

ORDINANCE #694

AN ORDINANCE TO AMEND SEVERAL SECTIONS OF MARQUETTE CITY CODE CHAPTER 54 – LAND DEVELOPMENT CODE:

ARTICLE 2 – DEFINITIONS

ARTICLE 3 – ZONING DISTRICTS AND MAP, SECS. 54.306, 54.312, 54.320, 54.322 AND 54.323

ARTICLE 4 – SCHEDULE AND REGULATIONS, SEC. 54.403

ARTICLE 6 – STANDARDS APPLICABLE TO SPECIFIC LAND USES, SECS. 54.612, 54.619, 54.621, 54.622 AND 54.641

ARTICLE 7 – GENERAL PROVISIONS, SECS. 54.702, 54.704, 54.705, 54.706 AND 54.708

ARTICLE 9 – PARKING, LOADING AND ACCESS MANAGEMENT, SEC. 54.903

ARTICLE 11 – SIGNS, SEC. 54.1106

ARTICLE 14 – ADMINISTRATIVE PROCEDURES, SECS. 54.1401 AND 54.1402

SUMMARY. This ordinance is intended to update the Land Development Code in several areas, where the need for improvements has been identified by staff and the City Planning Commission.

SECTION 1. Article 2 - Definitions.

Chapter 54 – LAND DEVELOPMENT CODE, Article 2 – Definitions is hereby repealed. New Chapter 54 – LAND DEVELOPMENT CODE, Article 2 – Definitions is hereby adopted:

Article 2 Definitions

Section 54.201 Rules of Interpretation

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

- (A) All words used in the present tense shall include the future;
- (B) Words in the singular number include the plural number and all words in the plural number include the singular number;
- (C) The word "building" includes the word "structure," and "dwelling" includes "residence;"
- (D) The word "person" includes "corporation," "co-partnership," "company," "family," "firm," as well as an "individual";
- (E) The word "shall" is mandatory and the word "may" is permissive;
- (F) The word "lot" includes "plot" or "parcel;"
- (G) The words "used" or "occupied" includes the words "intended," "designed," or "arranged to be used or occupied."
- (H) Terms not herein defined shall have the meaning customarily assigned to them.

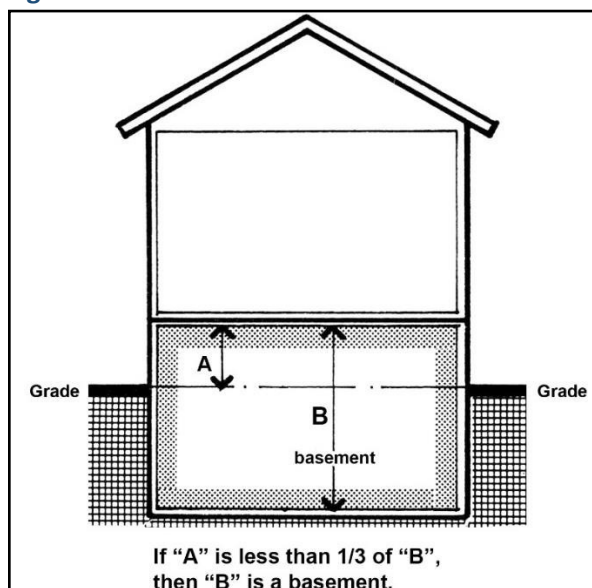
Section 54.202 Specific Terms

- (A) The following terms shall have the following meaning:
 - (1) **Abutting:** Having property or district lines in common.
 - (2) **Accessory Building and Accessory Structures:** A building and/or structure, the use of which is clearly subordinate and incidental to that of the principal building or to the use of the land located on the same lot.
 - (3) **Accessory Office Residential:** See definitions of "Home Occupation" and "Live/Work or Accessory Office Residential."
 - (4) **Accessory Use:** See definition of "Use, Accessory."
 - (5) **Adult Foster Care, Family Home:** An adult foster care facility 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 shall be a member of the household, and an occupant of the residence.

- (6) **Adult Foster Care, Large Group Home:** An adult foster care facility with the approved capacity to receive at least thirteen (13) but not more than twenty (20) adults who shall be provided foster care.
- (7) **Adult Foster Care, Small Group Home:** An adult foster care facility with the approved capacity of not more than twelve (12) adults who shall be provided foster care.
- (8) **Adult Foster Care Facility:** A governmental or nongovernmental establishment that provides foster care to adults. Subject to Michigan Public Act 218 of 1979, as amended, adult foster care facilities include facilities and foster care family homes for adults who are aged, mentally ill, developmentally disabled, or physically disabled who require supervision on an ongoing basis but who do not require continuous nursing care. An adult foster care facility does not include a nursing home, home for the aged, hospital, hospital for the mentally ill, facility for the developmentally disabled, county infirmary, child caring institution, an establishment commonly described as an alcohol or substance abuse rehabilitation center, a residential facility for persons released from or assigned to adult correctional institution, and any other use excluded under Act 218 of 1979, as amended.
- (9) **Adult Entertainment Uses:** See [Section 54.601](#).
- (10) **Agriculture:** A land use that includes all of the following: (1) a farm operation, (2) producing a farm product, and (3) as commercial activity. The land use also includes accessory uses for housing and dwellings for the farmer and farm employees.
- (11) **Agriculture-Like:** A land use that is one (1) of the following:
- (a) A land use which may be the principal use or accessory use on a parcel that includes some, but not all, of the following: (1) a farm operation, (2) producing a farm product, or (3) commercial agriculture activity; or
 - (b) Any agriculture or agriculture-like land use where the Right to Farm Act (MCL 286.471 et seq., as amended) or Generally Accepted Agricultural and Management Practices (GAAMPs) delegates regulatory control back to local government, such as but not limited to, agriculture considered to be in a Category 4 Site, as used in the Site Selection and Odor Control for New and Expanding Livestock Facilities GAAMPs, which is published by the Michigan Department of Agriculture & Rural Development (MDARD) and may be amended by MDARD from time to time.
- (12) **Alley:** Any dedicated public way affording a secondary means of access to abutting property, and not intended for general traffic circulation. However, an alley can be used for the placement of public utilities.
- (13) **Alterations:** Any change, addition or modification to a structure or type of occupancy or use of structure or land or any change in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as "altered" or "reconstructed" or "changed".

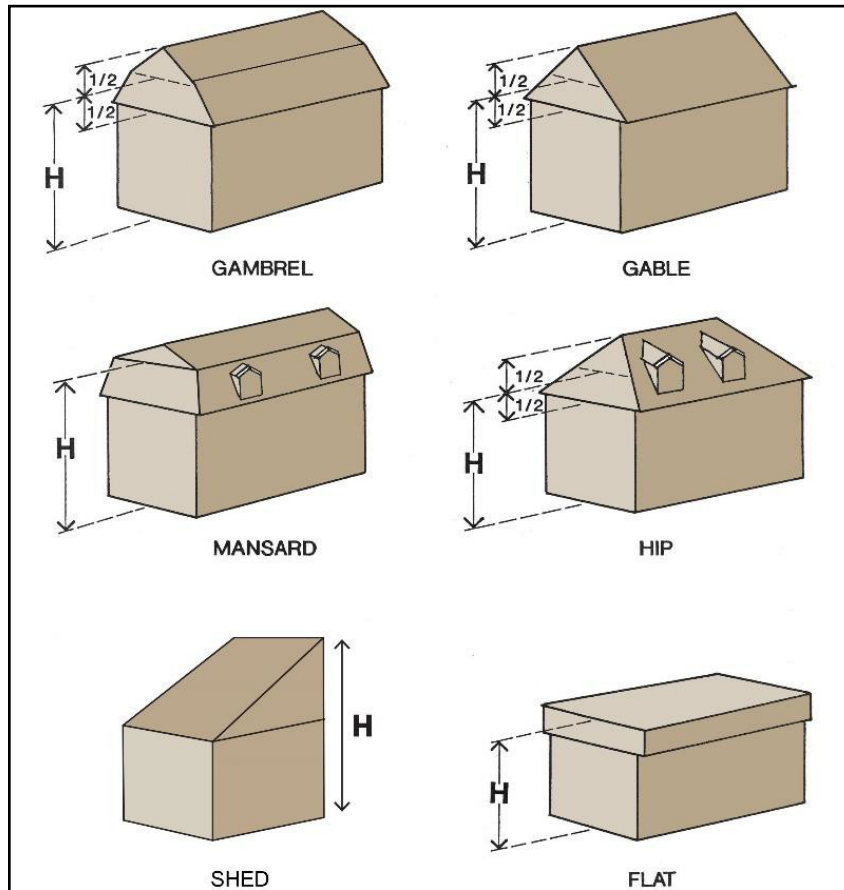
- (14) **Animal:** A farm animal or a domestic animal, but not an animal used for research in a scientific laboratory, or specimens in a zoo, or wild animal in a rehabilitation facility.
- (15) **Animal, Farm:** A farm animal includes exotic animals and any other animal, including domestic animals, so long as the animal is kept for the purpose of a farm product, for farm operation, or service to humans. Farm animal does not include animals used for research in a scientific laboratory, specimens in a zoo, wild animals, and other animals in a rehabilitation facility.
- (16) **Animal, Domestic:** Domestic animals, otherwise known pets, are animals primarily for a person's company, companionship, performance, attractive appearances, loyalty, for human therapy, playful personalities, or is a service animal pursuant to MCL 287.291. Domestic animals do not include working animals, farm animals, animals used for research in a scientific laboratory, specimens in a zoo, wild animals, and other animals in a rehabilitation facility.
- (17) **Art Accessory Structure.** See definition of "Structural Amenity" and the regulations of [Section 54.702\(G\)](#).
- (18) **Assisted Living Facility:** See definition of "Nursing Home, Convalescent Home, Extended Care Facility, Assisted Living Facility."
- (19) **Bar:** An establishment selling alcoholic beverages for on-premises consumption where more than 50% of the gross sales revenue are from the sale of alcoholic beverages. Bars may include a restaurant in accordance with the regulations of the zoning district.
- (20) **Basement:** A portion of the building partially underground, which has less than one third ($1/3$) of its height measured from finished floor to finished ceiling, above the average grade of the adjoining ground. (See [Figure 1. Basement](#))

Figure 1. Basement



- (21) **Bed and Breakfast:** An owner-occupied dwelling where no more than 5 (five) guest rooms are made available for the temporary accommodation of the traveling or vacationing public. Such an establishment may offer meals only to those persons temporarily residing at the establishment. See also definition of “Bed and Breakfast Inn” and “Homestay.”
- (22) **Bed and Breakfast Inn:** A structure primarily used for lodging purposes where the use as a residence is clearly secondary. A structure where more than 5 (five) but not more than 30 (thirty) guest rooms are made available for the temporary accommodation of the traveling or vacationing public. Such an establishment may offer meals to the public and persons temporarily residing at the establishment. See also definition of “Bed and Breakfast” and “Homestay.”
- (23) **Best Management Practices (BMPs).** Conservation practices or management measures approved by the Michigan Department of Environmental Quality (MDEQ) or the City that prevent, control, and reduce nonpoint source pollution.
- (24) **Building:** A structure designed, built or occupied as a shelter or roofed enclosure for persons, animals, or property. The term building shall be construed under this Ordinance as if followed by the words "or parts thereof." Roof shall include coverings of any material whether or not permanent in nature. Unconventional enclosed structures, such as converted shipping containers, may be classified as “buildings” if they meet all of the requirements of a building pursuant to this Ordinance and the Building Code.
- (a) **Building, Non-Residential:** A building in which less than 50 percent of the gross floor area is occupied by dwelling units.
- (25) **Building, Accessory:** See definition of “Accessory Building and Structures.”
- (26) **Building, Height:** The vertical distance between the average grade (see definition of “Grade”) and the highest point of the roof surface for flat roofs; to the deck line of Mansard roofs; the average height between eaves and ridge for gable, hip, and gambrel roofs; and the average height between the lowest point and the highest point on a shed roof. (See [Figure 2. Building Height](#))

Figure 2. Building Height



(27) Building(s), Main or Principal:

- (a) Any individual structure, on a lot or site, which contains one or more principal or special land uses.
- (b) The separate structures, on a single site, in which one or more principal or special land uses are located.

(28) Building, Nonconforming: Any structure, the construction of which was lawfully established prior to the passage of this Ordinance (or any amendments thereto), that for any reason does not meet all of the applicable regulations contained in the ordinance (or its amendments).

(29) Building Code: The building code as currently enforced pursuant to the laws of the State of Michigan.

(30) Building Façade: That portion of any exterior elevation of a building extending vertically from grade to the top of a parapet wall or eaves and horizontally across the entire width of the building elevation.

(31) Bulk Storage: See definition of "Storage, Bulk."

- (32) Child Care or Day Care, Family Home:** A private home in which more than one (1) but less than seven (7) minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. A family day care home includes a home that gives care to an unrelated child for more than four (4) weeks during a calendar year. All family day care homes shall be registered with or licensed by the Michigan Department of Licensing and Regulatory Affairs or successor agency.
- (33) Child Care or Day Care, Group Home:** A private home in which more than six (6) but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year. All group day care homes shall be registered with or licensed by the Michigan Department of Licensing and Regulatory Affairs or successor agency.
- (34) Child Care Center or Day Care Center:** A facility, other than a private residence, receiving one (1) or more preschool or school age children for care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. Child care center or day care center includes a facility that provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. All child care centers and day care centers shall be registered with or licensed by the Michigan Department of Licensing and Regulatory Affairs or successor agency. Refer to Public Act 116 of 1973, as amended, for a list of facilities that are excluded from the definition of "Child Care Center" or "Day Care Center."
- (35) Clear Vision Triangle Area:** See [Section 54.704](#).
- (36) Colony, Honeybee:** See "Honeybee Colony or Hive"
- (37) Commercial:** An activity conducted with the intent of realizing a financial gain from the sale of goods or services to others.
- (38) Commercial Development:** Development for the purpose of exchanging, buying, or selling commodities on a large scale, which involve transportation from place to place.
- (39) Community Garden:** A collective activity by a group of people, utilizing either individual or shared plots to grow food crops, plant fiber, ornamentals, or other plants for personal or institutional use, consumption, or donation. Community gardens may include common areas maintained and used by group members.
- (40) Condominium:** A condominium project established in conformance with the Michigan Condominium Act (Act 59 of 1978).
- (41) Condominium Act:** Public Act 59, 1978, as amended.

- (42) Condominium Common Elements:** Portions of the condominium project other than the condominium units.
- (43) Condominium General Common Elements:** Condominium General Common Elements include the following:
- (a)** The land in the condominium project;
 - (b)** The foundations, main walls, roofs, halls, lobbies, stairway entrances, exits or communication ways;
 - (c)** The basements, flat roofs, yards and gardens, except as otherwise provided or stipulated;
 - (d)** The premises for the use of janitors or persons in charge of the condominium project, including lodging, except as otherwise provided or stipulated;
 - (e)** The compartments or installations of central services such as heating, power, light, gas, cold and hot water, refrigeration, air-conditioning, reservoirs, water tanks and pumps the like;
 - (f)** The elevators, incinerators and, in general, all devices or installations existing for common use; and;
 - (g)** All other elements of the condominium project owned in common and intended for the common use or necessary to the existence, upkeep and safety of the project.
- (44) Condominium Limited Common Elements:** Those common elements which are reserved in the master deed for the exclusive uses of less than all of the co-owners.
- (45) Condominium Project:** A plan or project consisting of not less than two (2) condominium units established in conformance with the Condominium Act.
- (46) Condominium Subdivision Plan:** A plan meeting the requirements of Section 66 of the Condominium Act, which shall consist of: site, survey and utility plans; floor plans; and Sections, as appropriate showing the existing and proposed structures and improvements including the location thereof on the land. The condominium subdivision plan shall show the size, location, area, vertical boundaries and volume for each unit comprised of enclosed air space. A number shall be assigned to each condominium unit. The condominium subdivision plan shall include the nature, location and approximate size of common elements. The condominium subdivision plan shall also include the adopted site plan and/or Exhibit B as required by P.A. 59 of 1978, as amended.
- (47) Condominium Unit:** That portion of the condominium project designed and intended for separate fee simple ownership and use, as described in the master deed.
- (48) Convalescent Home:** See definition of "Nursing Home, Convalescent Home, Extended Care Facility, Assisted Living Facility."
- (49) District, Zoning:** A portion of the incorporated area of the city in which certain regulations and requirements or various combinations thereof apply uniformly under the provisions of this Ordinance.

