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DETAILED USE REGULATIONS**

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ARTICLE 16: DETAILED USE REGULATIONS

SECTION 16.01: PURPOSE

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

SECTION 16.02: SPECIFIC STANDARDS FOR CERTAIN PERMITTED USES

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

GOLF DRIVING RANGE

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

JUNK, SCRAP, OR SALVAGE YARDS

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

ARTICLE 16 – DETAILED USE REGULATIONS

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

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

OUTDOOR THEATER, DRIVE-IN THEATER

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

EMERGENCY SERVICE CENTERS

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

ALL ROAD SERVICE USES

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

ARTICLE 16 – DETAILED USE REGULATIONS

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

MOBILE HOME PARKS

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

FUEL/SERVICE STATIONS

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

TWO OR MORE SINGLE FAMILY DETACHED DWELLINGS ON A LOT

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

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

ARTICLE 16 – DETAILED USE REGULATIONS

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

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

EXTRACTION OF EARTH PRODUCTS

1. **Intent**

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

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

2. **Exemptions**

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

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

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

3. Permit Application and Review Procedure

No mineral extraction shall be undertaken without first obtaining a mineral extraction permit from the Planning Commission, and upon payment of a reasonable fee established by the Township. A zoning compliance permit shall also be obtained pursuant to *Sections 26.03 and 26.04*. The Zoning Administrator, upon receipt of the completed application for mineral extraction permit, shall provide a copy of the same within forty-five (45) days (unless extended by the Zoning Administrator) to the Planning Commission for its review and action. The Planning Commission shall review the application for mineral extraction permit at a public hearing to be scheduled in accordance with applicable provisions of *Section 17.04 and 17.05* and in accordance with the provisions of *Section 16.02, 1*, and approve, approve with conditions, or reject the mineral extraction permit with explanation. If any of the application information is available in the form of an environmental impact assessment or other appropriate documents which are required to be submitted to various county, state, and/or federal agencies, a copy of that information may be submitted in place of the following appropriate sections.

4. Application Submittal Requirements

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

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

a. Site Plan Requirements

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

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

ARTICLE 16 – DETAILED USE REGULATIONS

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

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

b. Operation Plan Requirements

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

ARTICLE 16 – DETAILED USE REGULATIONS

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

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

c. Reclamation Plan Requirements

A reclamation plan shall include a map and description showing:

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

ARTICLE 16 – DETAILED USE REGULATIONS

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

d. Status of Permits

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

5. General Review Standards

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

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

TRANSMITTING TOWERS & FACILITIES AND SPECIAL USES

1. Purpose and Intent.

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

ARTICLE 16 – DETAILED USE REGULATIONS

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

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

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

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

ARTICLE 16 – DETAILED USE REGULATIONS

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

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

2. Authorization.

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

(1) Circumstances Creating Permitted Use Treatment.

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

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

ARTICLE 16 – DETAILED USE REGULATIONS

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

(2) Permitted Use Districts.

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

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

(1) Any special land use application shall establish that: At the time of submittal, if there exists no site within the districts set forth in Subsection 16.02.J.2.a., which can reasonably meet the coverage and/or capacity objectives of the applicant.

(2) The proposed wireless communication facility is of a design which is compatible with the existing character of the proposed site, neighborhood and general area, and which is to the extent possible, designed to camouflage the wireless communication facility (e.g., within a bell tower, clock tower, in a steeple, man-made tree, or attached to the exterior of a water tower).

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

3. General Regulations.

a. Standards and Conditions Applicable to All Facilities.

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

(1) Facilities shall not be demonstrably injurious to neighborhoods or otherwise detrimental to the public safety and welfare.

(2) Facilities shall be located and designed to be harmonious with the surrounding area.

