review shall include a report indicating the extent of conformance or nonconformance with this Ordinance and identifying any problems which may create a threat to public health, safety, or the general welfare or to the quality of the air, water, or natural resources of the Township. Mitigation measures, alterations, or alternatives to a proposed design may be identified where they would serve to lessen or eliminate identified impacts. The applicant shall receive a copy of any professional review and a copy of the statement of expenses for the professional services rendered.
- F. Application fees are not refundable except where the Zoning Administrator determines that an application was accepted in error, or the fee paid exceeded the amount due, in which case the amount of the overpayment shall be refunded to the applicant.

## SECTION 8.06 – VIOLATIONS AND PENALTIES

### 601 - NUISANCE PER SE

Any land, dwellings, buildings or structures used, erected, altered, razed or converted in violation of this Ordinance or in violation of any regulations, conditions, permits or other rights granted, adopted or issued pursuant to this Ordinance are hereby declared to be a nuisance per se.

## 602 - INSPECTION

The Zoning Administrator shall have the responsibility to investigate each alleged violation and shall have the right to inspect any property for which a zoning permit has been issued to the ensure compliance with the plans and conditions of the zoning permit or approved site plan.

## 603 - PENALTIES

- A. Any person, partnership, limited liability company, corporation, association or other entity who creates or maintains a nuisance per se or who violates or fails to comply with this Ordinance or any permit issued pursuant to this Ordinance shall be responsible for a municipal civil infraction and shall be subject to a fine established by the Township Board. Nothing in this section shall exempt the offender from compliance with provisions of this Ordinance or prohibit the Township from seeking additional and/or equitable relief from any court to ensure compliance with the provisions of this Ordinance.
- B. The Township Zoning Administrator is hereby designated as the authorized Township official to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court. The Township Board may also designate from time to time other officials to issue municipal infraction citations on behalf of the Township in connection with alleged violations of this Ordinance.
- C. In addition to or in lieu of enforcing this Ordinance, as a municipal civil infraction, the Township may initiate proceedings in any court of competent jurisdiction to abate, eliminate, or enjoin the nuisance per se or any other violation of this Ordinance.

## 604 – STOP WORK ORDER

- A. If construction or land uses are being undertaken contrary to a zoning permit, the Michigan Zoning Enabling Act, or this Ordinance, the Zoning Administrator or any other official authorized by the Township Board is authorized to post a stop work order on the property at a suitable location, such as at an entrance, in order to prevent the work or activity from proceeding in violation of the ordinance.
- B. A person shall not continue, or cause or allow to be continued, construction or uses in a violation of a stop work order, except with permission of the enforcing agency to abate a dangerous condition or remove the violation, or except by court order. If an order to stop work is not obeyed, the enforcing officer or agency may apply to the circuit court for an order enjoining the violation of the stop work order. This remedy is in addition to, and not in limitation of, any other remedy provided by law or ordinance, and does not prevent civil prosecution for failure to obey the order.

## SECTION 8.07 – AMENDMENTS

### 701 – AMENDMENTS

- A. The Township Board is authorized and empowered to cause this Ordinance to be amended, supplemented, or changed, pursuant to the authority and according to the procedures set forth in Act 110 of 2006, as amended. The regulations and provisions stated in the text of this Ordinance and the boundaries of zoning districts shown on the Marquette Township Zoning Map may be amended, supplemented or changed by action of the Township Board following a recommendation from the Township Planning Commission.
- B. Proposals for amendments, supplements or changes may be initiated by the Township Board on its own motion, by the Township Planning Commission or by petition of one (1) or more owners of property to be affected by the proposed amendment.
- C. The procedure to be followed for initiating and processing an amendment shall be as follows:
  - a. Each petition by one (1) or more persons for an amendment shall be submitted by application to the Zoning Administrator on a standard form provided and shall be accompanied by the fee as prescribed by the Township Board. No part of such fee shall be returnable to a petitioner if the public hearing is held.
  - b. The Zoning Administrator shall notify, in writing, the Township Clerk and Chair of the Planning Commission at or before the time he/she transmits the amendment request to the Planning Commission.
  - c. The Planning Commission shall consider each proposal for amendment on particular factors related to the individual proposal and in terms of the likely effect on the community's physical development. The Planning Commission may recommend any additions or modifications to the original proposal.
  - d. The public notice procedure shall be the same as that contained in §8.04.
- D. Following the public hearing, the Planning Commission shall submit the proposed amendment including any zoning map changes to the County Planning Commission. If the recommendation of the County Planning Commission has not been received within thirty (30) days after the receipt of the Ordinance by the County, it shall be conclusively presumed that the County has waived its right for review.
- E. The Planning Commission shall submit a final report/recommendation to the Township Board along with a summary of the comments received at the public hearing.
- F. The Township Board may hold a public hearing if it considers it necessary or if otherwise required. Notice of such hearing shall be published using the procedures in §8.04.
- G. The Township Board shall grant a hearing on a proposed ordinance provision to a property owner who requests a hearing by certified mail, addressed to the Township Clerk. Notice of such hearing shall be published using the procedures in §8.04.

- H. The Township Board may refer any proposed amendments to the Planning Commission for consideration and comment within a time specified by the Township Board.
- I. After any such public hearing, the Township Board shall consider and vote upon the adoption of a zoning ordinance amendment. A zoning ordinance amendment shall be approved by a majority vote of the members of the Township Board.
- J. Once adopted by the Township Board, amendments to this Ordinance shall be filed with the Township Clerk, and one (1) notice of adoption shall be published in a newspaper of general circulation in the Township within fifteen (15) days after adoption. Any amendments to this Ordinance shall take effect seven (7) business days after publication or at a later date as may be specified by the Township Board at the time of adoption.
- K. No application for a rezoning which has been denied by the Township shall be resubmitted for a period of one (1) year from the date of the last denial, except on grounds of newly discovered evidence or proof of changed conditions found upon inspection by the Township Planning Commission to be valid.

## 702 – REZONINGS

### 2000 - INTENT

It is recognized that there are certain instances where it would be in the best interests of the Township, 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 a rezoning. It is the intent of this Section to provide a process consistent with the provisions of Section 405 of the Zoning Enabling Act (MCL125. 3405) by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.

### 2001 – APPLICATION AND OFFER OF CONDITIONS

- A. An owner of land may voluntarily offer in writing conditions relating to the use and/or development of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process.
- B. The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this Section.
- C. The owner's offer of conditions may not purport to authorize uses or developments not permitted in the requested new zoning district.

- D. The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which rezoning is requested.
- E. Any use or development proposed as part of an offer of conditions that 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 provisions of this Ordinance.
- F. 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 provisions of this Ordinance.
- G. Any use or 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 provisions of this Ordinance.
- H. The offer of conditions may be amended during the process of rezoning consideration 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 rezoning action of the Township Board provided that, if such withdrawal occurs subsequent to the Planning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.

#### *2002 – PLANNING COMMISSION REVIEW*

- A. The Planning Commission, after public hearing and consideration of the factors for rezoning, may recommend approval, approval with recommended changes or denial of the rezoning; provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner.
- B. Township Board Review - After receipt of the Planning Commission's recommendation, the Township Board shall deliberate upon the requested rezoning and may approve or deny the conditional rezoning request. The Township Board's deliberations shall include, but not be limited to, a consideration of the factors for rezoning. Should the Township Board consider amendments to the proposed conditional rezoning 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 have the option, but not be required to refer such amendments to the Planning Commission for a report thereon within a time specified by the Township Board and proceed thereafter to deny or approve the conditional rezoning with or without amendments.

2003 – PLANNING COMMISSION APPROVAL

- A. If the Township Board finds the rezoning 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 rezoning.
  
- B. The Statement of Conditions shall:
  - 1. Be in a form recordable with the Register of Deeds of Mackinac County or, in the 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.
  - 2. Contain a legal description of the land to which it pertains.
  - 3. Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.
  - 4. 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.
  - 5. Contain a statement acknowledging that the Statement of Conditions or an Affidavit or Memorandum giving notice thereof may be recorded by the Township with the Register of Deeds of Mackinac County.
  - 6. 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.
  