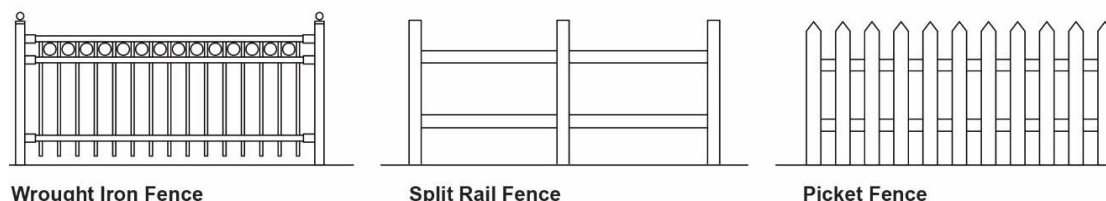
- (50) **Distributive Operations:** See definition of “Warehousing.”
- (51) **Domestic Violence Abuse Shelter:** A home for the temporary residence of victims of domestic violence.
- (52) **Drive-Through Use:** A retail, service, or restaurant establishment providing a driveway approach or parking spaces designed and used to serve patrons remaining in motor vehicles, such as drive-in restaurants, drive-through restaurants, cleaners, banks, and pharmacies.
- (53) **Driveway:** A private or public approach giving vehicles access from a public way to a building or parking space(s) on the same site.
- (54) **Dwelling Unit:** One (1) or more rooms, in a building, with bathroom and principal kitchen facilities, designed as a self-contained unit for residential occupancy by one (1) family for such purposes as cooking, bathing, gathering, entertainment, and sleeping. Tents, recreational vehicles and other structures designed for temporary occupancy are not to be used as dwelling units in the City of Marquette, with the exception of areas where they are specifically allowed, such as Tourist Park or other areas where camping may be authorized during emergencies or otherwise. See also the definition of “Occupancy, Temporary.”
- (55) **Dwelling, Accessory Unit:** A residential dwelling unit, but not a mobile home, located on the same lot as a detached single-family dwelling unit, either within the same building as the single-family dwelling unit or in a detached building in accordance with the provisions of this Ordinance.
- (56) **Dwelling, Intentional Community:** See definition of “Intentional Community.”
- (57) **Dwelling, Two-Family (Duplex):** A building containing two (2) separate dwelling units, attached side-to-side or with one (1) dwelling unit located above the second dwelling unit and without interior access to the other dwelling unit; designed for or occupied exclusively by two (2) families living independently of each other.
- (58) **Dwelling, Multiple Family:** A building or portion thereof designed or modified to contain three (3) or more separate dwelling units, without interior access to the other dwelling units; designed for or occupied exclusively by three (3) or more families living independently of each other.
- (59) **Dwelling, Single-Family:** A building designed exclusively for use as one (1) dwelling unit in a single-family zoning district. Not more than one (1) family may occupy each dwelling unit.
- (60) **Earthwork:** The removal of earth materials, clearing of vegetation, mass grading, or regrading of a site.
- (61) **Easement:** A quantity of land set aside or over which a liberty, privilege, or advantage is granted by the owner to the public, a corporation, or some particular person or part of

the public for specific uses and purposes, and shall be designated a "public" or "private" easement depending on the nature of the user.

- (62) Electrical Code:** The electrical code as currently enforced pursuant to the laws of the State of Michigan.
- (63) Erected:** Includes built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises required for construction. Excavation, fill, drainage, installation of utilities, and the like, shall be considered a part of erection.
- (64) Emergency Services:** Facilities that provide ambulatory and related services.
- (65) Enclosed:** To surround or close off on all sides
- (66) Essential Services:** The erection, construction, alteration or maintenance by public utilities or municipal departments, of emergency outdoor warning sirens; overhead, surface, or underground gas, electrical, steam, fuel, or water transmission or distribution systems; collection, communication, supply or disposal systems, including towers, poles, wires, mains, drains, hydrants, and similar accessories in connection therewith necessary for the furnishing of such services. "Essential Services" do not include telecommunication towers, solar energy facilities, and wind energy conversion systems.
- (67) Façade:** See "Building Façade."
- (68) Family:** "Family" means either of the following.
- (a)** Any group of individuals living together as a single housekeeping unit or the functional equivalent of a family, where the residents are a close group with social, economic, and psychological commitments to each other and whose relationship is of a continuous, non-transient, domestic character with a demonstrable and recognizable bond which constitutes the functional equivalent of the bonds which render the domestic family a cohesive unit;
 - (b)** Not more than four (4) unrelated persons living together as a single housekeeping unit;
 - (c)** The tenants of a short-term rental property for which a valid permit has been issued by the Fire Department;
 - (d)** The "functional equivalent of a family" shall not include any organization such as a club, fraternity, sorority, lodge, monastery, or intentional community, nor any individuals whose association is seasonal or for limited durations defined by their occupation/jobs or educational pursuits, nor shall it include a group who share a dwelling unit explicitly for financial or philosophical reasons, or include any state-licensed facility except to the extent permitted by law.

- (69) **Farm:** The land, plants, animals, buildings, structures, including ponds used for agricultural or aquacultural activities, machinery, equipment, and other appurtenances used in the commercial production of farm products.
- (70) **Farm Operation:** The operation and management of a farm or a condition or activity that occurs at any time as necessary on a farm in connection with the commercial production, harvesting, and storage of farm products, and includes the activities listed in the definition of “Farm Operation” in the Michigan Right to Farm Act (P.A. 93 of 1981, as amended).
- (71) **Farm Product:** Those plants and animals useful to human beings produced by agriculture and includes, but is not limited to, forages and sod crops, grains and feed crops, field crops, dairy and dairy products, poultry and poultry products, Cervidae, livestock, including breeding and grazing, equine, fish, and other aquacultural products, bees and bee products, berries, herbs, fruits, vegetables, flowers, seeds, grasses, nursery stock, trees and tree products, mushrooms, and other similar products, or any other product which incorporates the use of food, feed, fiber, or fur, as determined by the Michigan commission of agriculture.
- (72) **Farmers Market:** A location established in accordance with local ordinance and operated in compliance with Act No. 92, the Michigan Food Law, as amended, where farmers may transport and sell to the public fruits, vegetables or other agricultural products. Vendors of other retail items may also be permitted by the City.
- (73) **Fence:** A vertical structure of definite height and location to serve as an enclosure, dividing marker, or barrier in carrying out the requirements of this Ordinance. A fence includes a barrier designed to bound an area, including partitions and gates. A fence enclosed above by an impermeable material shall be regulated as a building.
- (74) **Fence, Adjacent Grade:** Adjacent grade for a fence shall be construed as the average grade measured at a point three (3) feet on each side of the fence. In the case of a fence on a retaining wall, adjacent grade shall be the grade of the top of the retaining wall.
- (75) **Fence, Decorative:** An open or semi-open fence, ornamental in nature, not intended to provide a permanent barrier to passage or screening. Examples of decorative fence include, but are not limited to, split rail fence, wrought iron fence, and picket fence with at least 50% of the area of its vertical plane open to light and air from both sides. Decorative fence does not include chain link fence, wire-woven fence, mesh-like fence, and cyclone fence. (See [Figure 3. Decorative Fence Examples](#))

Figure 3. Decorative Fence Examples



- (76) **Fence Height:** The average distance between the top element in the fence and the adjacent grade over a straight section of fence with no corners.
- (77) **Fence, Protective Measures:** A fence erected for the express purpose of protecting an enclosed area and the property therein, or a fence intended to deny access to a dangerous property or location
- (78) **Fence, Screening:** A structure of definite height and location, maintained to prevent passage of light and to screen and separate a use from adjacent property.
- (79) **Fence, Temporary:** A fence approved by the City in conjunction with an approved temporary activity, such as construction or temporary/seasonal events, the purpose of which is to secure a site and/or restrict areas accessible to the public. A temporary fence is generally installed prior to the temporary activity and removed soon after the end of the temporary activity. Temporary fences must comply with all other provisions of this Ordinance. The City may require a permit for a temporary fence.
- (80) **Floor:** The level base of the room, hollow structure, or enclosed area capable of supporting individuals of other materials, including basements.
- (81) **Floor Area:** The total gross area of all floors, as measured to the outside surfaces of exterior walls.
- (82) **Flyway Barrier:** See “Honeybee Flyway Barrier.”
- (83) **Foster Family Home:** A private home in which at least one (1) but not more than four (4) minor children, who are not related to an adult member of the household by blood or marriage, or who are not placed in the household pursuant to the adoption code, chapter X of Act No. 288 of the Public Acts of 1939, as amended, are given care and supervision for 24 hours a day, for 4 or more days a week, for 2 or more consecutive weeks, unattended by a parent or legal guardian.
- (84) **Foster Family Group Home:** A private home in which more than four (4) but fewer than seven (7) minor children, who are not related to an adult member of the household by blood or marriage, or who are not placed in the household pursuant to chapter X of Act No. 288 of the Public Acts of 1939, as amended, are provided care for 24 hours a day, for 4 or more days a week, for 2 or more consecutive weeks, unattended by a parent or legal guardian
- (85) **Fraternity of Sorority House:** A building occupied and maintained exclusively for students affiliated with and formally recognized as a group by an academic or professional college or university or other recognized institution of higher learning.
- (86) **Front Area:** That area located between the edge of the physical street and the nearest point of the dwelling, projected parallel to the street

- (87) **Gasoline Service Station:** A place for the dispensing, sale, or offering for sale of motor fuels directly to users of motor vehicles, together with the retail sale of minor accessories, but not including “Vehicle Repair and Service” unless approved as a separate land use on the site.
- (88) **Grade:** The average level of the finished surface levels of the ground adjacent to all exterior walls of those buildings more than five feet from a right-of-way. The average level of the finished surface level of the ground adjacent to each side of a building wall shall be determined by averaging the highest and lowest points along the wall. For buildings closer than five feet to a right-of-way, the grade is the curb elevation at the center of the building. If there is no curb, the City Engineer shall establish the grade.
- (89) **Ground Coverage:** See “Lot Coverage”, these terms have the same meaning.
- (90) **Halfway House:** A house licensed by a State Agency for the continued care, treatment and counseling of individuals who have successfully completed institutional treatment and who will benefit from a controlled atmosphere in a residential setting.
- (91) **Hard Parking Surface:** For one- and two-family dwellings a hard parking surface shall comprise of compacted gravel at least six (6) inches in depth, concrete or asphalt pavement, pavers (pervious or impervious) or other products designed for parking. For all other uses, a hard parking surface shall exclude gravel. The City Engineer may require minimum standards for hard parking surface (e.g., material depth, material specifications, construction techniques, etc.).
- (92) **Health Services:** Establishments engaged in providing diagnostic services including general medical services, medical laboratories, and outpatient care facilities. This definition may include an outpatient or inpatient/residential mental health or substance abuse treatment facility.
- (93) **Hive, Honeybee:** See “Honeybee Colony or Hive”
- (94) **Home Occupation:** An occupation or profession, carried on in a dwelling unit by members of the immediate family residing on the premises, which are clearly incidental or secondary to the use of the dwelling for dwelling purposes.
- (95) **Homeless Shelter:** A residential facility that provides temporary accommodations and support services for persons or families requiring interim housing arrangements and who would otherwise be without safe overnight shelter.
- (96) **Homestay:** An owner-occupied, single-family dwelling, or a dwelling unit in a duplex or multi-family dwelling structure in which the owner is present or intends to be present and residing on the premises when the rental unit is being rented, that may rent up to three (3) single bedrooms with bathroom access for overnight accommodates for periods as short as one overnight stay. Meals are not provided with rental, but kitchen and/or dining facilities may be available for guests to prepare their own meals. Only properties that have received approval of a rental registration application are recognized as a Homestay for purposes of complying with City of Marquette ordinances. See also definition of “Bed and Breakfast” and “Bed and Breakfast Inn.”
- (97) **Honeybee:** All life stages of the common domestic honeybee, *Apis mellifera* species.

- (98) **Honeybee Colony or Hive:** An aggregate of honeybees consisting principally of workers, but having, when perfect, one queen and at times many drones, including brood, combs, honey and the receptacle inhabited by the honeybees.
- (99) **Honeybee Flyway Barrier:** A solid wall, fence, or dense vegetation or combination thereof that provides an obstruction through which honeybees cannot readily fly. The flyway barrier must surround the immediate vicinity of the colony(s) or hive(s) yet leave sufficient space for beekeeper to maintain colony(s) or hive(s). Property line fences or barriers do not constitute flyway barriers.
- (100) **Honeybee Swarm:** A partial honeybee colony in search of shelter that has split from an established honeybee colony.
- (101) **Hoop House:** An enclosed, temporary semi-circular tunnel structure composed of solid framing and a flexible plastic covering, the purpose of which is for growing plants inside the structure.
- (102) **Hospice:** A facility that provides residential living quarters for up to six (6) terminally ill persons.
- (103) **Hospitals:** An institution providing health services for inpatient and/or outpatient medical or surgical care of the sick or injured and including related facilities such as, but not limited to, laboratories, outpatient departments, central staff service facilities, and staff offices that are an integral part of the institution. This definition may include an inpatient mental health or substance abuse treatment facility.
- (104) **Hospital Hospitality Houses:** A noncommercial use of a residential structure where rooms are let to transient patients and family members of transient patients of a local hospital concurrent with the patient's treatment at the hospital.
- (105) **Hotel or Motel:** A commercial establishment offering overnight lodging to travelers and sometimes permanent residents, and often having amenities such as restaurants, swimming pools, stores, etc., that may be available to the public. Each hotel or motel room must contain at least a bedroom and bathroom.
- (106) **Impervious Surface:** Any surface that cannot be effectively and easily penetrated by water, thereby resulting in runoff. Examples include, but are not limited to, "Lot Coverage" (as defined in this Ordinance) and any material (asphalt, concrete, compacted stone and gravel, etc.) used in roads, driveways, decks, terraces, patios, porches, or sidewalks that cannot be effectively and easily penetrated by water. Impervious surfaces shall exclude roads, driveways, and sidewalks that are composed of materials that will allow infiltration and prevent runoff, such as permeable pavers, permeable pavement, or crushed stone or pea stone that does not bind. The definition of an impervious surface shall also exclude decks, terraces, patios, or porches that are composed of pervious materials and/or designed to allow for easy infiltration and underlain with materials that will allow infiltration and prevent runoff. Natural and artificial water bodies, including swimming pools, shall not be classified as impervious surfaces.

(107) Indoor Recreation: Indoor commercial or non-commercial amusement services such as bowling alleys, skating rinks, billiard halls, stadium and sports arenas, movie theaters (excluding drive-in theaters), dance halls, event venues, reception halls, recreation assembly uses, and other indoor recreational facilities. "Indoor Recreation" excludes "Adult Entertainment Uses."

(108) Industrial: Of, relating to, concerning, or arising from the assembly, fabrication, finishing, manufacturing, packaging, or processing of goods.

(109) Intentional Community: A planned residential community designed to have a high degree of social cohesion. The members of an intentional community typically have common interests, which may be an organizing factor, such as a social, religious, or spiritual philosophy, and are likely to share responsibilities and resources. Intentional communities include cooperative housing communities, communes, convents, eco-villages, and housing cooperatives. Property may be owned collectively, and/or new members of an intentional community may be selected by the community's existing membership.