ARTICLE 16 – DETAILED USE REGULATIONS

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

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

ARTICLE 16 – DETAILED USE REGULATIONS

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

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

ARTICLE 16 – DETAILED USE REGULATIONS

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

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

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

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

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

4. Application Requirements.

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

ARTICLE 16 – DETAILED USE REGULATIONS

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

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

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

5. Collocation.

a. Statement of Policy:

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

ARTICLE 16 – DETAILED USE REGULATIONS

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

b. Feasibility of Collocation:

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

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

c. Requirements for Collocation:

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

6. Removal.

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

ARTICLE 16 – DETAILED USE REGULATIONS

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

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

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

K. TRAILS (SNOWMOBILE)

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

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

L. TRAILS (NON-MOTORIZED)

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

M. TRAILS (ALL TERRAIN VEHICLES)

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

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

SECTION 16.03: ACCESSORY USES

A. AUTHORIZATION

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

ARTICLE 16 – DETAILED USE REGULATIONS

SECTION 16.03: ACCESSORY USES – (Cont.)

B. COMPLIANCE

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

C. USE LIMITATIONS

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

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

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

ARTICLE 16 – DETAILED USE REGULATIONS

SECTION 16.03: ACCESSORY USES – (Cont.)

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

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

SECTION 16.04: DETAILED ACCESSORY USE REGULATIONS

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

A. HOME OCCUPATIONS

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

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

ARTICLE 16 – DETAILED USE REGULATIONS

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

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

B. PRIVATE STABLES AND RECREATION/COMMERCIAL STABLES

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

ARTICLE 16 – DETAILED USE REGULATIONS

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

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

ARTICLE 16 – DETAILED USE REGULATIONS

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

C. PRIVATE SWIMMING POOLS AND TENNIS COURTS

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

D. GENERAL BUSINESS (GB) DWELLING UNITS

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

SECTION 16.05: TEMPORARY USES

A. AUTHORIZATION

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

B. COMPLIANCE

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

C. USE LIMITATIONS

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

SECTION 16.06: SPECIFIC TEMPORARY USES PERMITTED

A. CARNIVAL OR CIRCUS

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

ARTICLE 16 – DETAILED USE REGULATIONS

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

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

B. CHRISTMAS TREE SALES

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

C. CONTRACTOR'S OFFICE AND CONSTRUCTION EQUIPMENT SHEDS

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

D. EVENTS OF PUBLIC INTEREST

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

E. REAL ESTATE SALES OFFICE

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

F. SEASONAL SALES OF FARM PRODUCTS

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

ARTICLE 16 – DETAILED USE REGULATIONS

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

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

G. HORSE SHOW OR EXHIBITION

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

H. TEMPORARY SHELTER

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

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

ARTICLE 16 – DETAILED USE REGULATIONS

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

I. TENT THEATER

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

SECTION 16.07: ADDITIONAL REGULATIONS

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

SECTION 16.08: SEXUALLY EXPLICIT ENTERTAINMENT

A. PURPOSE

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

B. DEFINITIONS

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

SECTION 16.08: SEXUALLY EXPLICIT ENTERTAINMENT – (Cont.)

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

C. RESTRICTIONS AND PROHIBITIONS

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

A. PURPOSE

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

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

ARTICLE 16 – DETAILED USE REGULATIONS

SECTION 16.09: CARE FACILITIES – (Cont.)

B. DEFINITIONS

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

1. Adult Care Facilities

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

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

2. Child Care Facilities

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

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

SECTION 16.09: CARE FACILITIES – (Cont.)

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

C. APPLICATION OF REGULATIONS

1. Family Day Care Homes

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

ARTICLE 16 – DETAILED USE REGULATIONS

SECTION 16.09: CARE FACILITIES – (Cont.)

- c. **Performance Standards:** The following standards apply to group day care homes only. Family day care homes are exempt from all special use permit standards not required of similarly zoned dwellings.
- (1) A *Group Day Care Home* shall not be located closer than 1,500 feet to any of the following facilities as measured along a street, road, or other public thoroughfare excluding an alley:
 - A. Another licensed group day care home.
 - B. An adult foster care large group home licensed by the State of Michigan.
 - C. A facility offering substance abuse treatment and rehabilitation services to seven (7) or more people which is licensed by the State of Michigan.
 - D. A community correction center, resident home, halfway house or other similar facility which houses an inmate population under the jurisdiction of the Department of Corrections.
 - (2) All outdoor play areas shall be enclosed by a non-climbable fence that is at least forty-eight (48) inches high.

