

CONTENTS OF ARTICLE 20

MISCELLANEOUS PROVISIONS

SECTION	TITLE	PAGE
20.01:	INTENT	3
20.02:	UNSAFE BUILDINGS AND STRUCTURES	3
20.03:	ADEQUATE ACCESS-LOTS OF RECORD	3
20.04:	BUILDING SITE GRADES	3
20.05:	POTABLE WATER SUPPLY AND SANITATION FACILITIES	3
20.06:	RELOCATION OF BUILDINGS AND STRUCTURES	4
20.07:	PRIOR BUILDING PERMITS	4
20.08:	CLEAR VISION AREAS, FENCES, WALLS, AND SCREENS	4
20.09:	AREA AND WIDTH AND SEWER CONNECTION REQUIREMENTS FOR LOTS OF RECORD	6
20.10:	YARD ENCROACHMENTS PERMITTED	6
20.11:	FRONT SETBACK REDUCTIONS	6
20.12:	REAR SETBACK REDUCTIONS	6
20.13:	REQUIREMENTS FOR WATER FRONTAGE LOTS AND PARCELS	6
20.14:	LIMITATION OF FUNNEL DEVELOPMENT	7
20.15:	REQUIREMENTS FOR ALL LOTS ADJACENT TO ROAD RIGHT-OF-WAYS	7
20.16:	ACCESS THROUGH YARDS	7
20.17:	HEIGHT REQUIREMENT EXCEPTIONS	7
20.18:	USE OF TEMPORARY BUILDINGS AND STRUCTURES	8
20.19:	SUBDIVISION OF LAND	9
20.20:	DIVISION OF LOTS OR PARCELS	9
20.21:	MISCELLANEOUS OUTDOOR STRUCTURES	9

ARTICLE 20 – MISCELLANEOUS PROVISIONS

SECTION	TITLE	PAGE
20.22:	CAMPSITES	9
20.23:	DUMPING OF TRANSPORTED SNOW	9
20.24:	DUMPING OF PARKING LOT DEBRIS	9
20.25:	MINIMUM STANDARDS FOR HOUSING	10
20.26:	GRADING	11
20.27:	OPEN SPACE PRESERVATION	12

ARTICLE 20: MISCELLANEOUS PROVISIONS

SECTION 20.01: INTENT

The purpose of this Article is to establish regulations controlling miscellaneous items which have not been specifically addressed within other parts of this Ordinance, but yet are applicable to all zoning districts within the Township.

SECTION 20.02: UNSAFE BUILDINGS AND STRUCTURES

Nothing in this Ordinance shall preclude compliance with an official order issued by the Zoning Administrator or other appropriate authority to correct, improve, strengthen, or restore to a safe condition any building, structure, or any part thereof declared to be unsafe.

SECTION 20.03: ADEQUATE ACCESS-LOTS OF RECORD

Any one (1) lot of record created before the effective date of this Ordinance, and not having frontage on a public street or right-of-way, shall not be occupied without provision for adequate access to a public right-of-way or street. Minimum adequate access may be provided by an easement or other right-of-way not less than twenty (20) feet wide, connecting the parcel with the public street or right-of-way. Specific access situations may require review by the Planning Commission and the Zoning Board of Appeals if a variance is required.

SECTION 20.04: BUILDING SITE GRADES

The finished grade adjacent to the outside walls of any new building constructed or altered shall be designed to direct surface drainage away from the building walls and to direct surface flow into proper swales, inlets, or basins. Land balance and site drainage plans shall be in accordance with all requirements set forth in Ordinances, rules, regulations or procedures established by the Marquette County Drain Commissioner.

SECTION 20.05: POTABLE WATER SUPPLY AND SANITATION FACILITIES

After the effective date of this Ordinance, all buildings and structures erected for human occupancy, to be utilized for a dwelling unit, business, industrial use, or for recreational purposes shall be provided with a safe, sanitary, potable water supply along with a safe, and effective system for the collection, treatment, and disposal of human, commercial, or industrial waste. Installation of these systems shall comply with all relative statutory requirements of the State of Michigan and the Marquette County Health Department Sanitary Code.