- C. Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification along with a designation that the land was rezoned with a Statement of Conditions. The Township Clerk shall maintain a listing of all lands rezoned with a Statement of Conditions.
  
- D. The approved Statement of Conditions or an Affidavit or Memorandum giving notice thereof shall be filed by the Township with the Register of Deeds of Mackinac County. The Township Board shall have authority to waive this requirement if it determines that, given the nature of the conditions and/or the time frame within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the Township or to any subsequent owner of the land.
  
- E. Upon the rezoning taking effect, the use of the land so rezoned 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.

#### *2004 – COMPLIANCE WITH CONDITIONS*

- A. Any person who establishes a development or commences a use upon land that has been rezoned 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. 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 law.
- B. No permit or approval shall be granted under this Ordinance for any use or development that is contrary to an applicable Statement of Conditions.
- C. Time Period for Establishing Development or Use - Unless another time period is specified in the Ordinance rezoning the subject land, the approved development and/or use of the land pursuant to building and other required permits must be commenced upon the land within 18 months after the rezoning 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 reasonable 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 and (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.

#### *2005 – REZONING STANDARDS*

The Planning Commission shall review and apply the following standards and factors in the consideration of any rezoning request.

- 1. Is the proposed rezoning consistent with the Marquette Township Master Plan?
- 2. Are all of the allowable uses in the proposed district reasonably consistent with surrounding uses?
- 3. Will there be an adverse physical impact on surrounding properties?
- 4. Will there be an adverse effect on property values in the adjacent area?
- 5. Have there been changes in land use or other conditions in the immediate area or in the community in general which justify rezoning?
- 6. Will rezoning create a deterrent to the improvement or development of adjacent property in accord with existing regulations?
- 7. Will rezoning grant a special privilege to an individual property owner when contrasted with other property owners in the area or the general public (i.e. will rezoning result in spot zoning)?
- 8. Are there substantial reasons why the property cannot be used in accordance with its present zoning classifications?
- 9. Is the site served by adequate public facilities or is the petitioner able to provide them?

10. Are there sites nearby already properly zoned that can be used for the intended purposes?

#### 703 – CONFLICTING REGULATIONS

Whenever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other Township law or ordinance, then the provisions of this Ordinance shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such ordinance shall govern. Where any provision of this Ordinance differs from any other provision of this Ordinance, the more restrictive requirement shall prevail. The graphics, tables and text used throughout this Ordinance are regulatory. In case of a conflict, text shall control over tables or graphics; tables shall control over graphics. Photographs and illustrations marked "example" or text marked "commentary" is not regulatory and is provided for illustrative purposes only.



## ARTICLE 9 SUPPLEMENTAL REGULATIONS

The uses listed below shall be subject to the requirements of this Article, in addition to those of the zoning district in which the use is located, along with provisions located elsewhere in this Ordinance.

### SECTION 9.01 – GROUP DAY CARE HOMES/CHILD CARE CENTERS

A Special Land Use Permit will be issued if the group day care home or child care center meets all of the following conditions:

- A. Is not located closer than fifteen hundred (1,500) feet to any of the following:
  - 1) Another licensed group day care home.
  - 2) An adult foster care home or large group home licensed under the Adult Foster Care Facility Licensing Act, 1979 PA 218.
  - 3) A facility offering substance abuse treatment and rehabilitation service of seven or more people, licensed under Article 6 of the Public Health Code, 1978 PA 368.
  - 4) 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.
- B. Has at least four hundred (400) square feet of fenced outdoor space.
- C. Maintains the property consistent with the visible characteristics of the neighborhood.
- D. Does not exceed sixteen (16) hours of operation during a twenty-four (24)-hour period.

### SECTION 9.02 – CAMPGROUNDS AND TRAVEL TRAILER PARKS

- A. A minimum lot size shall be five (5) acres, and not less than five hundred (500) feet width.
- B. The lot shall provide direct vehicular access to a public road. The term "lot" shall mean the entire campground or travel trailer park.
- C. All sanitary stations, privies, or any sanitary facilities shall be located at least one hundred (100) feet from property lines.
- D. The campground perimeter shall be completely screened by natural terrain, a neatly finished and well-maintained wooden fence or masonry wall, or by well-maintained live evergreens.
- E. Campsites shall be located at least fifty (50) feet from property lines.
- F. All campgrounds and trailer courts shall comply with State of Michigan and District Health Department requirements.

### SECTION 9.03 – LUMBER YARDS

Facilities dealing primarily in the selling/distributing of lumber for wholesale or retail markets shall meet the following standards:

- A. The site is of a configuration as to be compatible with adjoining uses, having at least two hundred (200) feet of frontage on a public road, or part of a planned development having two hundred (200) feet of frontage.
- B. Accessory outdoor storage shall be effectively obscured from public view by fences, greenbelts, structures, and/or other devices as approved by the Planning Commission.

### SECTION 9.04 – SAWMILLS AND OTHER MILLS

Sawmills, planing mills, veneer mills and accessory or incidental mill operations involving logs, "unprocessed timber" and/or rough sawn lumber, are permitted provided:

- A. Structures housing mechanical wood cutting devices (head saws, cut-off saws, planers, lathers, etc.), shall not be located closer to an off-premises residence than two-hundred fifty (250) feet.
- B. Log storage and sawn timber or lumber shall not be located nearer than two-hundred fifty (250) from an off-premises residence.
- C. The location of a proposed mill is determined by the Planning Commission to be compatible with other uses in the general vicinity taking into account traffic flow, noise, scenic values, and residential environments where applicable.
- D. Nothing in this Ordinance shall be interpreted to exclude temporary and itinerant sawmill operations on property where the timber harvesting involves only those resources found on the same property. No permit shall be required where the operation involves a period of less than six (6) months on the same property or zoning lot.
- E. Operating hours shall be from sun up to sun down.
- F. Location of saw mills shall be such that operation will not create a nuisance to abutting residential or agricultural operations or to dwellings in the immediate area by reason of noise, dust or pollution
- G. Residue from saw mill operations such as slab wood, saw dust, other by products etc. shall be removed from the site or shall be stored on the site so as not to be unsightly to adjacent properties.
- H. Property must be returned to original state as much as possible.

### SECTION 9.05 – AUTOMOBILE REPAIR GARAGES/AUTOMOBILE SERVICE STATIONS

- A. No ingress or egress to an automobile service station or automobile repair garage shall be closer than twenty-five (25) feet from any intersection or residential property line abutting the property on which such facility is located.
- B. All lubrication equipment, hydraulic hoists and pits shall be completely enclosed within a building. All gasoline pumps shall be located not less than twenty-five (25) feet from any lot line and shall be arranged so that motor vehicles are provided easy egress and ingress to and from the adjoining road, and so that no portion of the vehicle while it is stopped for service, shall overhang onto a sidewalk, curb, road or public right-of-way.

- C. All outside storage areas for trash, used tires, auto parts and similar items shall be enclosed by a fence or masonry wall at least five (5) feet in height. Outside storage or parking of disabled, wrecked or partially dismantled vehicles shall be allowed for a period not to exceed fifteen (15) days.
- D. All exterior lighting shall comply with §7.24 of this Ordinance.
- E. Parking and stacking spaces shall be provided subject to §7.20.

## SECTION 9.06 – JUNKYARDS, SALVAGE YARDS, AND SANITARY LANDFILLS

### 601 – LANDFILLS

- 1) Only be permitted if planned to be located in the Township in accordance with the Eastern Upper Peninsula Solid Waste Management Plan and with all applicable Statutes of the State of Michigan.
- 2) Have direct access only permitted from an impervious hard surface paved all-weather year-round road as defined by the County Road Commission or State Department of Transportation.
- 3) All buildings and fences shall be at least one hundred twenty-five (125) feet from any public road. All uses of such facilities shall be completely screened from sight by natural terrain, trees, or by a neatly finished and maintained wooden or masonry fence.