Forty-eight inches is the minimum height necessary to “secure” children in a yard. A taller fence may provide additional security and a better buffer. When establishing a fencing standard for day care uses, the Standard should be consistent or at least compatible with other local fence standards.
 - (3) The property (landscaping and architecture) shall be maintained in a manner that is consistent with the character of the neighborhood. A group day care home should not require exterior modifications to the dwelling nor should the front yard be the location of play equipment, except on a corner lot.
 - (4) One (1) identification sign shall be permitted. Such sign face shall not be greater than two (2) square feet, shall be mounted flush to a wall, made of material that is compatible with the dwelling unit, and shall not be illuminated. Sign text shall be limited to the name of the day care operator and address.
 - (5) One (1) off-street parking space shall be provided for each non-family employee of the group day care home in addition to the parking normally required for the residence. A driveway may be used to fulfill this requirement.
 - (6) Family day care homes shall be inspected by the Zoning Administrator at the time of occupancy. Group day care homes shall be inspected by the same agency prior to the issuance of any special conditional use permit and annually thereafter to ensure continued conformance with the Ordinance.

ARTICLE 16 – DETAILED USE REGULATIONS

SECTION 16.09: CARE FACILITIES – (Cont.)

2. Adult Foster Care Homes

- a. **A State Licensed Adult Foster Care Home** which provides supervision or care, or both, to six (6) or fewer persons shall be considered a residential use of property and shall be permitted in all Residential Districts.
- b. **A State Licensed Adult Foster Care Small Group Home** which provides supervision or care, or both, to more than six (6) but less than thirteen (13) persons shall be considered a Special Land Use in the Urban Residential (UR) District. A Special Use Permit shall be issued if the Adult Foster Care Use meets the following performance standards. A state licensed Adult Foster Care Large Group which provides supervision or care, or both, to more than twelve (12) persons shall be a Special Land Use in the Urban Residential District. A Special Use Permit shall be issued if the Adult Foster Care Use meets the following performance standards;

- c. **Performance Standards:** The following are standards which apply to adult foster care small group homes that care for more than six persons.

- (1) A state licensed adult foster care small group home shall not be located within fifteen hundred (1,500) feet of another similar state licensed facility.
- (2) One (1) on-site parking space shall be provided for each employee in addition to the parking required for the dwelling unit. The driveway may be used for this purpose.
- (3) The property (architecture and landscaping) shall be maintained in a manner that is consistent with the character of the neighborhood.
- (4) Notice to neighbors and/or neighborhood associations is highly recommended, though not required, to promote the integration of adult foster care residents into the neighborhood.

If the proposal does not meet the above criteria, a variance may be sought according to the procedures and standards as outlined in *Article XXIII, Zoning Board of Appeals, Section 23.05, Variances, and Section 23.06, Variance Standards.*

- d. **Adult Foster Care Large Group Homes** shall adhere to the following standards:

- (1) A state licensed adult foster care large group home shall not be located within fifteen hundred (1,500) feet of another similar state licensed facility.
- (2) One (1) on-site parking space shall be provided for each employee in addition to the parking required for the dwelling unit or other accessory uses.
- (3) A designated passenger loading/unloading area of adequate dimensions shall be provided near a barrier-free entrance to the facility.

ARTICLE 16 – DETAILED USE REGULATIONS

SECTION 16.09: CARE FACILITIES – (Cont.)

- (4) A loading/unloading area of adequate dimensions shall be provided for delivery vehicles servicing the facility.
- (5) A landscaped buffer shall be provided along all property lines that abut a less intense land use (or name zoning districts) and around the visible perimeters of all parking and loading/unloading areas.
- (6) All exterior lighting of entryways, parking spaces, or loading/unloading areas shall not reflect onto adjacent properties and, preferably, should be motion activated.
- (7) Notice to neighbors and/or neighborhood association is highly recommended, though not required, to promote the integration of adult foster care residents into the neighborhood.