If the Marquette County Health Department does not require well and septic permits, then the building or use is exempt from the requirements in Sections 19.14-19.20 which would otherwise require such permits. A copy of any required well, septic or other Marquette County Health Department permit shall be submitted to the Zoning Administrator prior to approval of the Zoning Compliance Certificate.

ARTICLE 20 – MISCELLANEOUS PROVISIONS

SECTION 20.06: RELOCATION OF BUILDINGS AND STRUCTURES

Existing buildings or structures within or outside of the Charter Township of Marquette shall not be relocated or moved onto any site, lot, or parcel of land within the Township unless the building design and construction are deemed to be safe by the County Building Inspector and the class of any such residential building, be not less than the typical classes of houses within the neighborhood to which such building is to be relocated, as documented in the Township Assessor's public records, which records reference the commonly accepted classes of single family detached houses officially designated by the Michigan State Tax Commission's "Assessor's Manual," as amended. The building or structure shall be located upon the proposed site in accordance with all state, county, and township requirements and shall comply with the criteria outlined in *Article 19, Performance Requirements*. All appeals by aggrieved parties shall be filed with the Zoning Administrator in writing within fifteen (15) days of the written decision of the Zoning Administrator regarding compatibility. The Zoning Administrator shall notify the Zoning Board of Appeals and forward all relative information for their review and subsequent decision in accordance with *Article 24, Zoning Board of Appeals, Section 24.07, Appeals*. A written authorization or moving permit shall be issued by the Zoning Administrator for the placement of an existing building or structure upon a lot or parcel only upon evidence of full compliance with all requirements noted in this Ordinance.

SECTION 20.07: PRIOR BUILDING PERMITS

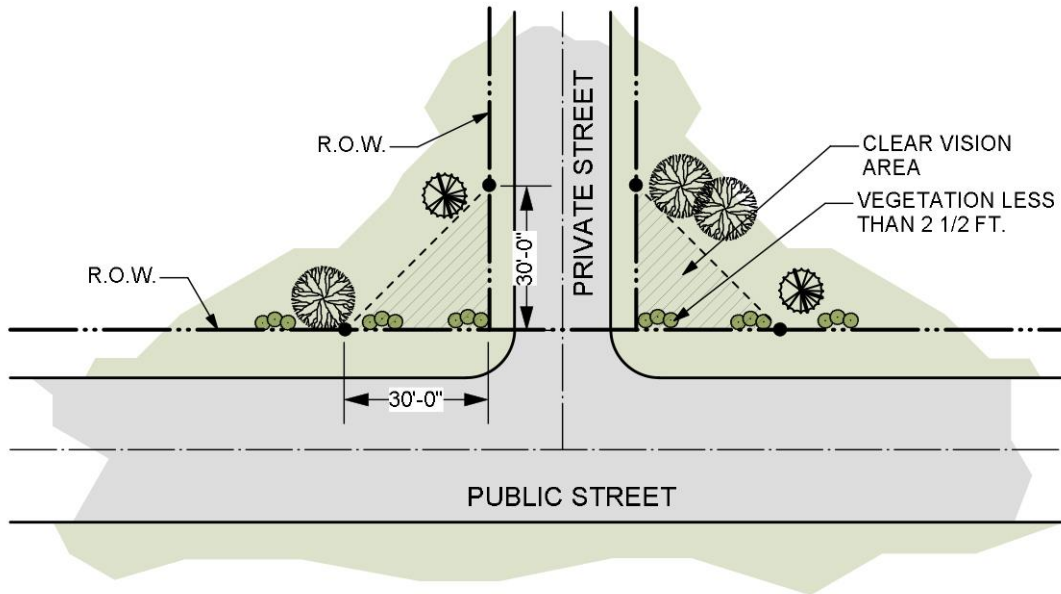
Any building permit issued prior to the effective date of this Ordinance shall be valid even though not conforming to the provisions of this Ordinance, provided that construction is commenced within ninety (90) days after the adoption date of this Ordinance and carried on diligently without interruption, as weather permits, for a continued period until completed.