### 602 – JUNKYARDS

- 1) Must be a minimum size of three (3) acres.
- 2) Except for gates and main building, the entire premises shall be completely screened from sight by natural terrain, or by a neatly finished and maintained wooden or masonry fence not less than eight (8) feet, or by well-maintained trees.
- 3) All buildings and fences shall be setback not less than one hundred (100) feet from the front property line.
- 4) Glare from any process which emits harmful rays, such as welding or torch cutting, shall be screened so as not to constitute a hazard or nuisance to adjacent properties.
- 5) Inoperative vehicles stored or contained in junk yards are permitted only in enclosed structures or in outside areas which are completely screened from adjacent properties and public view.

## SECTION 9.07 – KENNELS, VETERINARY CLINICS/ANIMAL HOSPITALS

- A. All kennels shall be operated in conformance with County and State regulations and shall be on sites of at least five (5) acres. Veterinary clinics or animal hospitals shall be located on sites of at least one (1) acre in size.
- B. Animals shall be confined within a building or in a fenced area to preclude their approaching nearer than five hundred (500) feet to any dwelling on adjacent premises or nearer than fifty (50) feet from the property line, whichever is greater.
- C. Outdoor animal enclosures shall be screened from adjacent properties and/or roads with an opaque fence or a vegetated evergreen buffer at least five (5) feet in height.

- D. The facility shall be so constructed and maintained that odor, dust, noise or drainage shall not constitute a nuisance or hazard to adjoining premises as determined by the Zoning Administrator.
- E. Animals shall be kept in an enclosed building between the hours of 10 p.m. and 6 a.m.
- F. All principal use activities shall occur within an enclosed main building.
- G. If, in the Zoning Administrator's determination, the kennel presents a nuisance to neighboring properties, he/she may require the screening elements in subsection (b) above to be constructed regardless of whether a neighboring dwelling exists within five-hundred (500) feet.

#### SECTION 9.08 – MANUFACTURED HOUSING DEVELOPMENTS

Manufactured home developments shall be subject to the following conditions:

- A. Manufactured home developments shall be developed and licensed pursuant to the requirements of the Michigan Mobile Home Commission Act, PA 96 of 1987 and any rules promulgated pursuant to this Act, as amended. This includes but is not necessarily limited to compliance with Michigan Manufactured Housing Commission regulations concerning internal roads, parking requirements, fencing, screening, unit spacing and recreational and open spaces.
- B. To the extent permitted by the Michigan Manufactured Housing Commission, this Ordinance shall require all manufactured homes in manufactured housing developments to be anchored to the ground in accordance with the standards and specifications of the manufacturer and any applicable state and federal statutes and rules.
- C. The underside or chassis of all manufactured homes in manufactured housing developments to be fully skirted or enclosed with durable, weather-resistant materials, as specified by the manufacturer or as specifically manufactured for use as home skirting, and all such skirting shall be maintained in place as designed.

#### SECTION 9.09 – OUTDOOR SALES FACILITIES

Outdoor sales lots for automobile, trucks, motorcycles, all-terrain vehicles, boats and marine craft, recreation vehicles, trailers, mobile homes, farm implements, contractor's equipment/vehicles, and similar units, for new and/or used units, are subject to the following:

- A. No display shall be permitted in the right-of-way of any abutting road or highway.
- B. Existing roadside trees and shrubs shall be retained in a healthy growing condition to an extent determined by the Planning Commission to offer aesthetic value, contribute to shade, while offering reasonable visual access to the display lot.
- C. The use of racks, berms, platforms, or similar devices intended for the elevated display of units regulated herein shall be limited to not more than two, or one (1) per one hundred fifty (150) feet of display lot road frontage, whichever is greater and are subject to Planning Commission approval. No such display device shall elevate the underframe of a vehicle more than five (5) feet above the ground.

- D. Display lot lighting shall comply with terms of §7.24, which shall apply whether or not the lighting is projected from buildings, private poles, or from utility company poles, i.e. as yard lights.
- E. The display of units regulated herein shall only be in areas indicated or designated on the site plan, and areas shall be differentiated as to the display of new, used and/or inoperable units.

## SECTION 9.10 – SEXUALLY ORIENTED BUSINESSES

### 1001 – PURPOSE

The purpose and intent of the section of this Ordinance pertaining to the regulation of sexually oriented businesses is to regulate the location and operation of, but not to exclude, sexually oriented businesses within the Township, and to minimize their negative secondary effects. It is recognized that sexually oriented businesses, because of their very nature, have serious objectionable operational characteristics which cause negative secondary effects upon nearby residential, educational, religious, and other similar public and private uses. The regulation of sexually oriented businesses is necessary to ensure that their negative secondary effects will not contribute to the blighting and downgrading of surrounding areas and will not negatively impact the health, safety, and general welfare of Township residents. The provisions of this Ordinance are not intended to offend the guarantees of the First Amendment to the United States Constitution or to deny adults access to sexually oriented businesses and their products, or to deny sexually oriented businesses access to their intended market. Neither is it the intent of this Ordinance to legitimize activities which are prohibited by Township ordinances, state or federal law. If any portion of this Ordinance relating to the regulation of sexually oriented businesses or referenced in those sections is found to be invalid or unconstitutional by a court of competent jurisdiction, the Township intends said portion to be disregarded, reduced, and/or revised so as to be recognized to the fullest extent possible by law. The Township further states that it would have passed and adopted what remains of any portion of this Ordinance relating to regulation of sexually oriented businesses following the removal, reduction, or revision of any portion so found to be invalid or unconstitutional.

### 1002 – GENERAL REQUIREMENTS

- A. No sexually oriented business shall be established on a parcel within five hundred (500) feet of any residence, school, or place of worship.
- B. The proposed use shall conform to all specific density and setback regulations of the zoning district in which it is located.
- C. The proposed use must meet all applicable written and duly promulgated standards of Marquette Township and other governments or governmental agencies having jurisdiction, and that to the extent required, the approval of these governments and/or governmental agencies has been obtained or is reasonably assured.
- D. The outdoor storage of garbage and refuse shall be contained, screened from view and located so as not to be visible from neighboring properties or adjacent roadways.

- E. Any sign or signs proposed for the sexually oriented business must comply with the provisions of this Ordinance, and shall not otherwise include photographs, silhouettes, drawings, or pictorial representations of any type, or include animated or flashing illumination.
- F. Entrances to the proposed sexually oriented business must be posted on both the exterior and interior walls in a location clearly visible to those entering and exiting the business, and using lettering no less than two (2) inches in height that: 1) “persons under the age of 18 are not permitted to enter the premises”, and 2) “No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission.”
- G. No product or service for sale or gift, or any picture or other representation of any product or service or gift, shall be displayed so as to be visible from the nearest adjoining roadway or a neighboring property.
- H. Hours of operation shall be limited to 12:00 PM (noon) to 12:00 AM. (Midnight)
- I. Any booth, room, or cubicle available in any sexually oriented business, excepting an adult motel, used by patrons for the viewing of any entertainment characterized by the showing of Specified Anatomical Areas or Specified Sexual Activities:
  - 1) Shall be handicap accessible to the extent required by the Americans With Disabilities Act;
  - 2) Shall be unobstructed by any door, lock, or other entrance and exit control device;
  - 3) Has at least one (1) side totally open to a public, lighted aisle so that there is an unobstructed view at all times from the adjoining aisle of any occupant;
  - 4) Is illuminated by a light bulb of wattage of no less than twenty-five (25) watts;
  - 5) Has no holes or openings in any side or rear walls.