If the proposal does not meet any of the above criteria, a variance may be sought according to the procedures and standards outlined in *Article 24, Zoning Board of Appeals, Section 24.05, Variances, and Section 24.06, Variance Standards.*

3. Halfway Houses - Recovery and Rehabilitation

- a. **A State Licensed Residential Substance Abuse Facility** shall be considered a permitted use in the Development District when the following Performance Standards have been satisfied.
- b. **Performance Standards:** The following standards apply to Small Recovery or Rehabilitation Halfway Houses.
 1. A state licensed residential substance abuse or state or federally licensed correctional facility shall not be located within fifteen hundred (1500) feet of another similar state licensed facility.
 2. One (1) on-site parking space shall be provided for each employee in addition to the parking required for the dwelling. The driveway may be used for this purpose.
 3. The property (architecture and landscaping) shall be maintained in a manner that is consistent with the character of the neighborhood.
 4. Notice to neighbors is highly recommended, though not required to promote the integration of the halfway house into the neighborhood.
 5. A recovery or rehabilitation halfway house shall be located in an area reasonably accessible to public transportation, employment and vocational activities as well as other community resources and agencies which may be utilized by the facility's residents, or provisions must be made so that the

ARTICLE 16 – DETAILED USE REGULATIONS

SECTION 16.09: CARE FACILITIES – (Cont.)

6. facility's residents have ready access to these services and agencies when necessary.

If the proposal does not meet in any of the above criteria, a variance may be sought according to the procedures and standards outlined in *Article 24, Zoning Board of Appeals, Section 24.05, Variances, and Section 24.06, Variance Standards.*

- c. **Large Recovery or Rehabilitation Halfway Houses** shall adhere to the following standards:

1. A state licensed residential substance abuse or state or federally licensed correctional facility shall not be located within fifteen hundred (1,500) feet of another similar state licensed facility.
2. One (1) on-site parking space shall be provided for each employee in addition to the parking required for the dwelling unit.
3. A designated passenger loading/unloading area of adequate dimensions shall be provided near a barrier-free entrance to the facility.
4. A loading/unloading area of adequate dimensions shall be provided for delivery vehicles to service the facility.
5. A landscape buffer shall be provided along all property lines that abut a less intense land use and around the visible perimeters of all parking and loading/unloading areas.
6. All exterior lighting of entryways, parking spaces, or loading/unloading areas shall not reflect onto adjacent properties and, preferably, should be motion activated.
7. A recovery or rehabilitation halfway house shall be located in an area responsibly accessible to public transportation, employment, and vocational activities as well as other community resources and agencies which may be utilized by the facility's residents, or provisions must be made so that the facility's residents have ready access to these services and agencies when necessary.
8. Notice to neighbors and/or neighborhood associations is highly recommended though not required, to promote the integration of adult foster care residents into the neighborhood.

If the proposal does not meet all of the above criteria, a variance may be sought according to the procedures and standards as outlined in *Article 24, Zoning Board of Appeals, Section 24.05, Variances, and Section 24.06, Variance Standards.*

SECTION 16.10: ALTERNATIVE ENERGY

A. PURPOSE

It has become increasingly desirable in time of rising energy costs and shortages to look to alternative energy sources, solar and wind, for both residential and commercial uses. While utilization of these sources may reduce greenhouse gas emissions, implementation without realistic standards can cause problems visually and operationally both on and off site. These regulations are designed to balance rights of all parties and assist in benefitting the end user and the community as a whole in minimizing visual impacts and the potential for nuisance.

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B. SOLAR ENERGY

Solar energy equipment consists of photovoltaic solar arrays and/ or a solar collection system. In addition to local ordinances and Marquette County Building Codes, they may also be subject to Restrictive Covenants or Owner's Association and/or Condominium Bylaws for specific sites. Common building code issues to address include exceeding roof load, unacceptable heat exchangers, improper wiring, inadequate separation from potable water supplies, etc. Potential zoning issues can include sideyard/bufferyard obstruction, exceeding height limits, visual degradation due to improper siting, off-premise vegetation growth affecting efficiency of ground mounted systems, etc. These items and other situation specific issues will be addressed upon application, site plan preparation and submittal, and a Public Hearing conducted by the Planning Commission.

C. WIND ENERGY

1. DEFINITIONS

Ambient Sound Level: The amount of background noise at a given location prior to the installation of a Wind Energy System (WES) which may include, but not be limited to, traffic, machinery, lawnmowers, human activity, and the interaction of wind with the landscape. The ambient sound level is measured on the dB(A) weighted scale as defined by the American National Standards Institute (ANSI) and is the sound pressure level exceeded 90% of the time (L90).