SECTION 20.08: CLEAR VISION AREAS, FENCES, WALLS, AND SCREENS

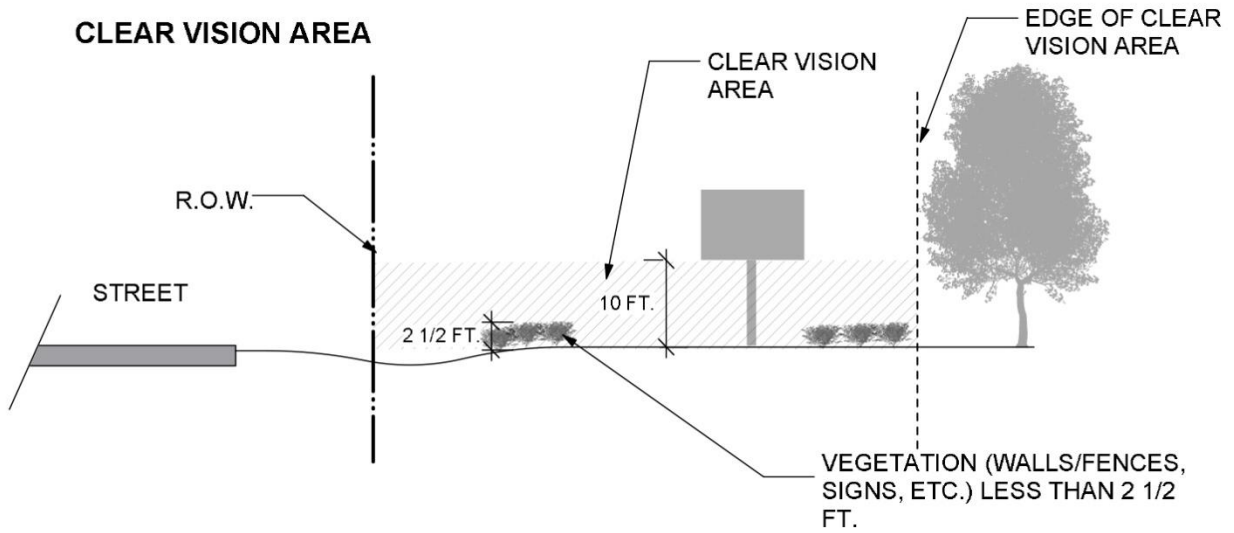
In order to provide a clear view of intersecting roadways to the motorist, there shall be triangular areas of clear vision at the intersection of any public and/or private roadway formed by the right-of-way lines of the two (2) intersecting roadways and a line connecting the point on each right-of-way line thirty (30) feet from the intersection of the right-of-way lines. No building, fence, wall, sign, screen or planting shall be located or maintained in any way which could obstruct vision or interfere with traffic visibility between a height of two and one-half (2-1/2) and ten (10) feet, within the triangular area described, nor shall it obstruct vision at any curve or intersection roadway entrance.

The determination of vision obstruction at curves and driveway entrances shall be made by the Zoning Administrator. Fences located along a rear or side lot line may be a maximum of six (6) feet high except within the required front yard setback. Fences located within the required front yard shall not exceed four (4) feet in height. Fences greater than six (6) feet in height shall conform to the minimum side yard and setback requirements as noted in *Article 19, Performance Requirements, Sections 19.13 through 19.19, Schedule of District Regulations and Minimum Performance Standards*. Retaining walls greater than four (4) feet in height shall conform with the minimum side yard and setbacks as required in *Article 19, Performance Requirements*, as noted in the Section. This requirement does not pertain to bufferyard structures.

CLEAR VISION AREA



CLEAR VISION AREA



ARTICLE 20 – MISCELLANEOUS PROVISIONS

SECTION 20.09: AREA AND WIDTH AND SEWER CONNECTION REQUIREMENTS FOR LOTS OF RECORD

Any lot or parcel of record created and evidenced by deed or legal documentation of record in the office of the Marquette County Register of Deeds prior to the effective date of this Ordinance, may be used for any allowable use in the district within which it is zoned even though the lot area and/or the dimensions are less than those required for the district in which the lot is located provided, that the minimum setback and side yard dimensions and other requirements of the district, not involving lot area or width, are met (See also Section 20.03, *Adequate Access – Lots of Record*). Also, any lot or parcel of record created and evidenced by deed or legal documentation of record in the office of the Marquette County Register of Deeds prior to the effective date of this Ordinance, may be used for a single family detached residence and this principal use and only this principal use shall not be required to connect to the sanitary sewer in the Urban Residential District (UR) as specified in Section 19.15: Schedule of District Regulations and Minimum Performance Standards.