#### SECTION 9.11 – STORAGE USES

Storage uses, including mini-storage, shall meet the following regulations:

- A. All proposed storage buildings nearest to the primary access road shall be site planned to be perpendicular to the road; landscape screening may be required by the Planning Commission.
- B. Proposed storage buildings shall be positioned to the rear of other approved non-storage or non-warehousing buildings, e.g., retail or office uses, or, the storage buildings are set back at least one hundred (100) feet from public road right-of-way lines.
- C. Nothing in this section shall prohibit or inhibit storage space as a necessary accessory use to any principal commercial use of the property.
- D. Storage facilities for building materials, sand, gravel, stone, lumber, storage of contractor's equipment and supplies, shall be within an enclosed building or behind an obscuring wall or fence.

## SECTION 9.12 – TOWERS, TOWER STRUCTURES, ANTENNA

Antenna towers, masts, and alternative tower structures for cellular phone and other business communications services may be authorized as a Special Land Use by the Planning Commission. Antenna towers and masts erected and operated as a residential accessory use, and not more than sixty (60) feet in height as measured between the tower's base at grade and its highest point erected, are exempt from the provisions of this Section. In considering authorization of a Special Land Use for a telecommunications tower, antenna facility, or alternative tower structure, the Planning Commission shall apply the standards of Article 7 and the following standards:

- A. **Ownership:** The Applicant shall provide documentation to the Planning Commission that clearly establishes the legal ownership of the tower. The applicant, its agents, successors, and assigns shall report to the Planning Commission any changes in the legal ownership of the tower within thirty (30) days of the effective date of the change.
- B. **Need & Co-Location:** The applicant shall provide documentation to the Planning Commission establishing the need for a new tower and analysis of alternative options, such as co-location of an existing tower or structure. The applicant shall provide evidence of feasibility of locating the antenna on an existing tower or other existing structure in the Township or in neighboring communities. The applicant must demonstrate that no existing tower or alternative tower structures can accommodate the applicant's needs. If such a tower or structure is in existence, said tower or structure shall be utilized.
- C. **Visual Impact:** The application for special approval for the tower shall include a visual impact analysis, prepared by the applicant, which includes graphic depictions of the anticipated visual appearance of the tower from important vantage points in the surrounding area. Methods used in preparing the analysis shall be reviewed and approved by the Zoning Administrator.
- D. **Size:**
  - 1) A cellular phone or other personal and business communications services antenna tower shall be exempt from building height limits established by zoning district regulations, provided that the tower height shall not exceed the minimum height necessary to serve its intended functions.
  - 2) The tower and any ancillary building housing equipment needed for operation of the tower shall not exceed the floor area and height minimally necessary for such equipment, and shall be of a size, type, color, and exterior materials which are aesthetically and architecturally compatible with the surrounding area, and as minimally obtrusive as possible. Landscape screening may be required by the Planning Commission to accomplish screening of ancillary equipment buildings.
- E. **Lighting:** The applicant shall provide documentation of any lighting to be installed on the tower. If tower lighting is required or proposed, the tower may not be approved unless the Planning Commission determines that it will not have a significant adverse impact on properties and residents of the surrounding area.

- 1) The color and intensity of tower lighting required by Federal Communications Commission (FCC), Federal Aviation Administration (FAA) or Michigan Aeronautics Commission (MAC) regulations shall be as unobtrusive as possible and must cause the least disturbance to the surrounding properties.
  - 2) Lighting shall not be strobe lighting or other intermittent white lighting fixtures, unless expressly required by State or federal regulations. Such intermittent lighting shall be alternated with steady red lights at night if acceptable to State or federal regulations.
  - 3) Lighting may consist of a red top light that does not pulsate or blink.
- F. **Color:** Towers shall be painted so as to be as unobtrusive as possible. The painting of towers in alternate bands of color shall be permitted only if specifically required by Federal Communications Commission (FCC), Federal Aviation Administration (FAA) or Michigan Aeronautics Commission (MAC) regulations. If alternate band painting is required by FCC, FAA, or MAC regulations, the applicant shall provide documentation of such requirements and regulations.
- G. **Height Decrease:** If the height required for the tower to serve its intended function decreases from the installed height due to technological advancement, additional tower installations at other locations, or other factors, the Township may order that the tower be lowered to such decreased minimum height.
- H. **Signs:** No signs other than signs required pursuant to federal, state or local law and ordinance shall be allowed on an antenna or tower or site.
- I. **Cable and Anchor Setbacks:** Guy cables and anchors shall comply with applicable zoning district setback regulations.
- J. **Setback from Dwellings:** The tower and any supporting or appurtenant structures shall be no closer to any dwelling than the distance equal to one and one half (1.5) times the height of the tower measured from its base at grade to its highest point of elevation.
- K. **Setback from Property Line:** The tower shall be set back not less than the distance equal to the height of the tower measured from the base of the tower to all points on each property line.
- L. **FCC/FAA/Other Regulations:** The applicant shall provide documentation of conformance with any Federal Communications Commission, Federal Aviation Administration, of Michigan Aeronautics Commission regulations. The tower shall comply with the Michigan Tall Structures Act (P.A. 259 of 1959, as amended).
- M. **Use:** The owner/operator of the tower shall agree to permit use of the tower by other personal or business communications services providers, including local government agencies, on reasonable terms, so long as such use does not interfere with the owner/operator's reasonable use of the tower.
- N. **Performance Guarantee:** As a condition of approval, the Planning Commission may require an owner to deposit funds, a performance guarantee, to assure the removal of towers and masts as prescribed in this Section. If required, such performance guarantee shall be in an amount equal to the estimated cost of removal of the tower at the time of approval. Such escrow deposit or bond shall be maintained by successor owners.



- O. **Cease of Operations/Abandonment:** If the tower ceases operation for its original use or is abandoned for any reason, the Township may order its removal from the site by the owner of the tower within three (3) months of notification by the Township. If the cost exceeds the amount held in escrow, the current owner shall be responsible for additional costs.
- P. **ZBA:** The Zoning Board of Appeals shall have no jurisdiction over a decision made by the Planning Commission to approve, approve with conditions, or deny an application for Special Land Use approval to erect and maintain cellular phone and other personal and business communications antenna towers.

### SECTION 9.13 – WIRELESS COMMUNICATIONS

*(As taken from the Michigan Zoning Enabling Act, 125.3514 – Wireless Communications)*

As used in this section:

(a) “Collocate” means to place or install wireless communications equipment on an existing wireless communications support structure or in an existing equipment compound.

“Collocation” has a corresponding meaning.

(b) “Equipment compound” means an area surrounding or adjacent to the base of a wireless communications support structure and within which wireless communications equipment is located.

(c) “Wireless communications equipment” means the set of equipment and network components used in the provision of wireless communications services, including, but not limited to, antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables, and coaxial and fiber optic cables, but excluding wireless communications support structures.

(d) “Wireless communications support structure” means a structure that is designed to support, or is capable of supporting, wireless communications equipment, including a monopole, self-supporting lattice tower, guyed tower, water tower, utility pole, or building.

### 1301 – PERMITTED USE CONDITIONS

Wireless communications equipment is a permitted use of property and is not subject to special land use approval if all of the following requirements are met:

- A. The wireless communications equipment will be collocated on an existing wireless communications support structure or in an existing equipment compound.
- B. The existing wireless communications support structure or existing equipment compound is in compliance with Marquette Township’s Zoning Ordinance or was approved by the Marquette Township Planning Commission.
- C. The proposed collocation will not do any of the following:
  - a. Increase the overall height of the wireless communications support structure by more than 20 feet or 10% of its original height, whichever is greater.
  - b. Increase the width of the wireless communications support structure by more than the minimum necessary to permit collocation.

- c. Increase the area of the existing equipment compound to greater than 2,500 square feet.
- D. The proposed collocation complies with the terms and conditions of any previous final approval of the wireless communications support structure or equipment compound by the Marquette Township Planning Commission.

#### 1302 – SPECIAL USE

Wireless communications equipment that meets the requirements of subsection (1301)(a) and (b) but does not meet the requirements of subsection (1301)(c) or (d) is a permitted use of property if it receives special land use approval under subsections (1303) to (1305)(a).