Commercial Freestanding Tower: Any tower except those used for Meteorological Tower (MET) measurement or Wind Energy Systems (WES).

Decibel (Db): The unit of power ratio equal to one tenth of a bell.

Noise: Any activity which creates or produces sound regardless of frequency exceeding the ambient noise levels at the property line of any property.

Noise Contour: The graphic depiction of the extent to which an average noise level affects the area surrounding a source of noise.

SECTION 16.10: ALTERNATIVE ENERGY – (Cont.)

Noise, Decibel (dB): A unit for measuring the amplitude of sounds, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure of 20 micropascals.

Practically defined; the loudness of sound is measured in decibels. Whispering is approximately 30 decibels; conversational speech, 60; a garbage disposal, 80. Sound above 85 decibels may damage delicate hearing cells in the inner ear.

Meteorological Tower (MET): Includes the tower, base plate, anchors, guy cables and hardware, anemometers (wind speed indicators), wind direction vanes, booms to hold equipment anemometers and vanes, data logger, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics for no more than a three (3) year period to record instantaneous wind information or to characterize the wind resource at a given location.

Non-Participating Parcel: A parcel of real estate that is neither a Project Parcel nor a Participating Parcel.

Participating Parcel: A parcel of real estate that is not a Project Parcel, but is subject to an agreement between the owner and developer allowing the construction of all or part of a LWES closer to a Participating Parcel property line or habitable structure than would be permitted in the absence of such an agreement.

Project Parcel: The parcel or parcels of real estate on which all or any part of a LWES will be constructed.

Tower Height: The height above average grade of the fixed portion (hub) of the tower.

Total Extended Height: For a *Horizontal Axis Wind Turbine* it is the distance from the average grade to highest point of the rotor blade and for a *Vertical Axis Wind Turbine* it is the distance from the average grade to the highest point of the wind turbine.

Wind Energy System (WES): A means of generating electrical power through the utilization of wind power which is further defined on the basis of capacity as:

Small Wind Energy System (SWES): A tower mounted system which includes the foundation, tower, generator, blades, wire or other components used in the system and which is primarily intended to reduce residential on-site consumption of utility power. The nameplate capacity rating shall not exceed sixty (60) kilowatts and the tower height shall not exceed one hundred (100) feet.

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Medium Wind Energy System (MWES): A tower mounted system which includes the foundation, tower, generator, blades, wire or other components used in the system and which is primarily intended to reduce commercial, municipal, or industrial on-site consumption of utility power. The nameplate capacity is rated for more than sixty (60) kilowatts to up to a maximum of three hundred (300) kilowatts and the tower height shall not exceed one hundred sixty-four (164) feet.

Large Wind Energy System (LWES): A tower mounted system which includes the foundation, tower, generator, blades, wire or other components used in the system and which is primarily intended to supply electricity to a grid system for off-site customers. The nameplate capacity is rated to be more than three hundred (300) kilowatts and the tower height will exceed one hundred sixty-four (164) feet.

2. **METEOROLOGICAL TOWERS (MET) AND WIND ENERGY SYSTEMS (WES)**

a. **METEOROLOGICAL TOWERS (MET TOWER)**

Meteorological Towers (Met Towers) are permitted as a Temporary Conditional Use in the same districts as any Wind Energy System (WES). Met Towers shall be permitted for not more than twelve (12) months for a Small Wind Energy System (SWES), twenty-four (24) months for a Medium Wind Energy System (MWES) and thirty-six (36) months for a Large Wind Energy System (LWES), and are subject to all applicable requirements and application procedures for Small Wind Energy Systems (SWES) regulated under Section b below.

b. **SMALL WIND ENERGY SYSTEMS (SWES)**

The primary use for this Small Wind Energy System, is for residential, on-site consumption of utility power produced by a generator of sixty (60) kilowatts or less and located on a tower not to exceed one hundred (100) feet in height above grade.