(110) Land Development Code: The official Zoning Ordinance adopted by the City Commission of the City of Marquette, Michigan in accordance with Public Act 110 of 2006, as amended.

(111) Landscaping: The modification of the landscape for an aesthetic or functional purpose. It includes the preservation of existing vegetation, installation of new vegetation, and the continued maintenance thereof together with the installation of minor structures, appurtenances, and accessories such as mulch.

(112) Lessee: A person or party to whom a lease is granted; a tenant under a lease. Also, a renter.

(113) Lessor: A person, group, etc., who grants a lease. Also a landlord.

(114) Live/Work or Accessory Office Residential: A mixed-use dwelling unit combining a permitted residential use type with an office or limited commercial use type or, if permitted by this Ordinance, a limited industrial use type. This use classification includes but is not limited to: office, live/work facilities, or other similar uses.

(115) Loading Space: An off-street space typically on the same lot with a building, or group of buildings, for temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

(116) Lot: For purpose of this Ordinance a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area to provide such yards and other open spaces as are herein required. Two (2) or more contiguous lots may be classified as a single lot only if one of the lots, by itself, cannot meet the minimum area, width, setback, lot coverage, or frontage requirements. Every lot shall have its front line abutting a public street, or a private street meeting the standards of an approved PUD, and may consist of:

- (a) A single lot of record;
- (b) A portion of a lot of record;
- (c) A combination of complete lots of record, complete lots of record and portions of lots of record, or of portions of lots of record; or
- (d) A parcel of land described by metes and bounds.

(117) Lot Coverage: The area of a lot covered by the maximum horizontal cross section of a building or buildings to the area of the site (i.e. 20 square feet of building cross section on 100 square feet of land would give a ratio of 2,000/10,000 or 0.20). Also referred to as Ground Coverage. Accessory structures four (4) feet in height or less shall not be considered in computing maximum percent of lot coverage/ground.

(118) Lot, Nonconforming: A lot, the area, width or other characteristic of which fails to meet requirements of the Zoning District in which it is located and which was conforming ("of record") prior to enactment of this Ordinance.

(119) Lot of Record: A lot that is part of a plat, site condominium, or a lot or parcel described by metes and bounds recorded in the Office of the County Register of Deeds prior to, or at the time of, adoption of this Ordinance.

(120) Lot Frontage: See "Lot Line, Front."

(121) Lot Lines: The line abounding a lot as defined herein (See [Figure 4. Lot Types](#), [Figure 6. Yard Terms](#), and [Figure 7. Yards of a Corner Lot](#)):

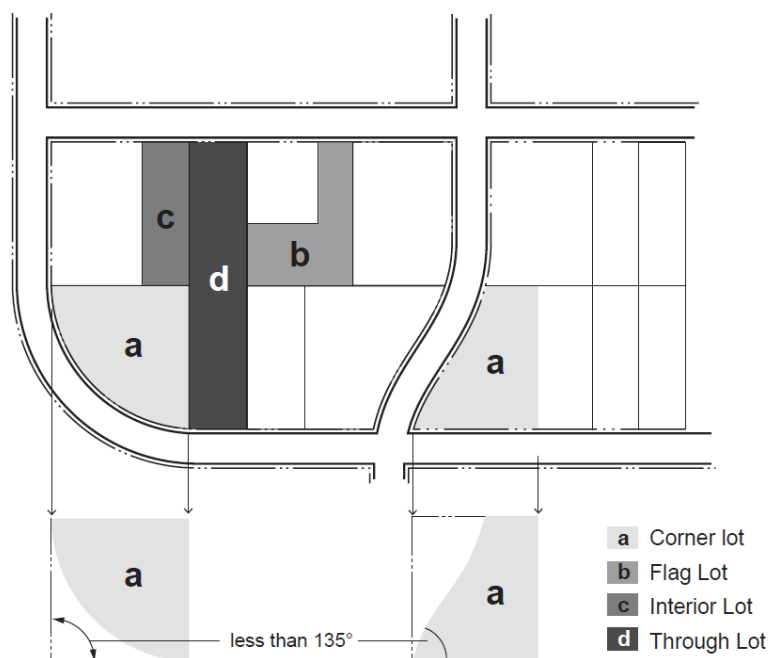
- (a) **Lot Line, Front:** Those property boundary lines separating the lot from any right-of-way, unless otherwise stated in this Ordinance.
- (b) **Lot Line, Rear:** That lot line opposite and most distant from the front lot line. In the case of a corner lot, the rear lot line shall be opposite the front lot line that provides the primary frontage, at the discretion of the property owner.
- (c) **Lot Line, Side:** Any lot line that is not a front lot line or a rear lot line.

(122) Lot Types: Lot Types are as follows (See [Figure 4. Lot Types](#))

- (a) **Lot, Corner:** A lot where the interior angle of two adjacent sides at the intersection of two streets is less than one hundred and thirty-five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of the ordinance, if the arc is of less radius than one hundred fifty (150) feet and the tangents to the curve, at the two points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than one hundred thirty-five (135) degrees.
- (b) **Lot, Flag:** A pre-existing nonconforming lot that uses a narrow, unbuildable strip of land that does not meet the frontage requirements of the district in which it is located, which provides access to, or legal frontage on, a public or private street.
- (c) **Lot, Interior:** A lot other than a corner lot with only one (1) frontage on a street or road.

- (d) **Lot, Through or Double-Frontage:** An interior lot having frontage on two more or less parallel streets as distinguished from a corner lot. All sides of said lots adjacent to streets shall be considered frontage, and front yards shall be provided as required. Properties that share a property line with a city street on one side and limited access highway on the other side are not “Through Lots.”

Figure 4. Lot Types



(123)**Lot Width:** The horizontal distance between the side lot lines, measured at the two points where the front yard setback intersects with the side lot lines. For corner lots, which have only one side lot line, the distance shall be measured from that sidelot line to the opposing front lot line.

(124)**Major Repair and Maintenance Operations:** The servicing, repairing, altering, or maintenance of any heavy equipment or heavy machinery to perpetuate the use or purpose for which such premises, appliance, apparatus, or equipment was originally intended.

(125) **Major Street:** See “Street, Major.”

(126)**Manufacturing, Heavy:** Heavy manufacturing means primarily moderate-and high-impact industrial uses that need to be separated from residential and other uses due to potential land use conflicts. Heavy manufacturing usually means continuous processing, as in the assembly of motor vehicles or the manufacture of chemicals, and may involve the manufacture, processing or packaging of raw or unprocessed materials that are inherently dangerous or hazardous due to flammability, radioactivity, explosiveness, or toxicity. This category shall also include any establishment or facility using large unscreened outdoor structures such as conveyor belt systems, cooling towers, cranes, storage silos, or similar equipment, that cannot be integrated into the building design, or

engaging in largescale outdoor storage. Any industrial use that generates noise, odor, vibration, illumination, or particulate that may be offensive or obnoxious adjacent land uses, or requires a significant amount of on-site hazardous chemical storage shall be classified under this land use. This use shall include any packaging of the product being manufactured on-site. Examples include but are not limited to the production of the following: large-scale food and beverage operations, lumber, milling, and planing facilities; aggregate, concrete, and asphalt plants; foundries, forge shops, open air welding, and other intensive metal fabrication facilities; chemical blending, mixing, or production, and plastic processing and production

(127)Manufacturing, Light: Light manufacturing refers to industrial activity that uses small or moderate amounts of raw or partially processed materials to produce items of relatively high value per unit weight. Light manufacture is most often associated with batches or discrete production runs. Normally absent from light manufacturing facilities are any type of heavy machinery, welding operations, cranes, or hazardous materials. The manufacturing of clothes, furniture, consumer electronics, household items, jewelry, pottery, food, and beverages are some examples of light manufacturing. In determining whether a use is classified as light manufacturing or some other classification of use (e.g., heavy manufacturing, commercial, accessory use, home occupation, etc.), the Zoning Administrator shall consider the material, process, quantities, and/or other similar factors. For example purposes only, the food preparation use for a restaurant or caterer is classified as an accessory use to the principal use.

(128)Marihuana Designated Consumption Establishment: Marihuana Designated Consumption Establishment means a commercial space that is licensed and where it is authorized for adults 21 years of age and older to consume marihuana products.

(129)Marihuana Establishments: Marihuana Establishment means a marihuana grower (Class A, B, or C) or excess grower, marihuana safety compliance facility, marihuana processor (light manufacturing or heavy manufacturing), marihuana microbusiness (light manufacturing or heavy manufacturing), marihuana retailer, marihuana secure transporter, marihuana designated consumption establishment.

(130)Marihuana Grower – Class A: Marihuana Grower – Class A means a person licensed to cultivate not more than 100 marihuana plants and sell or otherwise transfer marihuana to marihuana establishments.

(131)Marihuana Grower – Class B: Marihuana Grower – Class B means a person licensed to cultivate not more than 500 marihuana plants and sell or otherwise transfer marihuana to marihuana establishments.

(132)Marihuana Grower – Class C: Marihuana Grower – Class C means a person licensed to cultivate not more than 2000 marihuana plants and sell or otherwise transfer marihuana to marihuana establishments.

(133)Marihuana Grower – Excess: Marihuana Grower – Excess means a person licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments and this is issued to a person who holds 5 stacked Class C licenses.

(134)Marihuana Microbusiness – Light Manufacturing: Marihuana Microbusiness – Light Manufacturing means a person licensed to cultivate not more than 150 marihuana plants; process and package marihuana; and sell or otherwise transfer marihuana to individuals who are 21 years of age or older or to a marihuana safety compliance facility, but not to other marihuana establishments and meets the Light Manufacturing definition for processing. See **Manufacturing, Light** definition.

(135)Marihuana Microbusiness – Heavy Manufacturing: Marihuana Microbusiness – Heavy Manufacturing means a person licensed to cultivate not more than 150 marihuana plants; process and package marihuana; and sell or otherwise transfer marihuana to individuals who are 21 years of age or older or to a marihuana safety compliance facility, but not to other marihuana establishments and meets the Heavy Manufacturing definition for processing. See **Manufacturing, Heavy** definition.

(136)Marihuana Processor – Light Manufacturing: Marihuana Processor – Light Manufacturing means a person licensed to obtain marihuana from marihuana establishments; process and package marihuana; and sell or otherwise transfer marihuana to marihuana establishments and meets the Light Manufacturing definition for processing. See **Manufacturing, Light** definition.

(137)Marihuana Processor – Heavy Manufacturing: Marihuana Processor – Heavy Manufacturing means a person licensed to obtain marihuana from marihuana establishments; process and package marihuana; and sell or otherwise transfer marihuana to marihuana establishments and meets the Heavy Manufacturing definition for processing. See **Manufacturing, Heavy** definition.

(138)Marihuana Retailer: Marihuana Retailer means a person licensed to obtain marihuana from marihuana establishments and to sell or otherwise transfer marihuana to marihuana establishments and to individuals who are 21 years of age or older.

(139)Marihuana Safety Compliance Facility: Marihuana Safety Compliance Facility means a person licensed to test marihuana, including certification for potency and the presence of contaminants.

(140)Marihuana Secure Transporters: Marihuana Secure Transporter means a person licensed to obtain marihuana from marihuana establishments in order to transport marihuana to marihuana establishments.

(141)Master Plan: Comprehensive land use plan adopted by the Planning Commission pursuant to Public Act 33 of 2008, as amended.

(142)Medical Hospital Related Accessory Uses: Privately owned facilities that provide support for patients, employees, and visitors of a hospital to include; financial institutions, insurance companies, medical equipment sales, pharmaceutical sales, barber shops, clothing rental, health clubs, photographic studios, cleaning and garment services (but not including power laundries or dry cleaning services), restaurants and cafeterias, bookstores, floral shops and gift stores provided there is no visible indication outside of any building. The definition excludes “Hospital Hospitality Houses.”

(143) Medical Hospital Related Office: A place that functions such as directing, consulting, record keeping, clerical work, and sales without the presence of merchandise of a hospital.

(144) Medical Hospital Related Uses: Medical schools and associated dormitories, medical conference centers, medical appliance sales, facilities for carrying on investigation in the natural or physical sciences, or engineering and development as an extension of investigation with the objective of creating end products.

(145) Minor Street: See “Street, Minor.”

(146) Mobile Home: A mobile home is a structure, transportable in one or more sections, that is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. When occupied as a dwelling unit, such home must be located in an area that was approved in accordance with City ordinances, specifically to accommodate this type of housing. The term “mobile home” shall not include pick-up campers, travel trailers, motor homes, modular homes, recreational vehicles, converted buses, tent trailers, or other transportable structures designed for temporary use.

(147) Mobile Home Park: A parcel of land designed for the placement of mobile homes for residential use.

(148) Motel: See definition of “Hotel or Motel.”

(149) Natural Resource Extraction Operations: A lot or part thereof used for the purpose of extracting natural resources such as minerals, stone, sand, gravel, clay, or topsoil for sale, but excludes the process of grading a lot preparatory to the construction of a building for which a building permit has been approved.

(150) Nearest vertical plane/ exterior wall of the structure: For the purposes of determining the size of required yards, the “nearest vertical plane/ exterior wall of the structure” is that exterior wall of any living space, including cladding, which is closest to the nearest property line (or right-of-way line). This includes any cantilevered walls that do not extend to the ground. Not included are items identified in this Ordinance that are permitted to encroach into required yard setbacks.

(151) Nonconforming Building: See definition of “Building, Nonconforming.”

(152) Nonconforming Lot: See definition of “Lot, Nonconforming.”

(153) Nonconforming Use: See definition of “Use, Nonconforming.”

(154) Nonpoint Source Pollution. Pollution that is generated by various land use activities rather than from an identifiable or discrete source and is conveyed to waterways through natural and manmade processes, such as rainfall, storm water runoff, or groundwater seepage rather than direct discharges.

(155)Nursing Home, Convalescent Home, Extended Care Facility, Assisted Living Facility: An establishment licensed under State law that provides full-time convalescent, or extended care, or both for three (3) or more individuals who are not related by blood or marriage to the operator and, who, by reason of chronic illness or infirmity are unable to care for themselves. Surgical and obstetrical services and care for the acutely ill are not available on the premises.

(156)Occupants, Capacity: Maximum number of persons who may occupy a structure as determined by the City Fire Chief, as authorized by state or local statute.

(157)Occupancy: Being present in any manner of form. Includes the meaning of intent, design, or arrangement for the use, or inhabitation of.

(158)Occupancy, Temporary: Occupancy that takes place in a tent or recreational vehicle for less than 14 days without a rental or lease agreement.

(159)Office, Medical: A building used exclusively by physicians, dentists, and similar medical personnel for the treatment and examination of patients solely on an outpatient basis, provided that no overnight patients shall be kept on the premises. This definition may include an inpatient mental health or substance abuse treatment facility.

(160)Office, Professional: A building or portion of a building wherein office-related services are performed including, predominantly administrative, professional, executive, research, or clerical operations.

(161)Open Space: That portion of a site not covered by structures (see also outdoor livability space).

(162) Open Storage: See definition of "Storage, Open."

(163)Outdoor Entertainment and Community Events: A commercial or noncommercial outdoor occurrence or noteworthy happening of seasonal, civic, commerce, or church importance, which is organized and sponsored by an individual or business entity or non-profit community group, organization, club or society, and which promotes economic development or offers a distinctive service to the community, such as public entertainment, community education, civic celebration, or cultural or community enrichment. Outdoor entertainment and community events typically run for a fixed period of time if approved as a temporary uses or temporary accessory use to a permitted use.

(164)Outdoor Food and Beverage Service: An establishment where food and/or beverages are prepared and served for consumption outdoors in a designated dining area, which excludes drive-through restaurants. See definitions of "Bar" and "Restaurant, Indoor Service."