SECTION 20.10: YARD ENCROACHMENTS PERMITTED

- A. The following elements of a building or structure may extend or project into a required yard area:
1. By no more than three (3) feet: certain architectural features such as cornices, eaves, gutters, chimneys bay, windows, balconies and similar features, unenclosed porches, patios, paved terraces, and decks less than thirty (30) inches above finished grade provided that their size and location does not constitute a traffic hazard.
 2. By no more than four (4) feet: fire escapes, open steps, or stairways, wells, underground utilities, planting boxes, recreational equipment except swimming pools, yard and service lighting fixtures, poles, and flag poles.

SECTION 20.11: FRONT SETBACK REDUCTIONS

Any front setback area in any district may be reduced below the minimum requirements when the average front setbacks of existing principal buildings within two hundred (200) feet of a proposed principal building location are less than the minimum required. The required minimum front setback shall then be based on the established average setback. Where the established setback is greater than the required minimum setback, the required setback for the proposed principal building shall be the average setback of the existing principal buildings unless otherwise authorized by the Zoning Administrator.

SECTION 20.12: REAR SETBACK REDUCTIONS

When a lot of record has a depth of less than the minimum required within the respective zoning district prior to the effective date of this Ordinance, then the rear setback area shall not be less than twenty (20) feet. If a rear lot line abuts an existing or proposed street or right-of-way line, the Zoning Administrator may establish the required minimum rear setback, based upon the setback averaging procedure set forth in Section 19.11, *Front Setback Reductions*.

ARTICLE 20 – MISCELLANEOUS PROVISIONS

SECTION 20.13: REQUIREMENTS FOR WATER FRONTAGE LOTS AND PARCELS

All buildings and structures located on lots or parcels abutting any body of water shall be established in accordance with the requirements of the *Natural Resources and Environmental Protection Act (PA 451 of 1994)*. Lots or parcels of land having water frontage shall maintain a minimum setback of seventy-five (75) feet from the beach as defined in *Section 2.02, Definitions*, for all buildings and structures except piers, boat houses and boat hoists. A minimum twenty-five (25) foot natural vegetation buffer shall be maintained along water frontage lots, and maximum of twenty-five (25) feet in one hundred (100) feet may be selectively cleared to afford a view of the water body. Where lots of record exist along water bodies, the petitioner shall provide the Zoning Administrator with a plot plan of the site as detailed in *Article 18: Site Plan Review, Section 18.03, Required Plan Approvals*. The location of all proposed buildings and structures on lots of record shall be reviewed individually on a case by case basis by the Zoning Administrator.

SECTION 20.14: LIMITATION OF FUNNEL DEVELOPMENT

Any development in any zoning district which shares a common lakefront or stream area may not permit more than one (1) single family home, cottage, condominium or apartment unit to the use of each one hundred (100) feet of lake or stream frontage in such common lakefront or stream area as measured along the water's edge of normal high water mark of the lake or stream. This restriction is intended to limit the number of users of the lake or stream frontage to preserve the quality of the waters, avoid congestion, and to preserve the quality of recreational use of all waters and recreational lands within the Township. This restriction shall apply to any parcel regardless of whether access to the water shall be gained by easement, common fee ownership, single fee ownership or lease.

EXCEPTION: This restriction shall not apply to an official public access site.

SECTION 20.15: REQUIREMENTS FOR ALL LOTS ADJACENT TO ROAD RIGHT-OF-WAYS

Any lot having yard space adjacent to any public or private road right-of-way line shall provide the minimum required front yard setback for its respective zoning district from all such right-of-way lines.

SECTION 20.16: ACCESS THROUGH YARDS

Access drives may be placed within the required front, side yard, and bufferyard to provide access to the rear yard and/or accessory building or structure or to a garage, parking or unloading areas, except as prohibited by footnote "e" at the bottom of the table in *Section 19.16* and by footnote "c" at the bottom of *Section 19.17*. Any walk or other pavement serving a like function shall be permitted within any required yard or bufferyard.