All applications shall be accompanied by the following informational requirements:

- i. A completed Application Form, a Plot or Site Plan {Article 18- Site Plan Review, Section 18.03 (A) or Section 18.06} and a statement with supporting evidence, as specified in Article 17- Special Land Uses, Section 17.03 (C) APPLICATION PROCEDURE.
- ii. Evidence of compliance with a setback of 110% of the total extended height of the Small Wind Energy System (SWES), from public road Right-of-Ways, overhead utility lines and all property lines. Guy wire anchors, if required, shall be placed a minimum of fifteen (15) feet from any property line and shall be clearly visible to a height of six (6) feet above grade.

ARTICLE 16 – DETAILED USE REGULATIONS

SECTION 16.10: ALTERNATIVE ENERGY – (Cont.)

- iii. The Small Wind Energy System (SWES) specifications including the manufacturer, & model number, etc.; rotor diameter; tower height, type with drawings; tower foundation drawings.
- iv. The method of restricting access to ground mounted electric/ control equipment and tower access to a height of ten (10) feet above grade.
- v. Description of lightning protection and location of all underground wiring.
- vi. Artificial lighting is prohibited unless required by the Federal Aviation Administration.
- vii. Copies of written utility notification and permission to interconnect with the electric grid, unless the system is to be installed off-grid.
- viii. Documentation that the rotor blade clearance will be a minimum of twenty (20) feet above grade.
- ix. Evidence that turbine blade, shadow flicker will not fall on public roadways or off-site habitable structures.
- x. A detailed description of the automatic braking, governing or feathering system to prevent uncontrolled blade rotation or over-speeding.
- xi. Submission of a sound level analysis prepared by the turbine manufacturer or a Professional Engineer indicating that noise emissions from the Small Wind Energy System (SWES) will not exceed fifty (50) dB(A) measured at the property lines. This sound pressure level may be exceeded during short-term events such as utility outages and/or severe wind storms. In the event the ambient sound pressure level exceeds 50 dB(A), the standard shall be ambient plus 5 dB(A).
- xii. A Small Wind Energy System (SWES) that is out-of-service for a continuous 12-month period will be deemed to have been abandoned. The Zoning Administrator may issue a Notice of Abandonment to the Owner of a SWES that is deemed to have been abandoned. The Owner shall have the right to respond to the Notice of Abandonment within thirty (30) days from receipt of the Notice of Abandonment. The Zoning Administrator shall withdraw the Notice of Abandonment and notify the Owner of such withdrawal if the Owner provides information that demonstrates the SWES has not been abandoned.

ARTICLE 16 – DETAILED USE REGULATIONS

SECTION 16.10: ALTERNATIVE ENERGY – (Cont.)

- xiii. If the Small Wind Energy System (SWES) is determined to be abandoned, the Owner of the SWES shall remove the wind generator and the tower at the Owner's sole expense within ninety (90) days of receipt of the Notice of Abandonment. If the Owner fails to remove the wind generator and tower, the Zoning Administrator shall submit a recommendation to the Township Board to pursue legal action to have the wind generator and tower removed at the Owner's expense.

c. **MEDIUM WIND ENERGY SYSTEMS (MWES)**

The primary use of this system is for commercial, municipal, or industrial on-site consumption of utility power produced by a generator rated at more than sixty (60) kilowatts up to a maximum of three hundred (300) kilowatts and located on a tower not to exceed one hundred sixty-four (164) feet in height above grade.

All applications shall be accompanied by the informational requirements of Section b above except amended as follows:

- i The Site Plan shall comply with the applicable requirements of Article 18- Site Plan Review, Section 18.06 REQUIRED INFORMATION.
- ii Medium Wind Energy System (MWES) specifications including manufacturer & model numbers, etc.; rotor diameter; tower height, type & professionally certified drawings; professionally certified tower foundation drawings.
- iii The method of restricting access to ground mounted electric/ control equipment and tower access to a height of twelve (12) feet above grade.
- iv Demonstration that the rotor blade clearance is a minimum of thirty (30) feet above grade.
- v Submission of a sound level analysis prepared by a Professional Engineer indicating that noise emissions from the Medium Wind Energy System (MWES) will not exceed forty-five (45) dB(A) measured at the property lines. This sound pressure level may be exceeded during short-term events such as utility outages and/or severe wind storms. In the event the ambient sound pressure level exceeds 45 dB (A), the standard shall be ambient plus 5 dB (A).