(165)Outdoor Livability Space: Any area of a site which is not covered by a structure, is not included in required parking area, and is available for use by residents and visitors.

(166)Outdoor Recreation: Outdoor commercial or non-commercial amusement services or activities, and other primary uses of land and/or water resources that place importance on enjoyment of the outdoor space in ways that support leisure or reflective pursuits and which do not otherwise fit into land uses identified in this document.

(167)Outdoor Temporary Retail Sales: A seasonal or temporary outdoor arrangement of objects, items, products, or other materials, typically not in a fixed position and capable of rearrangement. The City may require an Outdoor Temporary Sales permit in accordance with an applicable ordinance prior to the establishment of the outdoor temporary sales use.

(168) Parapet: A portion of a wall that projects above a roof.

(169) Parcel: See definition of “Lot.”

(170)Parking Lot: A durable, smooth, hard surfaced, and dust free area with well-defined entrances and exit lanes for unencumbered access to individual parking spaces. See definition of “Hard Parking Surface.”

(171)Parking Space: A defined area for the storage or parking of a single permitted vehicle. This area is to be exclusive of drives, driveways, aisle, or entrances giving access to the space from the public right-of-way.

(172) Permanent Structure: Any building, (whether residential, commercial, or industrial), mobile home, accessory structure or related building, or any septic system, tile field or other waste handling facility erected, installed or moved onto a parcel of property. Excluded are recreational vehicles, picnicking shelters or moveable storage sheds, stairways, docks, or erosion control structures.

(173)Pet Boarding Facility: A business for the temporary boarding and care of common household pets, sometimes referred to as a “doggy day care.” Boarding generally occurs during daytime hours, but may include overnight boarding. Pet boarding facilities may provide related services such as retail sales, grooming, or training, but no animals may be bred or sold at a pet boarding facility.

(174)Planned Unit Development (PUD): A development of flexible design, which meets the requirements of the Planned Unit Development District, other applicable sections of this Ordinance and any additional requirements placed upon it by the Planning Commission.

(175)Planning Commission: The City Planning Commission of the City of Marquette, established by Public Act 33 of 2008, as amended.

(176)Porches, Open: An entrance to a building or structure, which may be covered by a roof, that projects from the main wall of the building or structure but is unenclosed except for columns supporting the roof and a required rail/barrier.

(177) Port Facilities and Docks: A facility for the docking, loading, or unloading of ships, barges, or boats, including marinas and facilities that primarily transport freight. This use excludes warehousing and outdoor storage of materials, goods, or products.

(178) Public Recreational Use. See “Recreational Use, Public.”

(179) Public Utility: Any person, firm or corporation, municipal department, board or commission duly authorized to furnish and furnishing under Federal, State, or Municipal regulation to the public, gas, steam, electricity, sewage disposal, communication, telegraph, transportation, water, or storm water control. “Public utility” does not include telecommunication towers, solar energy facilities, and wind energy conversion systems.

(180) Recreational Use, Land Intensive: A public or quasi-public recreational use which is at least 3 acres in size and for which a large land area is required.

(181) Recreational Use, Public: A publicly-owned or -operated indoor or outdoor recreation facility, including facilities for conservation and related educational opportunities. A Public Recreation Use does not include Outdoor Entertainment and Community Event Uses unless separately approved in accordance with this Ordinance.

(182) Recreational Vehicle: Includes camping trailers, travel trailers, pickup campers, motor homes, folding tent trailers, boat trailers, snowmobiles, all terrain or special terrain vehicles, utility trailers, and similar equipment used for transporting recreational equipment. For the purposes of this Ordinance, a recreational vehicle is not to be used as a single-family dwelling unit in residential zoning districts. See also definitions of “Camping Trailer” and “Travel Trailer.”

(183) Religious Institution: A Religious Institution for the purpose of this Ordinance shall mean: an institution that people regularly attend to participate in or hold religious services, meetings and other activities. The term “Religious Institution” shall not carry a secular connotation and shall include buildings in which the religious services of any denomination are held. Structures owned or operated by Religious Institutions located on parcels other than where the principal structure for religious services are held shall not, for the purpose of this Ordinance, be considered a Religious Institution, and the principal use of this structure shall be its use and the use shall conform to the requirements of the district in which it is located.

(184) Renter: A person or organization that holds, or has the use of, property by payment of rent.

(185) Restaurant, Indoor Service: An establishment where food is prepared and served for consumption within the principal building or for carry-out for off-premises consumption.

(186) Restaurant, Drive-Through. See definition of “Drive-Through Use.”

(187) Retail Business: A business that sells commodities or goods in small quantities to the public for personal, household, or business consumption.

(188)Roofline: The outline or contour of a roof, as observed from an adjacent street, particularly as it applies to the façade where a parapet may form a portion of the roofline.

(189)Rooming House: Any dwelling occupied in such a manner that certain rooms, in excess of those used by the members of the immediate family and occupied as a home or family unit, are leased or rented to persons outside of the family, without any attempt to provide therein or therewith, cooking or kitchen accommodations for individuals leasing or renting rooms. In the case of single- and two-family dwellings, the number of such bedrooms leased or rented to roomers shall not exceed three (3), unless such dwellings be made to comply in all respects with the provisions of this act relating to multiple dwellings.

(190) Service: A useful labor that does not produce a tangible commodity.

(191)Service Establishment: Any establishment whose primary activity is the provision of assistance, as opposed to products, to individuals, business, industry, government, and other enterprises including printing, legal, engineering, consulting, barber and beauty shops, photographic studios, drop-off/pick-up dry cleaners with no on-site treatment, and other similar services.

(192)Setback: The minimum required horizontal distance between the foundation of a building or other structure, excluding allowable projections and encroachments, and the lot line or right-of-way line. See definitions for “Yard” and [Figure 6](#).

(193) Shoreline: The area of the shorelines where land and water meet.

(194)Short-Term Rental: A residential rental property for which a dwelling unit or rooms may be rented for overnight accommodations, for periods as short as one overnight stay. Meals are not provided with rental, but kitchen and/or dining facilities customarily are available for guests to prepare their own meals. Homestays and Vacation Home Rentals, as defined in this Ordinance, are the two types of short-term rentals permitted in the City of Marquette.

(195)Single Housekeeping Unit: One person or two or more individuals living together sharing household responsibilities and activities, which may include sharing expenses, chores, eating meals together and participating in recreational activities and having close social, economic and psychological commitments to each other.

(196) Sign: Refer to [Article 11](#).

(197)Site: One or more lots under the same ownership or control, which are proposed to the Zoning Administrator as a whole for the purpose of compliance with the requirements and regulations of this Ordinance.

(198)Site Area, Net: In the Planned Unit Development District the net site area shall include the area of any existing or required right-of-way located within the boundaries of the site. In all other districts, the net site area shall be the total site area exclusive of any existing or required right-of-way.

(199)Site Improvements: Any work performed on a site that is not building construction or earthwork.

(200)Site Plan: A graphic document of existing site conditions and proposed alterations and construction submitted in compliance with the requirements of this Ordinance.

(201)Storage, Bulk: Goods for sale, storage, or display that have a large size, mass, or volume and are not easily moved or carried, such as railroad ties, large bags of feed, fertilizer, wood, sand, gravel, stone, lumber, equipment, and other similar materials and supplies.

(202)Storage, Open: The storage of any material for a period greater than 24 hours, including items for sale, lease, processing, and repair (including vehicles) not in an enclosed building.

(203)Stream Channel. Part of a watercourse either naturally or artificially created that contains an intermittent or perennial base flow of groundwater origin. Base flows of groundwater origin can be distinguished by any of the following physical indicators:

- (a)** Hydrophytic vegetation, hydric soils, or other hydrologic indicators in the area(s) where groundwater enters the stream channel in the vicinity of the stream headwaters, channel bed, or channel banks.
- (b)** Flowing water not directly related to a storm event.
- (c)** Historical records of a local high groundwater table, such as well and stream gauge records.

(204)Street: An improvement in a dedicated public right-of-way that affords the principal means of vehicular and non-motorized access to abutting property. A street includes the entire right-of-way and any improvements constructed thereon whether designated as a street, highway, thoroughfare, parkway, road, avenue, lane, or however otherwise designated, and including the land between the right-of-way lanes whether improved or unimproved and may comprise pavement, curbs and gutters, shoulders, sidewalks, parking areas, lawn areas and other areas within the right-of-way lines.

(205)Street, Major: A street, designated as a major street pursuant to Act 51 of the public Acts of 1951, with access control, channelized intersections, and restricted parking that collects and distributes traffic to and from minor arterials/streets. A "Major Street" includes an arterial street of great continuity which is intended to serve as a large volume trafficway for both the immediate area and region beyond, and may be designated in the Major Thoroughfare Plan as a major thoroughfare, parkway, expressway or equivalent term to identify those streets comprising the basic structure of the street plan.

(206)Street, Marginal Access: A minor street parallel and adjacent to a major thoroughfare, and which provides access to abutting properties and protection from through traffic.

(207)Street, Minor: A street designated as a minor street pursuant to Act 51 of the Public Acts of 1951 intended primarily for providing access to abutting properties. A "Minor Street" includes a street supplementary to a secondary street intended to serve the local needs of the neighborhood and of limited continuity used primarily as access to abutting residential properties.

- (208) Street, Secondary:** A street intended to serve as a means of access from minor streets to a major street and has considerable continuity within the framework of the Major Thoroughfare Plan.
- (209) Structural Amenity:** A non-plant element such as outdoor art, paintings, sculpture, fountains and similar water features, benches, arbors, doghouses, playsets, birdfeeders, clotheslines, air conditioners, detached open structures, and similar amenities as determined by the Zoning Administrator, and which meets the requirements of [Section 54.702\(G\)](#).
- (210) Structure:** Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground, except driveways and pavement, but including retaining walls.
- (211) Structure, Temporary:** A structure without any foundation or footing and removed when the designated time period, activity, or use for which the temporary structure was erected has ceased. Examples of temporary structures include, but are not limited to, tents, portable storage units, portable offices, and attendant shelters.
- (212) Survey:** A depiction of real property and relative improvements (i.e. a tract of land and structures) to determine and delineate the form, extent, and position of the property and improvements by using linear and angular measurements and prepared by a Michigan Licensed Surveyor. Depending upon the level of detail required, an acceptable survey for zoning procedures may be either a **Level 1 Survey /Boundary Survey**, or a **Level 2 Survey/Location Sketch** (less detailed than a Level 1 Survey) as determined by the Zoning Administrator per [Section 54.1402\(C\)](#).
- (213) Swarm, Honeybee:** See “Honeybee Swarm.”
- (214) Temporary Structure:** See definition of “Structure, Temporary.”
- (215) Temporary Use:** See definition of “Use, Temporary.”
- (216) Tenant:** A person entitled by written, oral, or implied agreement to occupy a dwelling unit to the exclusion of others. Tenant shall not include (i) an authorized occupant, (ii) a guest or invitee, or (iii) any person who guarantees or cosigns the payment of the financial obligations of a rental agreement but has no right to occupy a dwelling unit.
- (217) Tent:** A structure whose walls and roof are entirely or primarily made of fabric. When used for temporary residential occupancy in accordance with City ordinances, a tent must be located in a rear yard. Tents shall not be used for residential occupancy in locations not approved for the use.
- (218) Transitional Yard:** See definition of “Yard, Transitional.”
- (219) Travel Trailer:** A vehicular, portable structure mounted on wheels and of a size and weight as not to require special highway movement permits alone or when drawn by a stock passenger automobile or a fifth wheel hitch mounted on a motor vehicle, and is primarily designed, and used for temporary residential occupancy during recreational

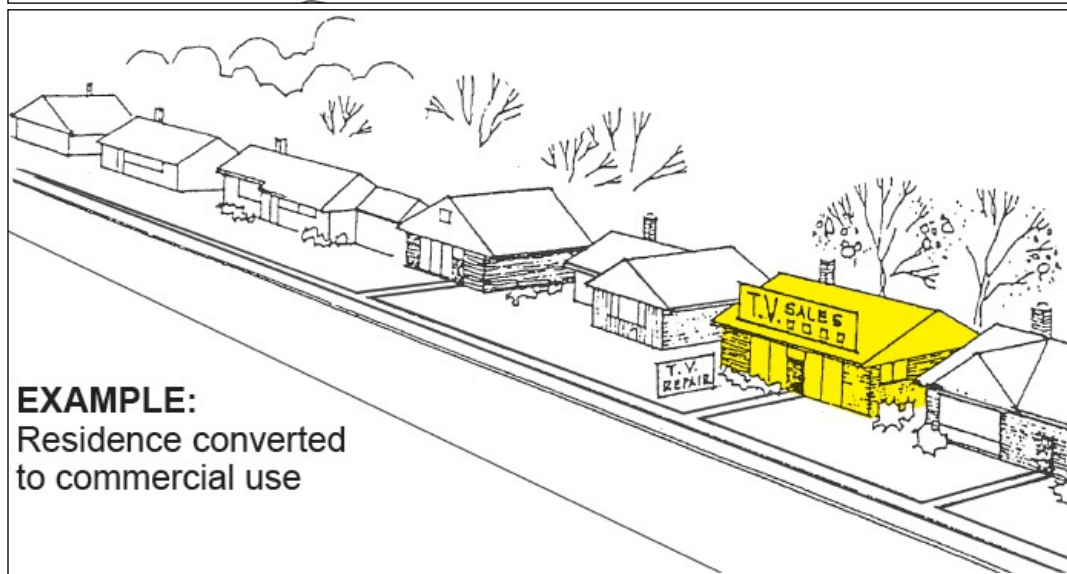
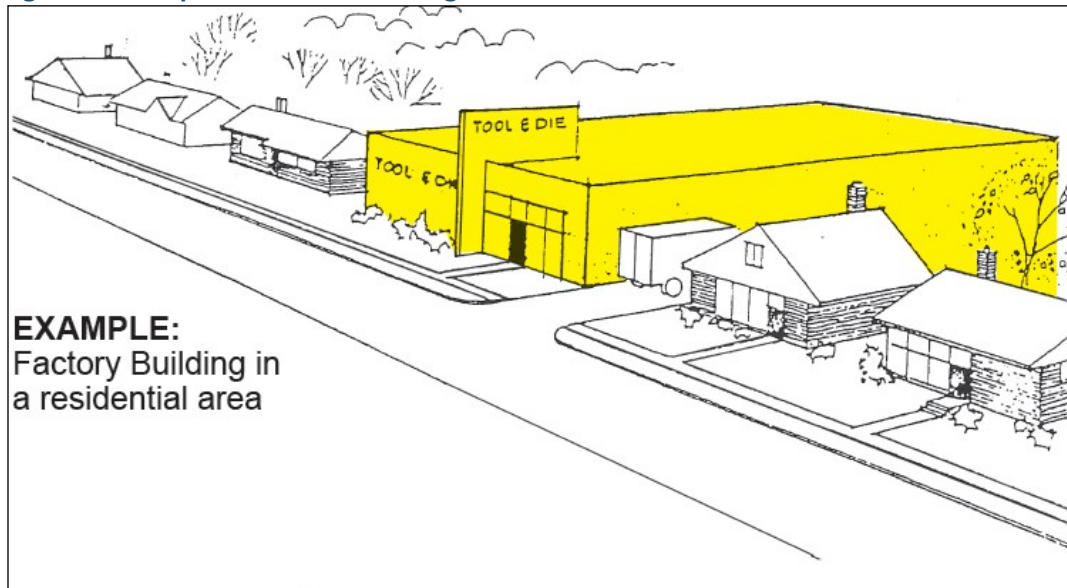
camping or travel. See also definitions of “Camping Trailer” and “Recreational Vehicle.”