#### 1303 – SPECIAL USE APPLICATION

After an application for a special land use approval is filed with the Zoning Administrator, the Zoning Administrator shall determine whether the application is administratively complete. Unless the Zoning Administrator proceeds as provided under subsection 1804, the application shall be considered to be administratively complete when Zoning Administrator makes that determination or 14 business days after the Zoning Administrator receives the application, whichever is first.

#### 1304 – INCOMPLETE SPECIAL USE APPLICATION

If, before the expiration of the 14-day period under subsection (1303), the Zoning Administrator notifies the applicant that the application is not administratively complete, specifying the information necessary to make the application administratively complete, or notifies the applicant that a fee required to accompany the application has not been paid, specifying the amount due, the running of the 14-day period under subsection (1303) is tolled until the applicant submits to the Zoning Administrator the specified information or fee amount due. The notice shall be given in writing or by electronic notification. A fee required to accompany any application shall not exceed the Township's actual, reasonable costs to review and process the application or \$1,000.00, whichever is less.

#### 1305 – SPECIAL USE APPROVAL

- A. The Planning Commission shall approve or deny the application not more than 60 days after the application is considered to be administratively complete. If the Planning Commission fails to timely approve or deny the application, the application shall be considered approved and the Planning Commission shall be considered to have made any determination required for approval.
- B. Special land use approval of wireless communications equipment described in subsection (1302) may be made expressly conditional only on the wireless communications equipment's meeting the requirements of other local ordinances and of federal and state laws before the wireless communications equipment begins operation.

## SECTION 9.14 – PLANNED UNIT DEVELOPMENT

### 1401 – PURPOSE

The Planned Unit Development allows design and use flexibility on a given site while at the same time protecting present and future residents and public facilities from the adverse effects of unplanned or unregulated development. This approach allows the applicant to utilize innovative designs and methods to control the effects of development rather than having rigid numerical zoning standards dictate design parameters. The burden of establishing that a Planned Unit Development is within the parameters and intent of this Ordinance is completely upon the applicant. The Marquette Township Planning Commission shall determine whether the design contains sufficient safeguards as to make the effects of the development compatible with the intent of this Ordinance. It is the expressed intent of this section to allow such items as setbacks, yards, parking spaces, and type of dwelling unit and use to be regulated on an overall impact or gross development basis rather than individually for each lot, use, or structure.

### 1402 – CRITERIA

The criteria set forth below apply to Planned Unit Developments. Procedures set forth in this section shall be followed and the design submitted for Planning Commission review and approval. Standards contained in Articles 6 and 7 also apply.

- A. Size: A Planned Unit Development shall be of sufficient size to contain on the site both physically and aesthetically not only the development proposed but also any effects of such development that would ordinarily be apparent and different from the effects of permitted uses on the adjacent properties.
- B. Internal Design Standards: A Planned Unit Development shall be designed so as to provide future users, residents, visitors, and public service personnel with adequate light, air, privacy, circulation patterns, park areas, and public services.
- C. External Effects: A Planned Unit Development shall be designed so as not to create any significant negative impact upon adjacent properties, residents, or public facilities.

### 1403 – APPROVAL PROCEDURES

Each of the following steps in the submittal process is mandatory, and failure to complete any one will result in a suspension of the process until such time as the required information is submitted in accordance with the requirements of this ordinance.

### 3000 – PRE-APPLICATION MEETING

The procedure of application and approval of a PUD permit shall include one (1) or more informal conferences between the applicant and Zoning Administrator. The applicant shall inform the Zoning Administrator of the applicant's general intentions at this time. The Zoning Administrator may request or recommend that the applicant request representatives from the relevant Township or County agencies (fire department, county sheriff and other agencies) to attend such informal conferences. After consideration of comments from the pre-application meetings, the applicant shall prepare a preliminary plan.

### *3001 – PRELIMINARY PLAN SUBMISSION REQUIREMENTS*

Following the pre-application conference, the applicant may file a PUD application with the Zoning Administrator in order to receive a formal Planning Commission review of a Preliminary Planned Unit Development plan for the subject property. The applicant shall submit ten (10) copies of the Preliminary Planned Unit Development plan with the PUD application, at least thirty (30) days prior to the date of the Planning Commission meeting at which a Public Hearing on the Plan is to be scheduled. The Preliminary Planned Unit Development plan shall provide all the information specified under Article 6.

### *3002 – PUD REVIEW PROCEDURE*

- A. Public Hearing: The Planning Commission shall conduct a public hearing on the preliminary site plan in accordance with §8.04 of this Ordinance.
- B. Preliminary Site Plan Approval/Action: Following the public hearing, the Marquette Township Planning Commission shall recommend approval, disapproval or approval subject to specified conditions/revisions. Such recommendation shall be based on the standards listed in Articles 6 and 7 of this ordinance.
- C. Once approved, the preliminary site plan shall be valid for a period of two (2) years. If a final site plan for the entire project or a phased portion thereof is not submitted within the two (2)-year time period, the PUD and preliminary site plan shall become null and void. The Planning Commission may approve one (1) extension of up to two (2) years.

### *3003 – FINAL SITE PLAN APPROVAL*

Upon approval of the preliminary site plan by the Planning Commission, the applicant shall submit a final site plan of the entire PUD or phased portion thereof and filing fee to the Planning Commission for review and approval within the required time frame. The final submittal shall be prepared incorporating any changes specified as part of the preliminary approval. The Planning Commission shall conduct a public hearing in accordance with §8.04 of this Ordinance. Following the public hearing, the Commission shall take action on the plan. If approved with conditions, the approval shall indicate whether review and approval of any required modifications shall be made by the Planning Commission or by the Zoning Administrator. Planning Commission approval shall be based on the review criteria listed in Article Articles 6 and 7 of this ordinance and a finding that the final site plan is consistent with the preliminary site plan approved by the Planning Commission, including any conditions or required modifications. An approved final site plan shall be valid for three (3) years, during which time all permits necessary for the construction of the approved development shall be obtained. Failure to do so shall require the re-submittal of the previously approved final site plan to the Planning Commission for review and re-approval prior to the issuance of a Building Permit. The Planning Commission may reject or require modifications to the plan if in its opinion conditions on or off-site have changed in such a manner as to necessitate the rejection or modification.

### 3004 – AMENDMENTS TO APPROVED PUD

Minor amendments to an approved PUD site plan may be approved administratively by the Zoning Administrator provided the changes comply with all applicable requirements of this Zoning Ordinance and all other Township regulations or state law.

A major amendment to an approved PUD shall comply with the filing procedures for a PUD as contained herein. Major amendments include but are not limited to increase in density or number of dwelling units, increase in land area or building size, or addition of other uses not authorized by the original PUD approval. The Zoning Administrator shall determine if other similar changes constitute a major amendment.

## SECTION 9.15 – MEDICAL MARIHUANA PRIMARY CAREGIVER FACILITY

### 1501 – PURPOSE AND INTENT

It is the purpose of this section to give effect to the intent of Initiated Act 1 of 2008, the Michigan Medical Marihuana Act (the MMMA) and not to establish any local program or regulation that would violate or contravene any enforced State or Federal statute. The MMMA authorizes a narrow exception to the general rule and law that the cultivation, distribution and use of marihuana amount to criminal acts. It is the purpose of this Section to establish standards for the application of that narrow exception in Marquette Township to enable the legitimate and legally-authorized practice of the Primary Caregiver activity as set forth herein. It is not the intent of this Section to broaden the strict interpretation of the MMMA to apply to activities not explicitly provided for therein nor is it the intent of this Section to encourage or sanction the cultivation, processing, refinement, distribution, transfer or use of marihuana except as permitted by a strict application of the terms of the MMMA and any rules or regulations duly promulgated there under.