ARTICLE 16 – DETAILED USE REGULATIONS

SECTION 16.10: ALTERNATIVE ENERGY – (Cont.)

A Medium Wind Energy System (MWES) that is out-of-service for a continuous 12-month period will be deemed to have been abandoned. The Zoning Administrator may issue a Notice of Abandonment to the Owner of a MWES that is deemed to have been abandoned. The Owner shall have the right to respond to the Notice of Abandonment within thirty (30) days from receipt of the Notice of Abandonment. The Zoning Administrator shall withdraw the Notice of Abandonment and notify the Owner of such withdrawal if the Owner provides information that demonstrates the SWES has not been abandoned.

If the Medium Wind Energy System (MWES) is determined to be abandoned, the Owner of the MWES shall remove the wind generator and the tower at the Owner's sole expense within ninety (90) days of receipt of the Notice of Abandonment. If the Owner fails to remove the wind generator and tower, the Zoning Administrator shall submit a recommendation to the Township Board to pursue legal action to have the wind generator and tower removed at the Owner's expense.

d. **LARGE WIND ENERGY SYSTEMS (LWES)**

NOTE A: The construction of a Large Wind Energy System (LWES) is typically preceded by an investigation of on-site wind characteristics to assess suitability for power generation. This generally involves wind monitoring over several months with the installation of a Meteorological Tower (Met Tower), which due to its height, would necessitate an application for and approval of a Temporary Use Permit.

Prospective applicants are apprised that the Charter Township of Marquette has initially adopted basic regulations for Large Wind Energy System (LWES) to assist developers in site assessment and up-front planning to minimize potential problems.

Upon granting a Special Use for a Meteorological Tower in districts where LWES are conditionally permitted, the Charter Township of Marquette Planning Commission will commence work to complete this section of the ordinance within eleven (11) months. Topics to be addressed may include, but are not limited to, Road Use and Restoration Plan, Design Site Plan, Aircraft Protection, Blasting Plan, Avian & Wildlife Impact, Microwave and Electromagnetic Interference, Shadow Flicker Analysis, Noise & Testing Parameters, Lightning & Stray Voltage Assessment, Security & Emergency Response Plan, Emergency Shutdown Plan, Decommissioning & Site Restoration Plan and Bonding/Financial Guarantee Agreement, etc.

ARTICLE 16 – DETAILED USE REGULATIONS

SECTION 16.10: ALTERNATIVE ENERGY – (Cont.)

The primary use of this system is to supply electricity to a grid system for off-site customers produced by a generator rated at more than three hundred (300) kilowatts, and located on a tower exceeding one hundred sixty-four (164) feet in height above grade. Property may be owned or leased by the developer.

LARGE WIND ENERGY SYSTEMS (LWES) WILL BE INITIALLY SUBJECT TO THE FOLLOWING REQUIREMENTS:

- (1) The Site Plan shall comply with the applicable requirements of Article 18- Site Plan Review, Section 18.06 REQUIRED INFORMATION.
- (2) Turbine rotor blade clearance shall be a minimum of fifty (50) feet above grade.

NOTE B: Noise related to Large Wind Energy System (LWES) installations is a serious concern for impacted communities and the emergent wind industry. Available information about the negative effects of these systems upon individuals appears to be contradictory, although research completed and in progress appears to support the potential for public health risks for a segment of the population and other negative impacts upon property. Progress within the wind industry is continuous with increasingly higher generating capacity available in individual wind turbines. More study is required to assess the impact of these industrial-sized systems on the health, safety, and welfare of people residing, pursuing recreation and/or working in their general vicinity. Options presently available to reduce Large Wind Energy System (LWES) noise emissions involve reducing the sound power at the source or increasing the distance between source and receiver.

(3) SETBACKS

- (a) Each Large Wind Energy System (LWES) shall be setback 150% of the total extended height of the LWES from any Participating Parcel or Project Parcel property boundary lines.
- (b) Each Large Wind Energy System (LWES) shall be setback 200% of the total extended height of the LWES from any public road Right-of-Way and any overhead utility line.
- (c) Each Large Wind Energy System (LWES) shall be located sixteen hundred (1600) feet from any single family or seasonal dwelling located on a Participating Parcel.