(220)Use: Any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained or occupied, or any activity, occupation, business or operation carried on or intended to be carried on in a building or other structure or on a tract of land.

(221)Use, Accessory: Any use of land and/or structures that is clearly incidental, subordinate, and devoted exclusively to a permitted principal use(s) or special land use(s) on the same lot as the principal use to which it is accessory.

(222)Use, Nonconforming: Any use of a structure, use of land, or use of a structure and land in combination that was lawfully established prior to the time of passage of this Ordinance (or any amendments thereto) and which does not conform to all of the applicable regulations contained in the ordinance (or its amendments). For example purposes only, a nonconforming use may be a factory building in a residential area or a residence converted to a commercial use (See [Figure 5. Examples of Nonconforming Use](#)).

Figure 5. Examples of Nonconforming Use



(223)Use, Permitted: A use by right that is specifically authorized in a particular zoning district.

(224)Use, Principal: The main use of land or structures as distinguished from a secondary or accessory use.

(225)Use, Special Land: Any building, structure, or use that complies with the applicable regulations governing uses, other than principal and accessory uses, in the zoning district in which such building, structure, or use is located, and for which a permit has been issued by the City Planning Commission.

(226)Uses Subject to Standards Applicable to Specific Land Uses: A use that includes associated development and performance standards unique to the use (see [Article 6](#)).

(227)Use, Temporary: A use intended and/or permitted for limited duration in accordance with City ordinances, subject to City approval.

(228)Utility Electrical Power Generation: The erection, construction, alteration, operation, or maintenance by public utilities or municipal departments for the purpose of electrical power generation facilities and similar accessories in connection therewith.

(229)Vacation Home Rental: A single-family home, or a dwelling unit in a duplex or multi-family dwelling structure, or any other dwelling unit, in which up to four (4) bedrooms are rented by a single lessee or renter for overnight accommodations, for periods as short as one overnight stay. Meals are not provided with rental, but kitchen and/or dining facilities are available for guests to prepare their own meals. The property owner may or may not live in the dwelling unit for part of the year, but the property owner may not live in the unit concurrently with any lessee. Only properties that have received approval of a rental registration application are recognized as a Vacation Home Rental for purposes of complying with City of Marquette ordinances.

(230) Variance: See definition of “Zoning Variance.”

(231)Vehicle Repair and Service: Engine tune-ups and rebuilding; transmission service and rebuilding; servicing of brakes, air conditioning, exhaust systems; oil change or lubrication; wheel alignment or balancing; collision service such as body, frame, or fender straightening or repair; steam cleaning, undercoating, and rustproofing; and other similar servicing or repairs that may require disassembly or storing of automobiles on the premises overnight while awaiting repairs or pick up.

(232)Veterinary Clinic (Domestic Animals Only): An institution that is licensed by the State of Michigan to provide for the care, diagnosis, and treatment of sick or injured domestic animals, including those in need of medical or surgical attention. A veterinary clinic may include customary pens or cages within the walls of the clinic structure, but shall not include overnight boarding unless separately approved for a pet boarding facility use. A veterinary clinic may include such related facilities as laboratories, testing services, and offices.

(233) Wall, Decorative Masonry: A solid wall composed of decorative masonry materials, including brick, face brick, stone, or similar decorative masonry material. Poured concrete, concrete masonry units (CMUs), split-faced block and similar materials are not acceptable decorative masonry materials.

(234) Wall, Retaining: A structural wall, either freestanding or laterally braced, designed to withstand lateral and other forces from earth material in contact with one side of the wall, thereby preventing the material from sliding to a lower elevation.

(235) Warehousing: A use engaged primarily in indoor storage, wholesale, and distribution of goods, products, supplies, and equipment, excluding bulk storage of materials.

(236) Water Pollution. Any contamination or alteration of the physical, chemical, or biological properties of any waters that will render the waters harmful or detrimental to:

- (a)** The City's potable water intake in Lake Superior.
- (b)** Public health, safety, or welfare.
- (c)** Domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses.
- (d)** Livestock, wild animals, or birds.
- (e)** Fish or other aquatic life.

(237) Water Pollution Hazard. A land use or activity that causes a relatively high risk of potential water pollution.

(238) Waterway. For the purposes of this Ordinance, waterways shall include rivers, stream channels, brooks, drains, and other riparian water bodies illustrated on the Official Zoning Map.

(239) Wetlands. Land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support, wetland vegetation or aquatic life, and is commonly referred to as a bog, swamp, or marsh. The boundaries of wetlands are determined in accordance with the Michigan Department of Environmental Quality.

(240) Wholesale Trade Establishments: An establishment or place of business primarily engaged in selling and/or distributing wholesale merchandise to retailers, business users, other wholesalers, or individuals.

(241) Wholesaling Operations: The storage and sale of goods to other firms for resale, as well as activities involving significant movement and storage of products or equipment, including warehousing and indoor storage activities.

(242) Wireless Communication Antenna: Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

(243) Wireless Communication Backhaul Network: The lines that connect a provider's towers and/or cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.

(244)Wireless Communication Tower: Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

(245)Wireless Communication Tower, Height: The distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.

(246)Wireless Communication Tower, Preexisting and preexisting antennas: Any tower or antenna for which a building permit or special land use permit has been properly issued prior to the effective date of this Ordinance, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.

(247)Wireless Communication Tower Structure, Alternative: Man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

(248)Yard: Open space on the same site as a main building, unoccupied and unobstructed by man-made fixed objects from the ground upward except as otherwise provided in the City Code, as defined therein.

(249)Yard, Front: An open space extending the full width of the lot, the depth of which is the horizontal distance between the front lot line/right-of-way line and the nearest vertical plane/exterior foundation of the main structure. Through lots must provide a front yard on both streets. On a corner lot, two (2) front yards are required, and one (1) rear yard setback is required, which shall be opposite the front lot line that provides the primary frontage, at the discretion of the property owner. (See [Figure 6. Yard Terms](#) and [Figure 7. Yards of a Corner Lot](#))

(250)Yard, Rear: An open space extending the full width of the lot, the depth of which is the horizontal distance between the rear lot line and the nearest vertical plane/exterior foundation of the main structure. In the case of a corner lot, the rear yard shall be opposite the front lot line that provides the primary frontage, at the discretion of the property owner. (See [Figure 6. Yard Terms](#) and [Figure 7. Yards of a Corner Lot](#))

(251) Yard, Side: An open space extending the distance between the front yard and the rear yard, the depth of which is the horizontal distance between the side lot line and the nearest vertical plan/exterior foundation of the main structure. If no front or rear yard is required, the side yard area must extend the full depth of the lot. Side yards on through lots must run the full length of the lot between street right-of-way lines. (See [Figure 6. Yard Terms](#) and [Figure 7. Yards of a Corner Lot](#))

Figure 6. Yard Terms

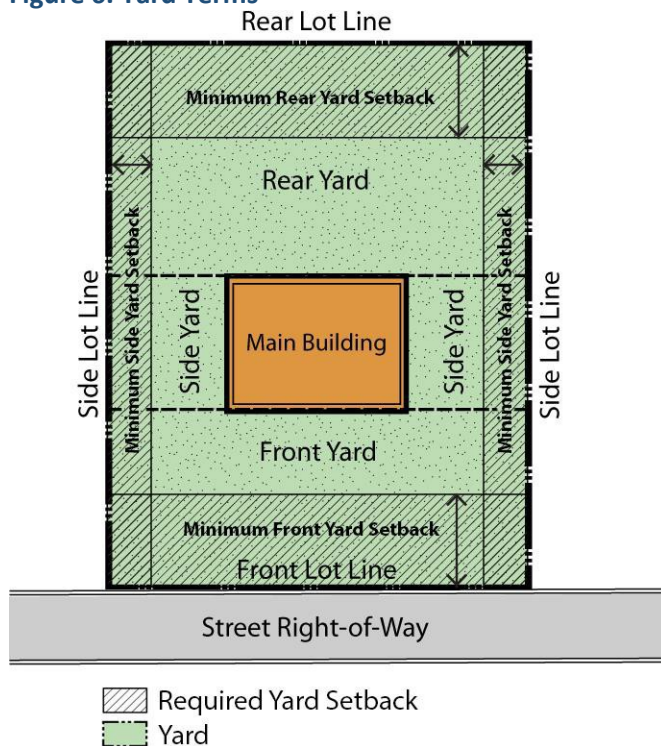
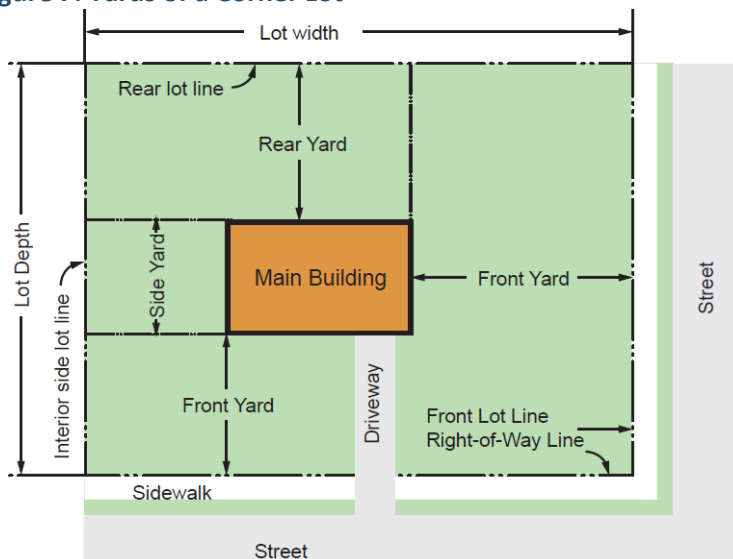


Figure 7. Yards of a Corner Lot



(252)Yard, Transitional: A required yard located on sites abutting zoning district boundaries for the purpose of creating a buffer zone to reduce conflict between incompatible districts or land uses. The provision for transition yards as documented in [Article 10](#) are not modified by any of the provisions for yard setbacks.

(253)Zoning Administrator: The person(s) appointed by the City Manager to administer and enforce this Land Development Code in accordance with the duties of [Section 54.1301](#).

(254) Zoning District: See definition of “District,Zoning.”

(255) Zoning Ordinance: See “Land DevelopmentCode.”

(256)Zoning Variance: A modification of the literal provisions of the Land Development Code granted by the Board of Zoning Appeals when in its judgment the strict enforcement of the Land Development Code would cause practical difficulty owing to circumstances unique to the individual property on which the variance is granted.

SECTION 2. Article 3 – Zoning Districts and Map, Section 54.306

Chapter 54 – LAND DEVELOPMENT CODE, Article 3 – Zoning Districts and Map, Section 54.306 Permitted Uses by District is hereby repealed. New Chapter 54 – LAND DEVELOPMENT CODE, Article 3 – Zoning Districts and Map, Section 54.306 Permitted Uses by District is hereby adopted:

Section 54.306 Permitted Uses by District

The following [Figure 8](#) lists the permitted uses and special land uses in each district, except that the permitted uses and special land uses of the Marquette Downtown Waterfront (DMW) Form-Based Code and Third Street Corridor (TSC) Form-Based Code are in [Section 54.321](#) and [Section 54.322](#), respectively. Refer to [Article 2](#) for a description of the uses listed in the following [Figure 8](#).

Whenever a specific development standard is included for a particular use in [Figure 8](#), any development must comply with the requirements of the referenced section. All development standards for specific uses are listed in [Article 6](#) and in other areas of this Ordinance. Additionally, any use that is a special land use must also comply with the standards of [Section 54.1403\(C\)](#).

Figure 8. Table of Permitted Land Uses and Special Land Uses by Zoning District

| Key: | P=Permitted | | S=Special Land Use | | [blank]=Use Not Permitted | | | | | | | | | |
|---|-------------|-----|--------------------|-----|---------------------------|-----|----|----|---|---|-----|----|-----|--------------------------------|
| Land Use | LDR | MDR | MFR | MHP | MU | CBD | GC | RC | M | C | I-M | CR | BLP | Use Standards |
| Residential Uses | | | | | | | | | | | | | | |
| Adult Foster Care, Family Home | P | P | P | P | P | P | | | | | | | | |
| Adult Foster Care, Large Group Home | | | S | | | | | | | | | | | Section 54.602 |
| Adult Foster Care, Small Group Home | S | S | S | | S | | | | | | | | | Section 54.602 |
| Child or Day Care, Family Home | P | P | P | P | P | P | | | | | | | | |
| Child or Day Care, Group Home | S | S | S | | S | | | | | | | | | Section 54.608 |
| Dwelling, Accessory Unit | S | S | S | | S | S | | | | | | | | Section 54.612 |
| Dwelling, Intentional Community | S | S | S | | S | S | | | | | | | | Section 54.614 |
| Dwelling, Live/Work | | | | | P | P | | | | | | | | Section 54.615 |
| Dwelling, Multiple-Family | | | P | | P | S | | | | | | | | Section 54.616 |
| Dwelling, Single-Family Attached | | | P | | P | S | | | | | | | | |
| Dwelling, Single-Family Detached | P | P | P | | P | S | | | | | | | | Section 54.617 |
| Dwelling, Two-Family (Duplex) | S | S | P | | P | P | | | | | | | | Section 54.613 |
| Foster Family Group Home | S | S | S | | S | S | | | | | | | | |
| Foster Family Home | P | P | P | | P | P | | | | | | | | |
| Home Occupation | P | P | P | | P | P | | | | | | | | Section 54.621 |
| Home Office | P | P | P | | P | P | | | | | | | | Section 54.622 |
| Mobile Home Park | | | | P | | | | | | | | | | Section 54.630 |
| Nursing Home, Convalescent Home, Extended Care Facility, Assisted Living Facility | | | S | | S | S | | | | | | | | Section 54.632 |
| Residential Limited Animal Keeping | P | P | | | | | | | | | | | | Section 54.641 |
| Lodging Uses | | | | | | | | | | | | | | |
| Bed and Breakfast | | | S | | S | S | | | | | | | | Section 54.603 |
| Bed and Breakfast Inn | | | | | S | S | | | | | | | | Section 54.604 |
| Domestic Violence Abuse Shelter | | | S | | S | S | | | | | | | | Section 54.610 |
| Fraternity or Sorority House | | | S | | S | S | | | | | | | | |
| Halfway House | | | S | | | | | | | | | | | Section 54.620 |
| Homeless Shelter | | | | | S | S | | | | | | | | Section 54.623 |
| Homestays and Vacation Home Rentals | P | P | P | | P | P | | | | | | | | Section 54.624 |
| Hospital Hospitality House | | S | | | S | S | | | | | | | | Section 54.626 |
| Hotel or Motel | | | | | S | S | P | P | | | | | | |