### 1502 – FINDINGS

This Section is based on the following findings:

- A. The voters of the State of Michigan approved by initiative and referendum the use of marihuana by Qualifying Patients for certain medical conditions and established as a legitimate activity that individuals with appropriate credentials (Primary Caregivers) may assist Qualifying Patients in the use of marihuana under the provisions of the MMMA.
- B. Despite the provisions of the MMMA, marihuana remains a controlled substance under Michigan and Federal law and there exists significant potential for abuse and illegal conduct that can threaten the health, safety and welfare of the residents of Marquette Township.
- C. In other States where medical marihuana is similarly permitted but inadequately regulated, there are indications of significant negative secondary effects surrounding places where marihuana is dispensed, processed or used by groups of people. Such secondary negative effects tend to be exacerbated where multiple marihuana facilities are located and include sale and use of other controlled substances, robberies, assaults, break-ins, vagrancy and depressed property values.

- D. Marquette Township finds that it has an obligation to residents and property owners to effectively mitigate potential secondary impacts that could result from the Primary Caregiver activity.

#### 1503 – PERMITTED USE

The activities of a registered Primary Caregiver as defined in the MMMA and further regulated in this Section and a Primary Caregiver Facility as defined in this Ordinance, shall be a permitted land use limited only to the Industrial Zoning District, subject to the zoning permit requirements of Section 8.02 and the site plan requirements of Section 6.05 and the requirements of this Section.

#### 1504 – REVIEW STANDARDS

An application for a Primary Caregiver Facility shall be evaluated by the Zoning Administrator in accordance with the following requirements:

- A. Primary Caregiver Facility. All marihuana shall be cultivated, processed, stored and packaged in an enclosed, locked and secured building at all times, except when it is being delivered to Qualifying Patients pursuant to paragraph “5” hereof. For the purpose of this Section, such facility shall consist of four solid walls and roof and no outdoor cultivation or storage shall be permitted. Such facility shall also be protected with a security system that is monitored continuously and access to the facility by other than the registered Primary Caregiver shall be prohibited. This provision shall not be construed to prevent access by non-registered individuals if accompanied by the registered Primary Caregiver.
- B. Limits on Quantities. A Primary Caregiver shall not possess more marihuana than 2.5 ounces or 12 marihuana plants for each Qualifying Patient to which he/she is connected.
- C. Combined Operations Prohibited. No more than one Primary Caregiver shall occupy any zoning lot and combined growing, storage or transfer facilities shall be prohibited.
- D. Isolation Distance. A Primary Caregiver facility shall be located no closer than one thousand (1,000) feet from any school, church, day care facility, or park. A Primary Caregiver facility shall be located no closer than three hundred (300) feet from any dwelling. A Primary Caregiver facility shall be located no closer than three hundred (300) feet from any other Primary Caregiver facility. For the purposes of this paragraph, such distances shall be measured in a straight line from the front door of the Primary Caregiver facility to the building containing a school, church, day care facility, park or dwelling, in the first case; or between the front doors of two Primary Caregiver Facilities, in the second case.
- E. Dispensing Medical Marihuana. No medical marihuana shall be dispensed by the Primary Caregiver to Qualifying Patients at the Primary Caregiver facility. The Primary Caregiver shall deliver small quantities, not to exceed 2.5 ounces per Qualifying Patient, for the use of such Qualifying Patient and such delivery shall take place on private property away from public view. Any delivery vehicle used for such purposes shall be unmarked and not bear any emblem or sign that would indicate the nature of its cargo.

#### 1505 – PROHIBITED ACTIVITIES

- A. A Primary Caregiver Facility shall not be used as a medical marihuana dispensary or compassion club and no smoking or otherwise ingesting of any form of medical marihuana shall be permitted on site. No medical marihuana paraphernalia shall be provided to Qualifying patients at the Primary Caregiver Facility.
- B. No alcoholic beverages shall be sold, conveyed or consumed on the premises of the Primary Caregiver Facility.
- C. A Primary Caregiver Facility shall not bear any sign or emblem that would indicate the nature of the activity on site and any advertising a Primary Caregiver undertakes shall not disclose the location of the Primary Caregiver Facility.

## ARTICLE 10 ZONING BOARD OF APPEALS

### SECTION 10.01 – ZONING BOARD OF APPEALS CREATION AND MEMBERSHIP

- A. The Zoning Board of Appeals (ZBA) shall perform its duties and exercise its powers as provided in Article 6 of Act 110, P.A. 2006, as amended, and in such a way that the objectives of this Ordinance shall be observed, public safety secured, and justice done. The Board shall consist of three (3) members, appointed by the Township Board by a vote of a majority of its membership.
- B. The first member shall be a member of the Township Planning Commission for the terms of his/her office.
- C. The remaining members must be selected from the electors of Marquette Township and shall be representative of the population distribution and of the various interests present in the Township. One (1) member may be a member of the Township Board.
- D. An elected officer of the Township shall not serve as chairman. An employee or contractor of the Township Board may not serve as a member of the Board of Appeals.
- E. The Township Board may appoint not more than two (2) alternate members for the same term as regular members to the Zoning Board of Appeals. An alternate member may be called to sit as a regular member of the Zoning Board of Appeals in the absence of a regular member if a regular member is absent from or unable to attend one (1) or more meetings of the Zoning Board of Appeals. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member having been appointed shall serve in the case until a final decision has been made. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals.
- F. The terms of office for members of the Zoning Board of Appeals shall be for three (3) years, except for members serving because of their membership on the Planning Commission or the Township Board, whose terms shall be limited to the time they are members of those bodies. When members are first appointed, the appointments may be for less than three (3) years to provide for staggered terms. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. Vacancies for unexpired terms shall be filled for the remainder of the term.
- G. A member of the Zoning Board of Appeals may be removed by the Township Board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.



## SECTION 10.02 – MEETINGS

- A. Meetings of the Zoning Board of Appeals shall be held at the call of the Chairman and at such other times as the Zoning Board of Appeals may determine or specify in its rules of procedure. All hearings conducted by said Board shall be open to the public. The Zoning Board of Appeals shall adopt its own rules of procedure and keep a record of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating said fact; and shall file a record of its proceedings in the office of the Township Clerk, and shall be a public record. The concurring vote of a majority of the members of the Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, or to decide in favor of an applicant any matter upon which they are required to pass under this Ordinance or to effect any variation of this Ordinance.
- B. The Zoning Board of Appeals shall not conduct business unless a majority of those Board of Appeals members qualified to sit for a particular matter are present to constitute a quorum, regardless of whether the members are regular members or alternate members.
- C. A member of the Zoning Board of Appeals who is also a member of the Planning Commission or the Township Board shall not participate in a public hearing on or vote on the same matter that the member voted on as a member of the Planning Commission or the Township Board. However, the member may consider and vote on other unrelated matters involving the same property.

## SECTION 10.03 – JURISDICTION

- A. An appeal concerning the administration of the provisions of this Ordinance may be taken to the Board of Appeals within the timeframe defined in the general rules and procedures adopted by the Zoning Board of Appeals. If such a timeframe is not specified, appeals shall be filed within thirty (30) days of the decision of the Zoning Administrator from which the appellant seeks relief.
- B. The ZBA may hear appeals made by any person who alleges he or she has been aggrieved by a decision of the Zoning Administrator.
- C. The ZBA may grant dimensional variances as provided for in §10.05. The ZBA shall not grant use variances.
- D. The ZBA may also interpret the location of zoning district boundaries and may interpret the provisions of this Ordinance.
- E. An appeal may be made by any person, firm or corporation, or by any Officer, Department or Board of the Township. The appellant shall file with the Board of Appeals, on blanks or forms to be furnished by the Zoning Administrator, a notice of appeal specifying the grounds for the appeal.
- F. The Zoning Administrator shall transmit to the Board of Appeals all the papers constituting the record upon which the action appealed from was taken. The final decision of such appeal shall be in the form of a resolution reversing, modifying or affirming, wholly or partly, the decision or determination appealed from. Reasons for the decision must be stated.

- G. Any person may appear and testify at the hearing either in person or by duly authorized agent or attorney.
- H. The ZBA has no jurisdiction to hear appeals from Planning Commission decisions concerning Special Land Use approvals or Planned Unit Developments.