ARTICLE 16 – DETAILED USE REGULATIONS

SECTION 16.10: ALTERNATIVE ENERGY – (Cont.)

- (d) Each Large Wind Energy System (LWES) shall be located thirty three hundred (3300) feet from any single family or seasonal dwelling located on a Non-Participating Parcel.

(4) SOUND EMISSION TESTING

All testing, modeling, and analysis of each Large Wind Energy System (LWES) shall conform to the measurement standards and protocols of The American Standards Institute (ANSI) S12.9, Parts 1-5; (ANSI) S12.17; (ANSI) S12.18 and International Electric Code (IEC) 61400 - 11 and be performed by a qualified Professional Consultant/Engineer selected by the Charter Township of Marquette and paid for by the applicant via an Escrow Account established by the Township.

- (a) In order to establish long-term background noise, the pre-construction La90 and Lc90 ambient sound levels are to be measured at the property lines of Non-Participating Parcels during night time hours of 9:00 PM to 6:00 AM.
- (b) Post-construction operating sound levels are to be measured within nine (9) months of a fully operational Large Wind Energy Systems (LWES) installation at the property lines of Non-Participating Parcels during night time hours of 9:00 PM to 6:00 AM. The maximum noise emission at any Non-Participating Parcels containing a single family or seasonal dwelling shall not exceed the following limits:
 - i Maximum Emission Level - 40dB(A)
 - ii Maximum Emission Level - 55 dB(C)
 - iii Maximum emission above preconstruction ambient level - La90 + 5dB
 - iv Maximum emission above preconstruction ambient level - Lc90 + 5dB
 - v Emission Spectra Imbalance - Lc90 + 5dB - (La90 + 5dB) \leq 20dB

ARTICLE 16 – DETAILED USE REGULATIONS

SECTION 16.10: ALTERNATIVE ENERGY – (Cont.)

Each limit (i) through (v) above is independent and exceeding any of the limits will be determined to be evidence of non-compliance. The Zoning Administrator shall immediately inform the operator of non-compliance with the Emission Limits. The Large Wind Energy System (LWES) shall be removed from operation until such time as compliance with noise levels can be demonstrated. (End Amend. 08-02-10)

Information in the Sounds Emission testing section is based in part upon “The How To Guide To Siting Wind Turbines To Prevent Health Risks From Sound” by G. W. Kamperman and R. R. James Version 2.1, dated October 28, 2008.

SECTION 16.11: PARK & RIDE

1. Park & Ride land use may only be located in the zoned, General Business (GB) Zoning District and Development District (DD).
2. Park & Ride land use shall be subject to the review and approval requirements set forth in Article 14 – ACCESS MANAGEMENT REGULATIONS, ARTICLE 17 SPECIAL LAND USES, ARTICLE 18 – SITE PLAN REVIEW, ARTICLE 20 – MISCELLANEOUS PROVISIONS, and ARTICLE 21 – OFF-STREET PARKING REQUIREMENTS.
3. A Park & Ride Lot shall not have more than 150 parking stalls in a single development.

SECTION 16.12: TINY HOMES

1. In addition to complying with of other relevant Sections of this Ordinance, except for minimum square footage requirements, petitioners desiring to site and/or construct a Tiny Home (*as defined in Section 2.02*) shall also provide the following information to be considered for a special land use permit:
 - a. Marquette County Building Permit(s)
 - b. Marquette County Health Department Permit(s)
 - c. Off-street parking conforming to residential single-family dwelling units under Article 21.
 - d. Connection to a public sewer and water supply in compliance with the Marquette Township requirements, or to such private facilities as approved by the Marquette County Health Department.

SECTION 16.13: SHORT-TERM RENTALS

1. In addition to complying with other relevant sections of this Ordinance, petitioners desiring to conduct a short-term rental unit (as defined in Article 2), the petitioner shall also provide the following information in order to be considered for a special use permit:

ARTICLE 16 – DETAILED USE REGULATIONS

- a. Fire code review by the Marquette Township Fire/Rescue Department every two (2) years.
- b. A Marquette Township Business License.
- c. Off-street parking conforming to residential single-family dwelling units under Article 21.