Key: P=Permitted S=Special Land Use [blank]=Use Not Permitted

| Land Use | LDR | MDR | MFR | MHP | MU | CBD | GC | RC | M | C | I-M | CR | BLP | Use Standards |
|--|-----|-----|-----|-----|----|-----|----|----|---|---|-----|----|-----|-----------------------------------|
| Rooming House | | | S | | S | S | | | | | | | | Section 54.642 |
| Medical Uses | | | | | | | | | | | | | | |
| Emergency Services | | | | | P | P | P | P | | | | | | |
| Health Services | | | | | P | P | P | P | | | | | | |
| Hospice | | | | | P | P | P | P | | | | | | |
| Hospital | | | S | | S | S | S | S | | | | | | Section 54.625 |
| Medical Hospital Related Accessory Uses | | | | | P | P | P | P | | | | | | |
| Medical Hospital Related Office | | | | | P | P | P | P | | | | | | |
| Medical Hospital Related Uses | | | | | P | P | P | P | | | | | | |
| Office, Medical | | | | | P | P | P | P | | | P | | | Section 54.633 |
| Veterinary Clinic (Domestic Animals Only) | | | | | P | P | P | P | | | P | | | |
| Public and Quasi-Public Uses | | | | | | | | | | | | | | |
| Cemetery | S | S | S | | | | | | P | P | | | | Section 54.606 |
| Public or Governmental Building | S | S | S | | P | P | P | P | P | P | P | P | P | |
| Recreational Use, Land Intensive | | | | | | | | | | | | S | S | Section 54.639 |
| Recreational Use, Public | S | S | S | | S | S | S | S | P | P | | P | P | |
| Religious Institution | S | S | S | | P | S | P | P | | | P | | | Section 54.640 |
| School, Primary or Secondary | S | S | S | | S | S | | | P | P | | | | Section 54.643 |
| School, University | | S | S | | S | S | | | P | P | | | | Section 54.607 |
| Commercial and Retail Uses | | | | | | | | | | | | | | |
| Adult Entertainment Uses | | | | | | | | | | | S | | | Section 54.601 |
| Bar | | | | | S | P | P | P | | | | | | |
| Child Care Center or Day Care Center | S | S | | | P | S | P | P | | | | | | Section 54.609 |
| Drive-Through Uses | | | | | | S | P | P | | | | | | Section 54.611 |
| Farmers' Markets | | | | | P | P | P | P | P | P | | | | Section 54.618 |
| Gasoline Service Stations | | | | | | S | P | P | | | P | | | |
| Indoor Recreation | | | | | P | P | P | P | P | P | P | | | |
| Office, Professional | | | | | P | P | P | P | P | P | P | | | Section 54.633 |
| Outdoor Entertainment and Community Events (Principal Use) | | | | | S | P | | | P | P | | S | | Section 54.635(D) |
| Outdoor Entertainment and Community Events (Temporary Use) | P | P | P | P | P | P | P | P | P | P | P | P | P | Section 54.635(B) |
| Outdoor Food and Beverage Service | | | | | S | P | P | P | | | | | | Section 54.636 |
| Outdoor Recreation | | | S | | P | P | P | P | P | P | | P | P | |
| Pet Boarding Facility | | | | | | | S | S | | | S | | | |
| Restaurant, Indoor Service | | | | | P | P | P | P | | | | | | |
| Retail Business, Indoor | | | | | P | P | P | P | | | P | | | |
| Retail Business, Outdoor Permanent | | | | | | | S | S | | | S | | | |
| Retail Sales, Outdoor Temporary | | | | | P | P | P | P | | | | | | Section 54.637 |
| Service Establishment | | | | | P | P | P | P | | | P | | | |
| Storage, Open | | | | | | | P | P | P | P | P | P | P | Section 54.634 |
| Vehicle Repair and Service | | | | | S | S | S | P | | | P | | | Section 54.627 |

Key: P=Permitted S=Special Land Use [blank]=Use Not Permitted

[illegible]

SECTION 3. Article 3 – Zoning Districts and Map, Section 54.312

Chapter 54 – LAND DEVELOPMENT CODE, Article 3 – Zoning Districts and Map, Section 54.312 CBD, Central Business District is hereby repealed. New Chapter 54 – LAND DEVELOPMENT CODE, Article 3 – Zoning Districts and Map, Section 54.312 CBD, Central Business District is hereby adopted:

Section 54.312 CBD, Central Business District

| (A) Intent | |
|---|---|
| The CBD is the historic hub of city commerce and intended to provide suitable regulations for the business-oriented core area of the city which serves both local and regional markets such as offices, retail or wholesale sales or service, light manufacturing, and mixed uses that include residential. | |
| (B) Permitted Principal Uses | (C) Special Land Uses |
| <ul style="list-style-type: none"> • Accessory Building or Structure • Adult Foster Care, Family Home • Bar • Child or Day Care, Family Home • Dwelling, Live/Work • Dwelling, Two-Family (Duplex) • Emergency Services • Farmers' Markets • Food Production, Minor • Foster Family Home • Health Services • Home Occupation • Home Office • Homestays and Vacation Home • Hospice • Indoor Recreation • Medical Hospital Related Accessory Uses • Medical Hospital Related Office • Medical Hospital Related Uses • Office, Medical • Office, Professional • Outdoor Entertainment and Community Events (Principal or Accessory Use) • Outdoor Food and Beverage Service • Outdoor Recreation • Public or Governmental Building • Restaurant, Indoor Service • Retail Business, Indoor • Retail Sales, Outdoor Temporary • Service Establishment • Veterinary Clinic (Domestic Animals Only) | <ul style="list-style-type: none"> • Accessory Use, Non-Single Family Residential Lots • Accessory Use, Single-Family Residential Lots • Bed and Breakfast • Bed and Breakfast Inn • Child Care Center or Day Care Center • Domestic Violence Abuse Shelter • Drive-Through Uses • Dwelling, Accessory Unit • Dwelling, Intentional Community • Dwelling, Multiple-Family • Dwelling, Single-Family Attached • Dwelling, Single-Family Detached • Foster Family Group Home • Fraternity or Sorority House • Gasoline Service Stations • Homeless Shelter • Hospital • Hospital Hospitality House • Hotel or Motel • Manufacturing, Light • Marihuana Designated Consumption Establishment • Marihuana Grower – Class A • Marihuana Microbusiness – Light Manufacturing • Marihuana Processor – Light Manufacturing • Marihuana Retailer • Marihuana Safety Compliance Facility • Nursing Home, Convalescent Home, Extended Care Facility, Assisted Living Facility • Recreational Use, Public • Religious Institution • Rooming House • School, Primary or Secondary • School, University • Vehicle Repair and Service • Wireless Telecommunications Facilities |
| Where there is a discrepancy between Section 54.306 and this table, Section 54.306 shall prevail. | |

| (D) Dimensional Regulations | | | |
|---|---------------------|-------------------------------------|------------------------|
| <i>Lot, Coverage, and Building Height Standards</i> | | <i>Minimum Setbacks</i> | |
| <i>Min. Lot Area (sq. ft.)</i> | None | <i>Front Yard (ft.)</i> | 0 |
| <i>Min. Lot Width (ft.)</i> | None | <i>Side Yard (one) (ft.)</i> | 5 (H) |
| <i>Max. Impervious Surface Coverage (%)</i> | (R) | <i>Side Yard (total of 2) (ft.)</i> | 10 (H) |
| <i>Max. Building Height of Primary Building (ft.)</i> (O) | 74 | <i>Rear Yard (ft.)</i> | 10 (L) |
| <i>Max. Building Height of Accessory Building</i> | 18 | | |
| <i>Max. Building Height (stories)</i> | - | | |
| Where there is a discrepancy between Article 4 and this table, Article 4 shall prevail. | | | |

| (E) Requirements for Uses in the CBD |
|--|
| <p>(1) There shall be not outdoor storage.</p> <p>(2) Outdoor vehicular sales, and service areas are prohibited.</p> |

| (F) References to Additional Standards | | |
|--|--|---|
| <i>Definitions</i> Article 2 | <i>Exterior Lighting</i> Section 54.802 | <i>Landscaping and Screening</i> Article 10 |
| <i>Subdivisions</i> Section 54.501 | <i>Riparian Buffers</i> Section 54.804 | <i>Signs</i> Article 11 |
| <i>Site Condominiums</i> Section 54.503 | <i>Wetland Protection</i> Section 54.805 | <i>Nonconformities</i> Article 12 |
| <i>Accessory Structures</i> Section 54.705 | <i>Steep Slopes and Ridgelines</i> Section 54.806 | <i>Zoning Permits</i> Section 54.1401 |
| <i>Fences and Walls</i> Section 54.706 | <i>Parking, Loading, and Access Management</i> Article 9 | <i>Site Plan Review</i> Section 54.1402 |

SECTION 4. Article 3 – Zoning Districts and Map, Section 54.320

Chapter 54 – LAND DEVELOPMENT CODE, Article 3 – Zoning Districts and Map, Section 54.320 RO, Riparian Overlay District is hereby repealed. New Chapter 54 – LAND DEVELOPMENT CODE, Article 3 – Zoning Districts and Map, Section 54.320 RO, Riparian Overlay District is hereby adopted:

Section 54.320 RO, Riparian Overlay District

- (A) **Purpose.** The purpose of a Riparian Overlay District in the City of Marquette is to fulfill the objectives of the City of Marquette Community Master Plan of ensuring the protection of water quality within the local waterways and ultimately Lake Superior. Erosion and sedimentation reduce water quality by adding excessive amounts of nutrients, animal wastes, toxins, and turbidity in storm runoff. The enhancement of the natural vegetation adjacent to waterways is intended to protect the physical integrity of the system, reduce the amount of non-point source pollution entering these systems, and protect and enhance the aquatic habitat of the region.
- (B) **Intent.** The intent of the Riparian Overlay District is to fulfill the objectives of the City of Marquette Community Master Plan which includes establishing minimal acceptable requirements for the design and preservation of buffers to protect the waterways, wetlands, and floodplains of the City of Marquette and to protect the water quality of Lake Superior, watercourses, reservoirs, lakes, and other significant water resources within the City of Marquette.
- (C) **Background.** Buffers adjacent to waterways help water quality by providing numerous environmental protection and resource management benefits that can include the following:
- (1) Restoring and maintaining the chemical, physical, and biological integrity of the water resources.
 - (2) Removing and filtering pollutants delivered from urban storm water.
 - (3) Reducing erosion and sediment entering the waterway.
 - (4) Stabilizing stream banks.
 - (5) Providing infiltration of storm water runoff.
 - (6) Maintaining base flow of streams.
 - (7) Contributing the natural organic matter that is a source of food and energy for the aquatic ecosystem.
 - (8) Providing tree canopy to shade waterways, keeping dissolved oxygen levels high, and promoting desirable aquatic organisms.
 - (9) Encouraging riparian wildlife habitat.
 - (10) Furnishing scenic value and recreational opportunity for residents and visitors alike.

It is the desire of the City of Marquette to protect and maintain the native vegetation in riparian and wetland areas by implementing specifications for the establishment, protection, and maintenance of vegetation along all waterways within the City's jurisdictional authority.

(D) **Definitions.** In addition to the general definitions of [Article 2](#), the following definitions shall apply to the Riparian Overlay District:

- (1) **Best Management Practices (BMPs).** See [Article 2](#).
- (2) **Buffer.** A vegetated area, including trees, shrubs, and herbaceous vegetation, that exists or is established to protect a waterway, lake, or reservoir.
- (3) **Buffer Corridor.** The total width of the buffers on each side of a waterway and the waterway itself.
- (4) **Wetlands.** See [Article 2](#).
- (5) **Nonpoint Source Pollution.** See [Article 2](#).
- (6) **Stream Channel.** See [Article 2](#).
- (7) **Top of Bank.** The top of bank is the point on the bank or shore up to which the presence and action of the water is so continuous as to leave a distinct mark either by erosion, destruction of terrestrial vegetation or other easily recognized characteristic.
- (8) **Waterway.** See [Article 2](#).
- (9) **Water Pollution.** See [Article 2](#).
- (10) **Water Pollution Hazard.** See [Article 2](#).

(E) **Boundary of Riparian Overlay District.** The RO district is a floating zone with boundaries determined by the presence of regulated natural features such as waterways, steep slopes, and wetlands, where development or disturbance may adversely affect water quality, wetlands, or other waterbodies. Where a portion of a parcel is within the RO district, the regulations of the RO district shall apply only to that portion of the parcel within the RO district. The RO district includes any land that is located within:

- (1) A waterway, including the top bank, and 25 feet perpendicularly away from the bank plus any additional buffer width as specified in this Section.
- (2) A wetland and 10 feet beyond the edge of the wetland.
- (3) Steep slopes adjacent to a waterway, which are added to the 25-foot riparian buffer of a waterway or drain ([Section 54.320\(E\)\(1\)](#)) in relation to the slope of the bank, calculated as follows: (See [Figure 40](#) in [Section 54.806](#) regarding calculating the percentage of a slope.)

| Percent Slope | Buffer Extension | Total Width of Riparian Buffer | Total Width of Buffer Corridor |
|------------------|------------------|--------------------------------|--------------------------------|
| 15%-17% | Add 5 feet | 30 feet | Waterway plus 60 feet |
| 18%-20% | Add 10 feet | 35 feet | Waterway plus 70 feet |
| 21%-23% | Add 15 feet | 40 feet | Waterway plus 80 feet |
| 24%-25% | Add 20 feet | 45 feet | Waterway plus 90 feet |
| Greater than 25% | Add 25 feet | 50 feet | Waterway plus 100 feet |

(F) Vegetative Strip Required. A riparian buffer for the areas delineated in [Section 54.320\(E\)](#) shall consist of a vegetated strip of land extending along both sides of the waterway and its adjacent wetlands or steep slopes. The riparian buffer shall contain undisturbed (unmowed) native vegetation. Permitted species must comply with [Section 54.320\(H\)\(5\)](#).

(G) Permitted and Prohibited Uses and Structures in Riparian Buffers. The riparian buffer, including wetlands and steep slopes, shall be managed to enhance and maximize the unique value of these resources. Management includes specific limitations on alteration of the natural conditions of these resources as follows:

(1) Allowable Uses and Structures. No buildings or impervious surfaces shall be constructed or placed within the riparian buffer area except as permitted within this Ordinance. The following structures, practices, and activities are permitted in the riparian buffer, with specific design or maintenance features, subject to the review of the City of Marquette Planning Commission, or the Zoning Administrator per [54.1401\(B\)](#), and subject to all applicable Local, State and Federal regulations.

- (a)** Roads, road crossings, bridges, paths, utilities, and utility rights-of-way, where permitted.
- (b)** Flood control structures in accordance with all applicable regulatory permits.
- (c)** An access path perpendicular to the waterway which is 10 feet wide. This path may be mowed.
- (d)** Removal of poison ivy, poison sumac, poison oak and species that are recognized as highly invasive, as contained on a "List of Invasive Species" maintained on file in the office of the City Clerk.
- (e)** Stream restoration projects, facilities and activities.
- (f)** Water quality monitoring and stream gauging.
- (g)** Individual trees within the riparian buffer that are in danger of falling on dwellings or other structures, or causing blockage of the stream may be removed.
- (h)** Other timber cutting techniques within the riparian buffer that are approved by the City to preserve the forest from extensive pest infestation, disease infestation, or threat from fire.

(2) Prohibited Activities. The following practices and activities are prohibited within the riparian buffer:

- (a)** Clearing, cutting, and mowing of existing vegetation (except as listed below).
- (b)** Soil disturbance by grading, stripping, or other practices.
- (c)** Filling or dumping.
- (d)** Drainage by ditching, underdrains, or other systems.
- (e)** Use, storage, or application of pesticides and herbicides.
- (f)** Housing, grazing, or other maintenance of livestock.

- (g) Storage or operation of motorized vehicles, except for permitted maintenance or emergency use.
- (h) Use, storage, or application of any fertilizer.
- (i) Construction or placement of buildings and structures unless permitted by [Section 54.320\(G\)\(1\)](#).

(3) Water Pollution Hazards. In addition to being prohibited within the required riparian buffers delineated in [Section 54.320\(E\)](#), the following land uses and/or activities are designated as potential water pollution hazards and must be set back from any waterway or waterbody by the distance indicated below:

- (a) Storage of hazardous substances - (150 feet)
- (b) Above ground or underground petroleum storage facilities - (150 feet)
- (c) Drainfields from onsite sewage disposal and treatment system (i.e., septic systems) - (100 feet)
- (d) Raised septic systems - (250 feet)
- (e) Solid waste landfills or junkyards - (300 feet)
- (f) Confined animal feedlot operations - (250 feet)
- (g) Land application of biosolids - (100 feet)

(H) Required Planting.