#### SECTION 10.04 – STAY

An administrative appeal to the Zoning Board of Appeals and an appeal of a decision by the Zoning Board of Appeals to circuit court stays all proceedings of the action appealed from, including the effectiveness of any zoning permit issued, unless the Zoning Administrator certifies to the Zoning Board of Appeals after such appeal has been filed that a stay would cause imminent peril to life or property, in which case the proceedings shall not be stayed, unless ordered stayed by the Zoning Board of Appeals or the circuit court. Provided, however, this section shall not apply to an administrative decision to take enforcement action for alleged violations of this Ordinance.

#### SECTION 10.05 – VARIANCES

- A. Dimensional Variance Standards: The ZBA may grant dimensional variances when the applicant demonstrates in the official record of the hearing that the strict enforcement of this Ordinance would result in practical difficulty. To establish practical difficulty, the applicant must establish all of the following:
  - 1) The need for the requested variance is due to unique circumstances or physical conditions of the property involved that do not apply generally to other properties in the surrounding area, such as narrowness, shallowness, shape, water, or topography and is not due to the applicant’s personal or economic hardship;
  - 2) Strict compliance with the regulations governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome;
  - 3) Whether granting the requested variance would do substantial justice to the applicant as well as to other property owners in the district, or whether granting a lesser variance than requested would give substantial relief to the property owner and be more consistent with justice to other property owners;
  - 4) The need for the requested variance is not the result of action of the property owner or previous property owners (self-created).
  - 5) That the requested variance will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district.

#### SECTION 10.06 – ZBA SUBMITTAL

The applicant is required to submit six (6) copies of surveys, plans and data as required under Article 6, or other information deemed reasonably necessary for making any informed decision on his or her appeal.

#### SECTION 10.07 – CONDITIONS OF APPROVAL

The ZBA may impose such conditions or limitations in granting a variance as deemed necessary to protect the character of the area, as provided for in §8.03 (305).

#### SECTION 10.08 – EXERCISING POWERS

In exercising the above powers, the Board of Appeals may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the Zoning Administrator from whom the appeal is taken.

#### SECTION 10.09 – TIME LIMIT

No order of the Board of Appeals permitting the erection or alteration of a building shall be valid for a period longer than one (1) year, unless a building permit for such erection or alteration is obtained within such period and substantial construction has occurred.

#### SECTION 10.10 – APPEALS TO CIRCUIT COURT

Any party aggrieved by a decision of the Zoning Board of Appeals may appeal to the circuit court of Mackinac County. An appeal from a decision of a Zoning Board of Appeals shall be filed within thirty (30) days after the Zoning Board of Appeals issues its decision in writing signed by the chairperson or within twenty-one (21) days after the Zoning Board of Appeals approves the minutes of its decision. The court may affirm, reverse, or modify the decision of the Zoning Board of Appeals. The court may make other orders as justice requires.

## APPENDIX A – DIMENSIONAL STANDARDS CHART

Zoning District	Lot Configuration			Minimum Setback (feet)				Principal Structure			Accessory Structures	
	Min Lot Size	Min Lot Width (Feet)	Max % Lot Coverage (All Structures)	Front	Side	Rear	Water	Max Bldg. Height # Stories	Max Bldg. Height (feet)	Min Floor Area (SQ Feet)	Max Bldg. Height # Stories	Max Bldg. Height (feet)
<b>A-1 General Agriculture</b>	1 acre	200 ft.	30%	60 ft.	10 ft.	10 ft.	50 ft. (d)	3 (e)	40 ft.	500	N/A	N/A
<b>F-1 Forestry Recreational</b>	1 acre	200 ft.	10%	60 ft.	10 ft.	10 ft.	50 ft. (d)	3 (e)	35 ft.	500 (b)	2	25 ft.
<b>R-1 General Residential</b>	7,500 sq. ft.	50 ft.	35% (c)	40 ft.	10 ft.	10 ft.	50 ft. (d)	3 (e)	35 ft.	500 (a) (b)	2	25 ft.
<b>R-2 Rural Residential</b>	1 acre	200 ft.	20%	50 ft.	10 ft.	10 ft.	50 ft. (d)	3 (e)	35 ft.	500 (a) (b)	2	25 ft.
<b>R-3 Lakeshore Residential</b>	10,000 sq. ft.	50 ft.	40%	25 ft.	10 ft.	10 ft.	50 ft. (d)	3	35 ft.	500	2	25 ft.
<b>C-1 General Commercial</b>	4x Building Coverage	100 ft.	N/A	10 ft.	10 ft.	10 ft.	N/A	N/A	N/A	N/A	N/A	N/A
<b>I-1 General Industrial</b>	2 acres	200 ft.	50%	75 ft.	50 ft.	50 ft.	N/A	N/A	N/A	N/A	N/A	N/A

(a) 500 SF for single-family, 1000 SF for multi-family on first floor

(b) Manufactured homes shall not be added to, to make 500 SF

(c) 25% for residential uses, 10% for non-residential uses

(d) Minimum setback from the ordinary high-water mark according to the IGLD 1985

(e.) Max stories & height for residential buildings. Primary residence for farm excluded.

## APPENDIX B – DISTRICT USE TABLE

TABLE OF USES PERMITTED BY RIGHT & SPECIAL LAND USES							
P = Permitted Right C=Conditional Use Permit S = Special Land Use * Site Plan Required	GEN. RES. R-1	RUR. RES. R-2	LKSHORE RES. R-3	FOR. REC. F-1	GEN. COMM. C-1	GEN. AG. A-1	GEN. IND. I-1
<b>RESIDENTIAL USES</b>							
Accessory Buildings/Structures	P	P	P	C	P	P	P
Cottages/Camps	C	C	P	P			
Dwelling Units in Support of a Commercial Establishment*	S	S		S	P		
Home Occupations	P	P	P	P	P	P	
Manufactured Housing Community/Park*	S	C		P			
Multiple-Family Dwelling*	S	S	S	S		S	
Planned Unit Development*	S	S		S	S		S
Accessory Dwelling Units	S	S		S			
Single-Family Dwelling	P	P	P	P		P	
Two-Family Dwelling	P	P	S	C		P	
Amateur Radio Antenna (roof)	P	P	P	P	P	P	P
Amateur Radio Antenna (ground)	S	P	S	P	S	P	S
<b>HUMAN CARE AND SOCIAL ASSISTANCE</b>							
Child Day Care Services							
<i>Family Child Care Home</i>	C	C		C			
<i>Group Child Care Home</i>	C	C		C			
<i>Child Care Center or Day Care Center*</i>	S	S		S	P		
Health Care Clinics/Dental Clinics	C	C		S	P		
Hospitals	C	C		S	P		
Nursing & Residential Care Facilities							
<i>State-Licensed Residential Facilities (6 or less adults)</i>	C	C		S			
<i>Nursing/Convalescent Home</i>	S	S		S			
<i>Other Residential Care Facilities (substance abuse, correctional)</i>	S	S		S			
Social Assistance							
<i>Individual &amp; Family Services</i>	C	C		S	P		

<i>Community/Emergency &amp; Other Relief Services</i>	C	C		S	P		
<i>Vocational Rehabilitation Services</i>	C	C		S	P		
<b>AGRICULTURE &amp; FORESTRY</b>							
Agricultural business related to the sale of field crops, forest products, and livestock (raised or cultivated on the property)		S		C	C	P	
Agricultural Equipment Dealers*				S	S	C	
Agricultural products processing, storage, retail and wholesale marketing*				S		P	
Animal Rescue Shelter*		S		S	P	S	
Animal Shelter (structure specifically used on farms, to shelter animals from weather)		P				P	
Apiary farms	S	P	S	P		P	
Bulk seed, feed, fertilizer and nursery stock outlet and distribution centers*		S		S		S	P
Farms and agricultural operations		S		S		P	
Forest products processing*				P		S	
Forestry and forest management (including timber harvesting)				P		P	
Greenhouse, nursery, landscaping and floriculture production*		S		S		P	
Lumber yards*				S		S	S
Raising and growing plants, trees, shrubs, nursery stock		P	S	P		P	
Boarding stables*				P		P	
Community garden as principal use	C			P		P	
Accessory vegetable and flower gardens	P	P		P		P	
Accessory keeping of animals for homesteading purposes	C	C		P		P	
Accessory keeping of poultry	C	C		P		P	
Accessory private horse riding arena/track	C	C		P		P	
Large scale composting facility*		C		C		C	
Roadside stands, Farmer's Markets		C		P		P	
Sawmills (that operate for more than 60 days)*				P		S	S
Seasonal Outdoor Mazes of agricultural origin		P				P	
Seasonal "U-Pick" fruits and vegetables operations						P	
Veterinary services, animal clinics, animal hospitals, kennels*		P		S	S	S	
Ancillary uses related to agricultural tourism (see following):							