SECTION 20.17: HEIGHT REQUIREMENT EXCEPTIONS

- A. The following are exempted from the height limit requirements, provided that no portion of the excepted building or structure is used for human occupancy:
1. Extensions purely ornamental in purpose such as church spires, belfries, cupolas, domes, ornamental towers, flagpoles, and monuments.

ARTICLE 20 – MISCELLANEOUS PROVISIONS

2. Necessary appurtenances to mechanical or structural functions, such as chimneys and smokestacks, water tanks, elevator and stairwell penthouses, ventilators, bulkheads, radio towers, masts and aerials, television antennas, fire and hose towers, electric transmission structures, cooling towers, or other structures where manufacturing processes require greater height.
3. Structural extensions deemed necessary to accommodate the building design such as cornices or parapet walls may extend a maximum of five (5) feet above height limitations and shall have no window openings.
4. Public and private utility structures.
5. Agriculture-related structures, such as bars, silos, elevators, and similar exceptions.
6. The Tower height of a Small, Medium, or Large WES, permitted as a Special Use, shall not exceed the limits of Article 16 Section 16.10 C. DEFINITIONS.

SECTION 20.18: USE OF TEMPORARY BUILDINGS AND STRUCTURES

- A. Temporary buildings and structures other than those stipulated in *Article 16, Detailed Use Regulations, Section 16.06, Specific Temporary Uses Permitted, Item 1, Tent Theater*, may be placed on a lot or parcel of record and occupied only under the following conditions:
 1. During renovation of a permanent building damaged by fire. The temporary building or structure shall be removed when repair of the fire damage is complete. The temporary building or structure shall not remain on the lot or parcel for more than a total of ninety (90) days.
 2. Temporary buildings and structures incidental to construction work shall be removed within fifteen (15) days after construction is complete.
 3. Temporary building incidental to a church or school, provided that all wiring, plumbing, fire protection, and exits are approved by the Township Fire Chief, County Building Inspector, and by all required state or local agencies.

SECTION 20.19: SUBDIVISION OF LAND

All proposed subdivision of land located within the Charter Township of Marquette shall be in accordance with the requirements of the *Land Division Act, P.A. 288 of 1967, as amended, the Condominium Act, P.A. 59 of 1978, as amended, and the Charter Township of Marquette Access Control and Land Development Ordinance* and the requirements as set forth in this Zoning Ordinance.

ARTICLE 20 – MISCELLANEOUS PROVISIONS

SECTION 20.20: DIVISION OF LOTS OR PARCELS

The division of all lots, outlots, or other parcels of land within a recorded plat, or the division of any unplatted parcels of land shall be in accordance with the *Charter Township of Marquette Access Control and Land Development Ordinance*.

SECTION 20.21: MISCELLANEOUS OUTDOOR STRUCTURES

Bleachers, movie screens, permanent rides, outdoor seating areas, etc., shall be at least twenty-five (25) feet from any lot line exclusive of bufferyards.

SECTION 20.22: CAMPSITES

All recreational vehicle sites and campsites shall be subject to building setback regulations as required in *The Schedule of District Regulations and Minimum Performance Standards* for specific zoning districts as detailed in *Article 19, Section 19.14 through Section 19.20*.

SECTION 20.23: DUMPING OF TRANSPORTED SNOW

No snow may be placed on a parcel from which it was not removed unless expressly authorized in writing by the property owner and the Zoning Administrator. Snow Plowing and removal must comply with Michigan State Law (*Michigan Compiled Law, Act No. 300 of the Public Act of 1949, as Amended in 1970, Sec. 677a*).

SECTION 20.24: DUMPING OF PARKING LOT DEBRIS

No debris, sweepings, or other material collected from parking lots may be dumped on any parcel. Such materials shall be properly disposed of in waste containers and disposed of in accordance with laws applicable to solid waste.