(1) Activities that Require Planting. In addition to maintaining the required vegetative strip ([Section 54.320\(F\)](#)) within all riparian buffer areas, the following condition(s) shall trigger the requirement for inventorying and, if necessary, planting of native vegetation in areas where riparian buffers are required:

- (a) Site plan review for parcel, site condominium, planned unit development (PUD).
- (b) Application for a building permit.
- (c) Any work requiring a Soil Erosion and Sedimentation Control Permit.
- (d) Any work requiring an Inland Lakes and Streams Permit.

(2) Required Plan Information. All plans prepared for recording, site plan review, and all right-of-way plans shall clearly:

- (a) Show the extent, including dimensions, of any riparian buffer on the subject property.
- (b) Identify all adjacent wetlands.
- (c) Identify percent slope of lands adjacent to waterway.
- (d) Identify the 100-year floodplain limits.
- (e) Label the riparian buffer.
- (f) Provide a note to reference the riparian buffer stating: "There shall be no clearing, grading, construction or disturbance of vegetation except as permitted by the City of Marquette".

(3) Required Native Trees and Shrubs. The following are the required minimum frequencies for plants in a riparian buffer area when an activity requires inventory and, if necessary, planting (see [Section 54.320\(H\)\(5\)](#) for species requirements):

- (a) One (1) native tree per every 10 lineal feet of each stream bank.
- (b) Four (4) native shrubs per every 10 lineal feet of each stream bank.

- (4) **Required Native Groundcover.** If any part of the riparian buffer area is fallow or lacking any plants at all, native grass and/or native wildflowers shall be planted using the following (see [Section 54.320\(H\)\(5\)](#) for species requirements):
- (a) Grass seed at a rate required by seed package.
 - (b) Straw mulch at one bale per 100 square feet.
- (5) **Permitted and Prohibited Species of Plantings.** A list of allowable and prohibited native species of trees, shrubs, and groundcover shall be maintained by City staff and may include recommended species of the Natural Resources Conservation Service (NRCS) based on general soil type.
- (I) **Enforcement Procedures.** Riparian buffers meeting the requirements of this Ordinance are required on all parcels of land in the city to which they apply. The City of Marquette is authorized and empowered to enforce the requirements of this Ordinance in accordance with [Article 15](#) and other applicable provisions of this Ordinance.
- (J) **Access.** The creation of riparian buffer area by this Ordinance shall not be interpreted to mean that this conveys to the general public the right of access to this area. However, the City of Marquette shall reserve the right to inspect the buffer for compliance to this Ordinance.
- (K) **Waivers.** Waivers from the provisions of the Riparian Overlay District must meet the following requirements:
- (1) **Buffer Requirements Eligible for Waiver Applications.** The City of Marquette Planning Commission, or the Zoning Administrator per [54.1401\(B\)](#), may grant a waiver from the provisions of the Riparian Overlay District for the following:
- (a) **Riparian Buffer Width.** The buffer width may be reduced at some points, provided the average width of the buffer meets the minimum requirement. This averaging of the buffer may be used to allow for the presence of an existing structure or to recover a lost lot. The Planning Commission or Zoning Administrator may consider credit for additional density elsewhere on the site in compensation for the loss of developable land due to the requirements of the Riparian Overlay District. This compensation may increase the total number of dwelling units on the site up to the amount permitted under the base zoning.
 - (b) **Uses and Activities.** The following uses and activities may be considered by the Planning Commission or Zoning Administrator. In granting a request for a waiver, the Planning Commission may require site design, landscaping planting, fencing, signs, and water quality best management practices to reduce adverse impacts on water quality, waterways, wetlands and floodplains.
 - (i) Those projects or activities for which it can be demonstrated that there is no prudent, practical, or reasonable alternative.
 - (ii) Those projects or activities serving a public need where no feasible alternative is available.
 - (iii) The repair and maintenance of public improvements where avoidance and minimization of adverse impacts to wetlands and associated aquatic ecosystems have been addressed.

- (2) **Waiver Application Requirements.** The applicant must submit a written request for a waiver to the Planning Commission or Zoning Administrator. The application shall include specific reasons justifying the waiver and any other information necessary to evaluate the proposed waiver request. The City shall require an alternative analysis that clearly demonstrates that no other prudent, practical, or reasonable alternatives exist and that minimal impact will occur as a result of the project or development.
- (3) **Appeals of Waiver Decisions.** Decisions by the Planning Commission or Zoning Administrator on waiver applications may be appealed to the Board of Zoning Appeals pursuant to [Section 54.1404](#).

SECTION 5. Article 3 – Zoning Districts and Map, Section 54.322

Chapter 54 – LAND DEVELOPMENT CODE, Article 3 – Zoning Districts and Map, Section 54.322 Third Street Corridor District Form-Based Code is hereby repealed. New Chapter 54 – LAND DEVELOPMENT CODE, Article 3 – Zoning Districts and Map, Section 54.322 Third Street Corridor District Form-Based Code is hereby adopted:

Section 54.322 Third Street Corridor District Form-Based Code

(A) Third Street Corridor District Form-Based Code Introduction.

(1) Intent.

- (a) The Third Street Corridor District Form-Based Code is designed to foster infill redevelopment in a sustainable *mixed-use* pattern as part of a vibrant, diverse, urban corridor.
- (b) This Section is intended to promote traditional urban form and a lively mix of uses, allowing for *shopfronts*, sidewalk cafes, and other commercial uses at the street level, with wide sidewalks and shade trees, overlooked by upper *story* residences and offices.
- (c) Physical access and a sense of connection to the historic downtown, the university, and the adjacent neighborhoods are very important to the future of the corridor.
- (d) A range of open spaces including *plazas*, *squares*, and playgrounds should be distributed within neighborhoods and along *mixed-use* corridors.
- (e) Buildings and landscaping should contribute to the physical definition of thoroughfares as civic places.
- (f) The Transect District descriptions in [Section 54.322\(A\)\(3\)](#) Transect Districts shall constitute the intent of this Section with regard to the general character of both of these environments.

- (2) **Conflicting Ordinances.** Wherever there appears to be a conflict between the Third Street Corridor District Form-Based Code and other sections of the Marquette City Land Development Code, the requirements specifically set forth in the Third Street Corridor District Form-Based Code shall prevail. For development standards not covered by the Third Street Corridor District Form-Based Code, the other applicable sections in the Marquette City Land Development Code shall be used as the requirement. Similarly, all development shall comply with all relative Federal, State, or local regulations and ordinances regarding health and safety.

- (3) **Transect Districts.** Zoning districts under this Section are limited to the following Transect District designations:

- (a) **T5 Urban Center (T5):** This district consists of higher intensity *mixed-use* buildings that accommodate retail, offices, institutional, townhouses, and apartments. The thoroughfares have wide sidewalks and buildings are set close to the sidewalks.
- (b) **T4 General Urban (T4):** This district includes a mix of uses but is primarily in the form of medium intensity residential structures. It may have a wide range of building types: houses, townhouses, duplexes, small apartment buildings, *live-work* units, and small commercial buildings. Setbacks and landscaping are variable. Commercial uses

are freely permitted although the form is more residential in character than the T5 District.

- (4) **Approval Process.** In order to obtain zoning compliance approval for construction within the boundaries of this Section, an applicant shall follow the site plan review process outlined in [Section 54.1402](#) of the City of Marquette Land Development Code; however, Planning Commission review and approval of a site plan is not necessary if the development meets the criteria for Zoning Compliance Review standards of [Section 54.1401](#) or is otherwise exempt from the site plan review requirements by this Section.
- (5) **Appeals.** Deviations from the Building Form Standards (see [Figure 12](#) and [Figure 13](#)) can be approved only through a variance process as provided for in [Section 54.1404](#) of the City of Marquette Land Development Code or by the Administrative Waiver process pursuant to [Section 54.322\(A\)\(5\)\(a\)](#) below.
- (a) An administrative waiver is a ruling that would permit a practice that is not consistent with a specific provision of this Section but is justified by the provisions of [Section 54.322\(A\)\(1\)](#). The Zoning Administrator shall have the authority to approve or disapprove administratively a request for an administrative waiver if listed as eligible for an administrative waiver within this Section.
- (b) **General Standards.** No administrative waiver shall be approved unless the Community Development Director or his designee shall find:
- (i) The administrative waiver is consistent with [Section 54.322\(A\)\(1\)](#) of this Section.
 - (ii) The administrative waiver is consistent with the Master Plan.
 - (iii) The administrative waiver will not materially endanger the public health or safety or constitute a public nuisance if located where proposed and developed according to the plans and information submitted and approved.
 - (iv) The administrative waiver will not substantially injure the value of adjoining property; or that the use is a public necessity.
 - (v) The location and character of the use, if developed according to the plans and information approved, will be in harmony with proximate land uses, and consistent with the purposes of the district.
 - (vi) The administrative waiver will advance the presence of the intended form of the development.
 - (vii) The administrative waiver will advance pedestrian-friendly activity.
 - (viii) The administrative waiver will provide for the enhancement, coordination, or demarcation between the public and private realm.

- (ix) **Specific Standards.** Items eligible for administrative waivers have specific standards in the sections of the Section related to those items.
- (x) Any decision regarding a grant or denial of an administrative waiver shall in writing state the reasons for the grant or denial and shall be delivered to the applicant by either first class mail or electronically.
- (c) The request for an administrative waiver, waiver, or variance shall not subject the entire application to public hearing, but only that portion necessary to rule on the specific issue requiring the relief.

(6) The Third Street Regulating Plan.

- (a) **Transect Districts.** The Regulating Plan includes Transect Districts (T4 and T5), which are described in [Section 54.322\(A\)\(3\)](#).
- (b) The regulating plan is the controlling document and principal tool for implementing the Third Street Corridor District. It identifies the transect district (T-zone) for the building site (See [Figure 12](#) and [Figure 13](#)), which provides standards for the disposition of each lot, and illustrates how each relates to the adjacent properties and to the street.
- (c) New development on the Third Street corridor shall provide sidewalk improvements, *civic space*, and contribute to a shared parking and access strategy to create a complementary pattern for growth and development. The rules below will enhance a compact, *mixed-use* corridor that complements the adjacent neighborhoods and provides flexible opportunities for residential, employment, and commerce uses.
- (d) **Parking and access:**
 - (i) Access and parking for lots fronting the Third Street corridor is regulated by this Section.
 - (ii) The location of new curb cuts shall be limited to no more than one per 100 feet of street *frontage*.
 - (iii) Where designated on the regulating plan:
 - a. Alleys shall provide access to the rear of all lots. Alley construction within the rear setback is required as part of a redevelopment project. Alleys shall be constructed to meet the City construction standards in order to be suitable for emergency and service vehicle access.
 - b. Alleys shown on the regulating plan represent suggested & approximate configurations. Access through the block and to the rear of lots within the block is required. The specific configuration should include shared parking areas and other uses so long as reasonable service access is unimpeded.

- (e) **Bicycle Parking.** Bicycle parking is to be allocated across the Transect Zones by type, but detailed in quantity and location by land use, demand, and building size.

Figure 9. Third Street Corridor Regulating Plan and Transect Districts (See City of Marquette Official Zoning Map for Adopted District Boundaries)



(7) **How to Use this Section.** There are two basic steps to understand what the code prescribes on property within the Third Street Corridor District. The Section will prescribe building placement, the parameters for its three-dimensional form, both required and allowed architectural/functional elements, and the range of allowable uses. Following are the steps to follow in using this Section:

- (a) Consult the regulating plan, and note this plan identifies two (2) sub-districts within the Third Street Corridor District. Find the property in question. Note the color of the sub-district — this determines the applicable building form standards, streetscape standards and landscape standards for each property. See regulating plan key for guidance.
- (b) Find the appropriate Building Form Standards (BFS) ([Figure 12](#) and [Figure 13](#)) in the code (color coded to match the regulating plan). The BFS explains the basic parameters for building on a particular site in terms of building placement and building form. See [Figure 22. Use](#) for specific building use.
- (c) See [Figure 25. Public Frontage Type](#) for illustrations of general parameters pertaining to streetscape improvements.

(8) **Definitions.** The following definitions apply to the Third Street Corridor District only, unless the term has general applicability:

- (a) **Bicycle Corral:** a series of bicycle parking racks that replace on-street automobile parking. Typically applied where bicycle parking and demand and pedestrian volumes are high. Depending on its configuration, a single motor vehicle parking space may yield between 6 and 12 bicycle parkingspaces.
- (b) **Bicycle Locker:** an enclosed and secured locker that provides bicycle parking for long-term use.
- (c) **Bicycle Sharing:** a fleet of bicycles made publicly available for shared use to individuals for a short period of time.
- (d) **Bicycle Shelter:** a roofed shelter that provides protection from the elements on three sides and multiple bicycle racks for public use.
- (e) **Block:** the aggregate of private lots, passages, rear alleys and rear lanes, circumscribed by connecting thoroughfares.
- (f) **Civic Space:** an outdoor informal or formal area permanently dedicated for public use.
- (g) **Elevation:** an exterior wall of a building not along a *frontage line*. See: *façade*.
- (h) **Encroach:** to break the plane of a vertical or horizontal regulatory limit with a structural element extending into a setback, into the public frontage, or above a height limit.
- (i) **Encroachment:** any structural element that breaks the plane of a vertical or horizontal regulatory limit extending into the public frontage setback, or above a height limit.

- (j) **Façade:** the exterior wall or *elevation* of a building that is set along a *frontage line*.
- (k) **Forecourt:** a *private frontage* wherein a portion of the *façade* is close to the frontage and the central portion is set back.
- (l) **Frontage:** the area between a building *façade* and the vehicular lanes, inclusive of its built and planted components. Frontage is divided into private and public *frontages*.
- (m) **Frontage Buildout:** the percentage of the lot width that is occupied by the building *façade* at the front setback.
- (n) **Frontage Line:** a lot line bordering a public frontage. *Façades* facing *frontage lines* define the public realm and are therefore more regulated than the *elevations* facing other lot lines.
- (o) **Landscaped Area:** the area of a lot or parcel exclusive of building footprints, driveway and walkway pavements, and other impervious hardscape areas, and exclusive of ponds, pools and other water features.
- (p) **Liner Building:** a building specifically designed to mask a parking lot or a parking structure from a public frontage.
- (q) **Live-Work:** a *mixed-use* unit consisting of a commercial and residential use. The commercial use may be anywhere in the unit.
- (r) **Lot Coverage:** the percentage of a lot that is covered by buildings and other roofed structures.
- (s) **Mixed-Use:** multiple uses within the same building or in multiple buildings.
- (t) **Outbuilding:** an accessory building, usually located toward the rear of the same lot as a principal building.
- (u) **Plaza:** a *civic space* type designed for civic purposes and commercial activities in the more urban areas, generally paved and spatially defined by building *frontages*.
- (v) **Principal Entrance:** the main point of access for pedestrians into a building.
- (w) **Principal Frontage:** on corner lots, the *private frontage* designated to bear the address and *principal entrance* to the building, and the measure of minimum lot width. Prescriptions for the parking locations pertain only to the *principal frontage*. Prescriptions for the front setback pertain to both *frontages* of a corner lot. See frontage.
- (x) **Private Frontage:** the privately owned setback between the *frontage line* and principal building *façade*.