<i>Bakeries selling goods grown primarily on-site</i>						P	
<i>Educational tours, classes, lectures, and seminars</i>						P	
<i>Family-oriented animated barns (fun houses, haunted houses)</i>						P	
<i>Gift shops for agriculturally-related products, crafts</i>					P	S	
<i>Historical agricultural exhibits</i>						P	
<i>Kitchen facilities, processing/cooking items for sale</i>						P	
<i>Organized meeting space (weddings, birthdays, corporate picnics)</i>						S	
<i>Petting farms, animal display, and pony rides</i>						P	
<i>Picnic areas (including rest rooms)</i>						P	
<i>Playgrounds, wagon/sleigh rides, nature trails</i>						P	
<i>Restaurant operations related to the agricultural use of the site*</i>						S	
<i>Small-scale entertainment (music concert, car show, art fair)</i>						S	
<b>EDUCATIONAL SERVICES</b>							
Private instructional facilities*	S	S		S	S		
Public Schools*	P	P		P	P	P	
Private Schools*	P	P		P	P	P	
<b>PUBLIC FACILITIES</b>							
Community Centers*	P	P		S	P	P	P
Government Administration Facilities*	P	P		S	P	P	P
Libraries*	P	P		S	P	S	P
Police/Fire Stations*	P	P		S	P	P	P
Public Parks, Playgrounds, and Recreation Areas*	P	P		S	P	P	P
<b>ACCOMODATION AND FOOD SERVICES</b>							
Bed & Breakfasts	P	P		S	P		
Drinking Establishments*					P		
Food Service Contractors*					P		
Hotels & Motels*					P		
Mobile Food Services*					P		
Resorts*			S	C	S		
Restaurants without Drive-Through*		S			S		
Restaurants with Drive-Through*		S			S		
Rooming & Boarding Houses	p	P			P		

RV Parks & Campgrounds*		S	S	P	S		
<b>ARTS, ENTERTAINMENT, AND RECREATION</b>							
Bowling Establishments*	S	S			S		
Marinas, Boat Launches, Docks, Launch Ramps, and Associated Parking Areas (provided they are located a minimum of fifty (50) feet from a residential use.*	P	P	C	P	S	P	
Fitness & Recreational Sports Centers*	S	S		S	P		
Golf Courses*		P		P			
Nature Parks & Other Similar Institutions (private)*	C	P	S	P			
Museums*	C	C			S		
Outdoor Recreational Facilities (private)*	C	P	S	P			
Outdoor Recreational Facilities (public)*	C	P		P			
Automobile Raceway/Racetrack*				P	S		
Small-Scale Moto-Cross Track		S		P			
Professional Moto-Cross Track*				S			
Performing Arts Companies*	S	S			S		
Private Clubs; Lodges*	C	C		P	P		
Sportsmen's Clubs*		C		P	S		
Theaters*	C	S			P		
<b>GENERAL COMMERCIAL/BUSINESSES/SERVICES</b>							
Automotive Body/Paint/Interior & Glass Repair*					S		
Automotive Equipment Rental & Leasing*					S		
Automotive Mechanical & Electrical Repair & Maintenance*					S		
Automotive Oil Change & Lubrication Shops*					S		
Business, Labor, Political & Like Organizations*					P		
Carwashes*					P		
Cemeteries*	S	S	S	S		S	
Civic & Social Organizations; Social Advocacy Organizations*					S		
Commercial/Industrial Equipment Rental & Leasing*					S		
Commercial Equipment Repair & Maintenance*					S		
Dry Cleaning & Laundry Services*					P		
Electronic & Precision Equipment Repair & Maintenance*					S		
Extermination & Pest Control Services*					P		
Financial Institutions/Real Estate Offices*					P		



Funeral Homes & Mortuaries*					P		
General Rental Centers*					P		
Grantmaking & Giving Services (example: Community Foundation)*					P		
Insurance Carriers & Related Activities*					P		
Medical Marihuana Primary Caregiver Facility					S		S
Parking Lots/Garages*					S		
Personal & Household Goods Repair & Maintenance*					P		
Personal Services *					P		
Pet Care (except Veterinary and Animal Shelters)*					P		
Professional Cleaning Services*					P		
Professional Offices*					P		
Religious Institutions*	S	S	S	S	P	S	S
Sexually Oriented Businesses*					P		S
<b>RETAIL TRADE</b>							
Automobile Service Stations (example: gas station)*					S		
Building Material & Garden Equipment & Supplies Dealers*					P		
Electronics & Appliance Stores*					P		
Clothing & Clothing Accessories Stores*					P		
Food & Beverage Stores*					P		
Furniture & Home Furnishings Stores*					P		
General Merchandise Stores *					P		
Health & Personal Care Stores*					P		
Other Similar Retail Trade (without outdoor storage)*					P		
Outdoor sales facilities (open air sales)*					S		
Small-Scale Craft Making*					P		
Sporting Goods, Hobby, Book & Music Stores*					P		
Small to Medium Scale Retail	S	S		S	P	S	C
Large Scale Retail Development		S		S	C	S	C
Truck and heavy equipment sales/service establishments*				S	C		P
<b>TRANSPORTATION SERVICES, WAREHOUSING &amp; STORAGE</b>							
Airports & Landing Fields*		S		S			S
Postal Service*					S		P
Truck Transportation Facilities*							P
Warehousing & Storage*							P
<b>MINING</b>							

Mines, quarries, gravel pits, other extractive activities*	C	C	C	C	C	C	C
<b>UTILITIES/ENERGY</b>							
Commercial Wind Energy Facilities and Anemometer Towers*				S	S	S	S
Large Scale/Utility Class Solar Energy Systems				S		S	
Public utility facilities (without storage yards)*	S					S	P
Public utility facilities (with storage yards)*	S					S	P
Small On-Site Wind Energy Systems	C	P		P	S	P	P
<b>CONSTRUCTION</b>							
Building, developing & general contracting*		S		S	P		P
Heavy construction*		S			P		P
Special trade contractors (ex: electrical, plumbing)*		S		S	P		P
<b>MANUFACTURING/INDUSTRIAL/ WHOLESALE TRADE/WASTE MANAGEMENT</b>							
Bulk storage and distribution facilities for petroleum and gas products, paint and chemicals*							S
Computer, Electronic, & Appliance Product Mfg*							P
Dry bulk blending plants*							P
Food/beverage processing and packaging*							P
Furniture & Related Product Mfg*							P
Industrial parks*							S
Junkyards/salvage yards*							S
Leather & Allied Product Mfg*							P
Miscellaneous Mfg*							P
Oil & gas extraction facilities (offsite from wellhead location)*		S	S	S	S	S	S
Oil and gas processing facilities*							S
Printing & Related Support Activities*					P		P
Recycling facilities*							P
Textile & Apparel Mfg*							P
Waste Collection Services*							P
Waste Treatment & Disposal Services*							P
Wholesale trade*							P
Wood Product Mfg*							P
<b>COMMUNICATIONS</b>							
Antenna co-located on existing telecommunications		P	P	P	P	P	P

Telecommunications Towers & Facilities  
& Alternative Tower Structures\*



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