SECTION 20.25: MINIMUM STANDARDS FOR HOUSING

All duplexes, single family attached dwellings, and single family detached dwellings shall comply with the following standards:

- A. It is firmly attached to a permanent foundation constructed on the site in accordance with the Michigan State Construction Code as promulgated by the Michigan State Construction

ARTICLE 20 – MISCELLANEOUS PROVISIONS

Code Commission under the provisions of 1972, PA 230, as amended, and shall have a wall constructed on the site of the same perimeter dimensions as that of the dwelling and constructed of such materials and type as required in the applicable building codes for such dwelling. In the event that the dwelling is a mobile home or manufactured housing as defined in Article II, such dwelling shall be installed pursuant to the manufacturer's set up instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Manufactured Housing Commission and shall have a perimeter wall as required above.

- B. In the event that a dwelling is a mobile or manufactured home as defined in Article II, it shall be installed with wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage or chassis.
- C. The dwelling is connected to a public sewer and water supply or to such private facilities as approved by the County Health Department.
- D. The dwelling contains a storage capability area in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to a minimum of ten percent of the square footage of the dwelling or one hundred square feet, whichever shall be less.
- E. The dwelling is aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof over-hang of not less than six inches on all sides, or alternatively with window sills or roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling; has not less than two exterior doors with the second one being in either the rear or the side of the dwelling; and contains steps connected to said exterior door areas or to porches connected to said door areas where a difference in elevation requires the same; the exterior walls, which are three feet or more above the grade, shall be covered with a commercial finished siding, wood, brick, stone, decorative block, stucco or similar quality finish. The compatibility of design and appearance shall be determined by the Zoning Administrator upon review of the plans submitted for a Zoning Compliance Certificate. This determination of compatibility shall be based upon the standards set forth in this Section 20.25 as well as the character, design and appearance of one or more residential dwellings located outside of mobile parks and within two thousand feet of the subject dwelling where such area is developed with dwellings to the extent of not less than twenty percent of the lots situated within said area; or, where said area is not so developed, by the character, design and appearance of one or more residential dwellings located outside mobile home parks throughout the township. The foregoing shall not be construed to prohibit innovative design concepts involving such matter as solar energy, view, unique land contour, or relief from the common or standard designed home.
- F. The dwelling contains no additions or rooms or other area which are not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.
- G. The dwelling complies with all pertinent building and fire codes. In the case of a mobile or manufactured home, all construction and all plumbing, electrical apparatus and

ARTICLE 20 – MISCELLANEOUS PROVISIONS

insulation within and connected to said mobile or manufactured home shall be of a type and quality conforming to the “Mobile Home Construction and Safety Standards” as promulgated by the United States Department of Housing and Urban Development being 24 CFR 3280, with particular attention to the Thermal Protection Sections 280.501 through 280.511, and as from time to time, such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.

- H. The foregoing standards, other than the required Zoning Compliance Certificate, shall not apply to a mobile home located in a licensed mobile home park, except to the extent required by state or federal law or otherwise specifically required in any Ordinance of the Township pertaining to such parks.

SECTION 20.26: GRADING

A. GRADING PERMITS.

No grading, including any act by which soil, rock, earth or mineral matter is cut into, dug, quarried, uncovered, removed, displaced or relocated, including the removal of vegetative cover or overburden, excavation, and land balancing, shall be undertaken without first obtaining a grading permit from the Zoning Administrator except as otherwise provided herein. No grading shall begin until payment of the fee established by the Township Board and a performance bond or other security in the amount necessary to insure compliance with the requirements of the Ordinance is obtained.

No grading permit shall be required for agricultural, horticultural, forestry activities, driveway construction, the usual and customary graveling or grading of a road or driveway, or projects that do not involve, in any one calendar year, an area exceeding one acre, or more than 1,000 cubic yards of grading material, or the construction or maintenance of a septic tank and associated drain field.

When grading changes are proposed, reviewed and approved in conjunction with a site or plot plan, or a tentatively approved subdivision under the Marquette Township Subdivision Control Ordinance, a separate grading permit is not required. A grading permit is, however, required for any grading change prior to subdivision, site or plot plan approval regardless of whether such grading changes are part of any anticipated subdivision, site or plot plan review and approval. When a Mineral Extraction Permit is required and obtained, a grading permit is not required. Any grading done within the Township, either with or without a grading permit, shall comply with the grading requirements specified in Section B. Grading permits shall be issued for one year only and do not authorize grading work exceeding the life of the permit. Renewal permits may be applied for and issued on an annual basis.

B. GRADING REQUIREMENTS.

Anyone engaged in grading shall at all times take all appropriate and reasonable steps to prevent erosion including the construction of silt traps, the mulching and temporary or permanent planting of all areas exposed by grading, the construction of diversions, channel linings, grade stabilization structures, and bank protection structures, and shall limit, insofar as is practical, the area of land exposed to erosion resulting from grading at any one time and length of time that any area is exposed, and shall, upon completion of

ARTICLE 20 – MISCELLANEOUS PROVISIONS

operations, leave the area in a condition such that further erosion will not take place and the land is at least as suitable for uses permitted under this Ordinance as when grading operations commenced. The proposed grading shall be in compliance with the Marquette County Drain Commissioner's regulations and procedures for storm water management. Grading and all other associated activity shall comply with the Noise Ordinance of the Charter Township of Marquette, all applicable provisions of this Zoning Ordinance and any other local, state or federal statutes or ordinances.

C. APPLICATIONS FOR GRADING PERMITS.

An application for a grading permit must contain sufficient information to enable the Zoning Administrator to determine that the applicant proposes to take such measures as are necessary to meet the requirements of the preceding section. Where necessary, the Zoning Administrator shall require the submission of topographic maps, soil boring reports, or other necessary technical information on a site or plot plan in accordance with Article 18 SITE PLAN REVIEW. The Zoning Administrator may allow a plot plan for minor projects, in lieu of a site plan. All existing and proposed topography shall be shown such that appropriate storm water conveyance can be determined. Such site plan or plot plan shall be sent to the Marquette County Drain Commissioner to determine compliance with established Marquette County Drain Commission rules and storm water management. Upon receiving an application meeting the requirements set forth in this section, and the required fee, the Zoning Administrator shall issue a grading permit to the applicant in the form of a Zoning Compliance Certificate in conformity with Article 26 ADMINISTRATION AND ENFORCEMENT. A grading permit authorizes only the work described in the application. The Zoning Administrator shall impose such conditions or requirements in granting the permit as may be necessary to insure compliance with the requirements of the preceding section and shall impose such limits on working hours and time limits for completion of operations and the various stages thereof as may be necessary to minimize incompatibility with nearby land uses. The failure of applicant to take any action or refrain from any action specified either in the application or on the face of the permit shall constitute a violation of this Ordinance.

SECTION 20.27: OPEN SPACE PRESERVATION

Regardless of zoning district, land zoned for residential development may be developed at the option of the landowner, with the same number of dwelling units on a portion of the land as would be allowed for the buildable portion of the entire parcel. Not more than fifty percent (50%) of the buildable land shall be allowed for development. Unbuildable areas, such as wetlands, areas within the 100-year floodplain, or slopes greater than twenty-five percent (25%) shall not count toward the fifty percent (50%) open space minimum, as provided below. If a development is a subdivision, such must meet the requirements of the Marquette Township Subdivision Control Ordinance. Land may be developed for residential use under the open space preservation

SECTION 20.27: OPEN SPACE PRESERVATION – (Cont.)

option following the provisions of Article 17 Special Land Uses and Article 18 Site Plan Review and if all of the following apply:

The land is zoned at a density equivalent to two (2) or fewer dwelling units per acre, or, if the land is served by a public sewer system, three (3) or fewer dwelling units per acre. A percentage

ARTICLE 20 – MISCELLANEOUS PROVISIONS

of the buildable land area, but not less than fifty percent (50%), will remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, restrictive covenant, or other legal means that runs with the land. The development does not depend upon the extension of a public sewer or public water supply system, unless development of the land under conventional zoning would also depend upon such an extension.

In cases where extension of public sewer or public water are necessary, the developer shall bear the costs associated with the extension. The option provided by this section has not previously been exercised with respect to that land.

Minimum yard setbacks, lot size and lot width requirements may be reduced accordingly to accommodate the number of dwellings allowed. However, the lot width to depth ratio of 1:4 requirement shall not be changed to allow narrower lots.