- (y) **Secondary Frontage:** on corner lots, the *private frontage* not on the primary thoroughfare.
- (z) **Shopfront:** a private building frontage for parking spaces that are available to more than one use with the building entrance at sidewalk grade.
- (aa) **Square:** a *civic space* type designed for unstructured recreation and civic purposes, spatially defined by building *frontages* with formal paths, lawns, and trees.
- (bb) **Stoop:** a *private frontage* wherein the *façade* is aligned close to the *frontage line* with the first *story* elevated from the sidewalk for privacy, with an exterior stair and landing at the entrance.
- (cc) **Story:** a habitable level within a building, excluding an attic or raised basement.
- (dd) **Street Screen:** a freestanding wall built along the *frontage line* with the *façade*. It may mask a parking lot from the public frontage, provide privacy to a side yard, and/or strengthen the spatial definition of the public realm. (Synonym: street wall).
- (ee) **Substantial Modification:** alternation to a building that is valued at more than 50% of the replacement cost of the entire building, if new.
- (ff) **Terrace:** a *private frontage* type with a shallow setback and front elevated patio, usually with a low wall at the *frontage line*. This type buffers residential uses from urban sidewalks. *Terraces* are also suitable for outdoor cafes.
- (gg) **Use, Civic:** community uses open to the public including: meeting halls; libraries; schools; police and fire stations; post offices (retail operations only, no primary distribution facilities); places of worship; museums; cultural, visual and performing art centers; transit centers; and government functions open to the public.
- (hh) **Use, Commerce:** for the purpose of the Third Street Corridor District, commerce uses shall be considered to encompass all of the following:
 - (i) Executive, Administrative, and Professional Offices
 - (ii) Medical and Dental Offices, and Clinics
 - (iii) Day Care Centers
 - (iv) On-premise Alcohol Sales
 - (v) Sidewalk Cafes
 - (vi) Outdoor Food and Beverage Service
 - (vii) Outdoor Recreation
 - (viii) All of the Civic Use Categories
 - (ix) All of the Retail Use Categories
 - (x) Parking Facilities and Structures, including a parking lot attendant shelter.
- (ii) **Use, Special Land:** for the purpose of the Third Street Corridor District, special land uses (see [Section 54.322\(C\)\(7\)\(a\)](#)) may be considered for placement in the residential

classification after review by the Planning Commission in accordance with [Section 54.1403](#) of the City of Marquette Land Development Code.

(jj) Use, Light Industrial: for the purpose of the Third Street Corridor District, light industrial uses shall be considered to encompass all of the following:

(i) Light Manufacturing

(kk) Use, Lodging: for the purpose of the Third Street Corridor District, lodging uses are defined as premises available for daily and weekly renting of bedrooms and shall be considered to encompass all of the following:

(i) Bed and Breakfast

(ii) Bed Breakfast Inn

(iii) Motel

(iv) Hotel

(ll) Use, Residential: for the purpose of the Third Street Corridor District, residential uses shall be considered to encompass all of the following:

(i) Dwelling Units

(ii) Adult Foster Care Family Home

(iii) Family Day Care Homes

(iv) Foster Family Homes

(v) Domestic Violence Shelter

(mm) Use, Retail: shall be considered to encompass all of the following:

(i) Retail Service: establishments providing services, as opposed to products, to the general public, including restaurants, finance, real estate and insurance, travel agencies, health and educational services, galleries, and temporary storage of recreational equipment, provided that the temporary storage is ancillary to the primary retail service.

(ii) Retail Specialty: Include, but are not limited to the sale of gifts, antiques, flowers, books, jewelry, wearing apparel or craft shops making articles exclusively for sale at retail on the premises.

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

(B) Third Street Corridor Form-Based Code General Standards.

(1) Instructions.

(a) Site and buildings plans submitted under this Section require administrative approval by the Planning Department.

(b) Building and site plans submitted under this Section shall show the following, in compliance with the standards described in this Section:

- (i) For site and building approval:
 - a. Building Placement
 - b. Building Specifications
 - c. Building Use
 - d. Parking Standards
 - e. Fencing Standards
 - f. Landscape Standards
 - g. Signage Standards

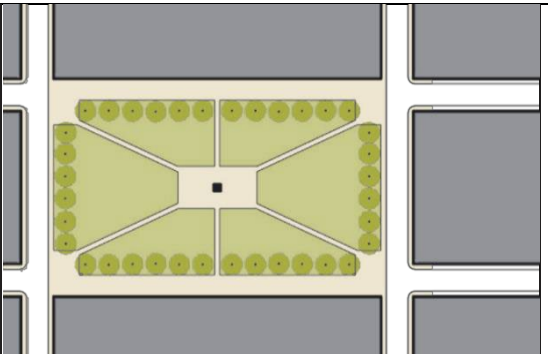


(2) Pre-Existing Conditions.

- (a) Existing buildings and appurtenances that do not conform to the provisions of this Section may continue in use as they are until a *substantial modification* is requested.
- (b) The modification of existing buildings is permitted by right if such changes result in greater conformance with the specifications of this Section.

(3) Civic Spaces (CS)

- (a) Civic spaces shall be generally designed as described in [Figure 10. Civic Space](#).

Figure 10. Civic Space

| | | |
|---|--|----|
| <p>a. Square: A square is spatially defined by building <i>frontages</i>. Its landscape shall consist of paths, lawns, and trees, formally disposed. <i>Squares</i> shall be located at the intersection of important thoroughfares. The minimum size shall be 1/4 acre and the maximum shall be 3 acres.</p> |  | T4 |
| | | T5 |
| <p>b. Plaza: A <i>plaza</i> shall be spatially defined by building <i>frontages</i>. Its landscape shall consist primarily of pavement. Trees are optional. <i>Plazas</i> should be located at the intersection of important streets. The minimum size shall be 1/4 acre and the maximum shall be 2 acres.</p> |  | T4 |
| | | T5 |
| <p>c. Playground: A playground shall be fenced and may include an open shelter. Playgrounds shall be interspersed within residential areas and may be placed within a <i>block</i>. Playgrounds may be included within parks and greens. There shall be no minimum or maximum size.</p> |  | T4 |
| | | T5 |

- (4) **Street Trees.** The following should be viewed as an open-ended species list for planting along the Third Street Corridor District. In an effort to diversify the tree species found within the Third Street Corridor District, and to establish trees with the greatest likelihood of both surviving and thriving, all suitable tree species should be considered for use within the District. Criteria for determining “suitable” tree species include tree characteristics (growth rate, form), site characteristics (available above-ground space, exposure), along with exterior factors such as USDA hardiness zones, microclimates, and plant availability.

Figure 11. Approved Street Trees

| Common Name | Botanical Name | Growth Habit |
|--------------------------------|--|---|
| American Elm | <i>Ulmus Americana</i> | high spreading canopy, hardy tree survives harsh winters |
| Armstrong Freeman Maple | <i>Acer freemanii</i> ‘Armstrong’ | narrow form, smooth gray bark, prone to poor branching angles |
| Catalpa | <i>Catalpa speciosa</i> | medium sized, long legume-like fruits, may be damaged by ice |
| Green Ash | <i>Fraxinus pennsylvanica</i> | variable form, greenish-yellow flowers, can withstand periods of flood |
| Hackberry | <i>Celtis occidentalis</i> | medium sized with slender trunk, pendulous branches, tolerant to urban conditions |
| Horse Chesnut | <i>Aesculus hippocastanum</i> | large deciduous tree with domed crown, stout branches, spectacular spring flowers |
| Ironwood | <i>Ostrya virginiana</i> | small tree, develops round crown, persistent through winter |
| Ivory Silk Japanese Tree Lilac | <i>Syringa reticulata</i> ‘Ivory Silk’ | upright branching, creamy white flowers, small tree with low branching |
| Pagoda Dogwood | <i>Cornus alternifolia</i> | small with shelving branches, cream-colored flowers |
| Pin Oak | <i>Quercus palustri</i> | distinct branching with pyramid shape, fast growing |
| Red Maple | <i>Acer rubrum</i> | upright oval shape, fast growing and tolerant |
| Red Oak | <i>Quercus rubra</i> | round in shape with bristle tipped leaves, tolerates pollution and compacted soil |
| Sugar Maple | <i>Acer saccharum</i> | oval shape, vibrant fall leaves, tolerates shade and most soils |

(C) Third Street Corridor Form-Based Code Parcel Standards.

(1) Building Placement.

- (a) Newly platted lots shall be dimensioned according to [Figure 12](#) and [Figure 13](#).

- (b) Buildings shall be placed in relation to the boundaries of their lots according to [Figure 12](#) and [Figure 13](#).
- (c) *Lot coverage* by building shall not exceed that recorded in [Figure 12](#) and [Figure 13](#).
- (d) *Façades* shall be built parallel to a rectilinear *principal frontage line* or to the tangent of a curved *principal frontage line*, and along a minimum percentage of the frontage width at the setback, as specified as *frontage buildout* on [Figure 12](#) and [Figure 13](#).
- (e) Setbacks for principal buildings shall be as shown in [Figure 12](#) and [Figure 13](#). Setbacks may be adjusted by up to 10% by administrative waiver to accommodate specific site conditions. The Planning Director or his designee shall make the following written findings:
- (i) The waiver is consistent with the provisions of [Section 54.322\(A\)\(1\)](#).
 - (ii) The waiver is consistent with the Community Master Plan.
 - (iii) The building placement will not materially endanger the public health or safety.
 - (iv) The building placement will not substantially injure the value of adjoining property; or that the use is a public necessity.
 - (v) The location and character of the building placement, if developed according to the plans and information approved, will be in harmony with proximate land uses, and consistent with the purposes of the district.
 - (vi) The building placement will not adversely affect the district by altering its character.
- (f) Rear setbacks for *outbuildings* shall be a minimum of 3 feet measured from the property line. In the absence of rear alley or rear lane, the rear setback shall be as shown in [Figure 12](#) and [Figure 13](#).

Figure 12. T4 Standards

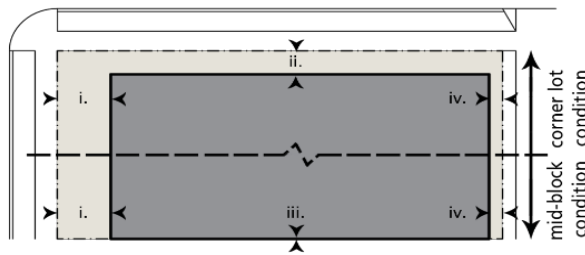
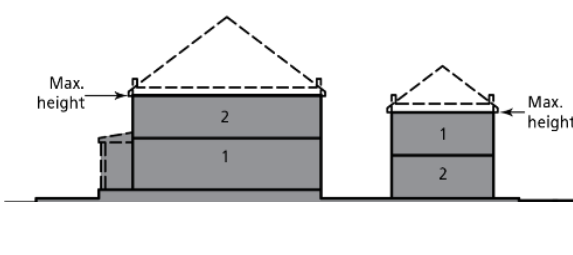
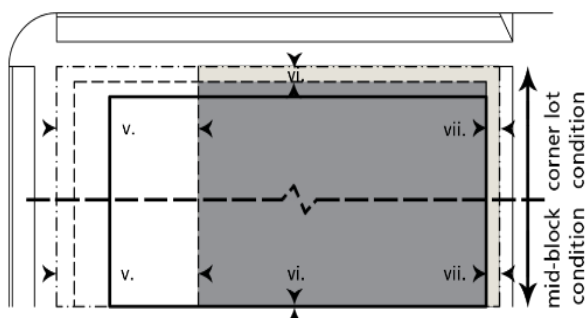
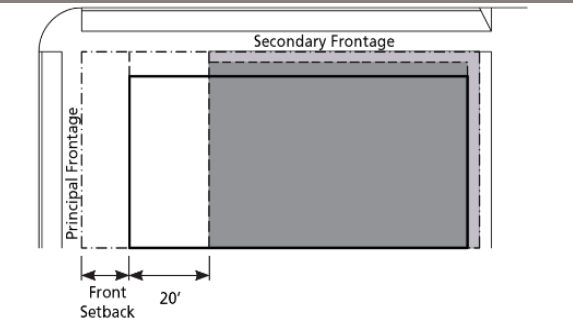
| A. BUILDING PLACEMENT | | B. BUILDING FORM | |
|--|--|--|---------------|
| PRINCIPAL BUILDING | | HEIGHT | |
|  | |  | |
| i. Front Setback (Principal) | 5 ft. – 18 ft. | PRINCIPAL BUILDING | |
| ii. Front Setback (Secondary) | 10 ft. max. | Stories | 2 |
| iii. Side Setback | 0 ft. if attached to a neighboring structure; otherwise 3 ft. | To eave / parapet | 30 ft. max. |
| iv. Rear Setback | 3 ft. min. | OUTBUILDING | |
| Abutting MDR Principal Bldg. | 15 ft. min. | Stories | 2 |
| OUTBUILDING | | To eave / parapet | 30 ft. max. |
|  | | MASS | |
| v. Front Setback (Principal) | 20 ft. min. | Lot width | 14 ft. min. |
| vi. Side Setback | 0 ft. if attached to a neighboring structure; otherwise 3 ft. | Lot coverage | 70% max. |
| vii. Rear Setback | 3 ft. min. | Façade buildout at setback | 60% min. |
| Abutting MDR Outbuilding | 10 ft. min. | PARKING AND STORAGE LOCATION | |
| ENCROACHMENTS | |  | |
| i. Setback encroachments | | PARKING | |
| Open porch | May encroach to within no more than 5 feet of the front lot line | Principal Frontage setback | Not permitted |
| Balcony and/or bay window | 80% max. (distance between façade and front lot line) | 20 ft. behind front setback | Not permitted |
| Stoop, Terrace | 80% max. (distance between façade and front lot line) | Rear of lot | Permitted |
| ii. Sidewalk encroachments | | TRASH & STORAGE* LOCATION | |
| Awning | Determined by City process for use of right-of-way | Front setback | Not permitted |
| Rooftop Patio | To the property line but not over a public sidewalk | 20 ft. behind front setback | Not permitted |
| | | Rear of lot | Permitted |
| | | * Storage includes boats and recreational vehicles. | |

Figure 13. T5 Standards

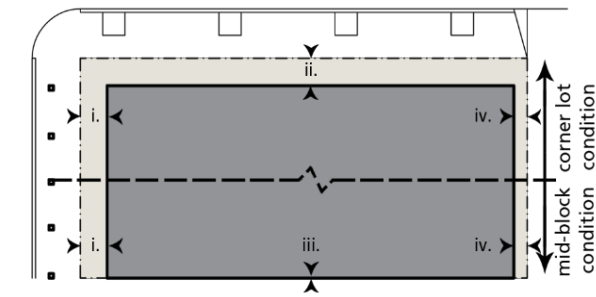
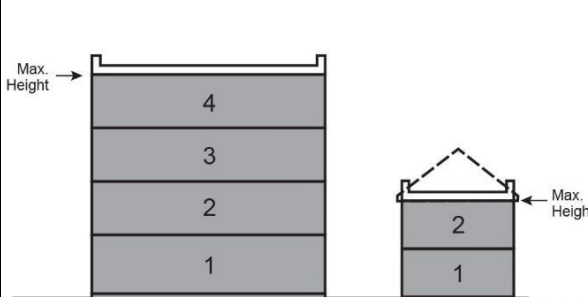
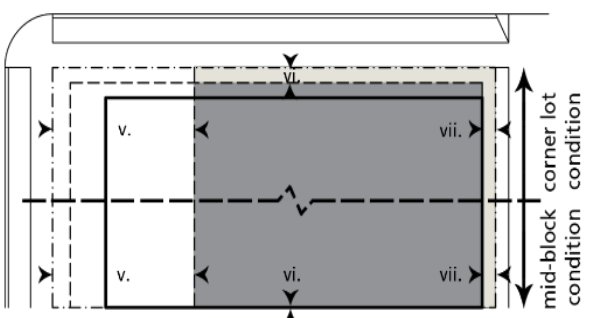
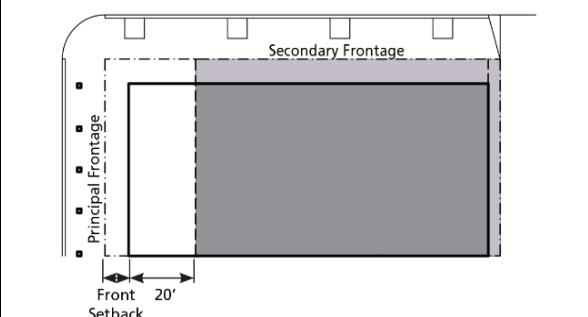
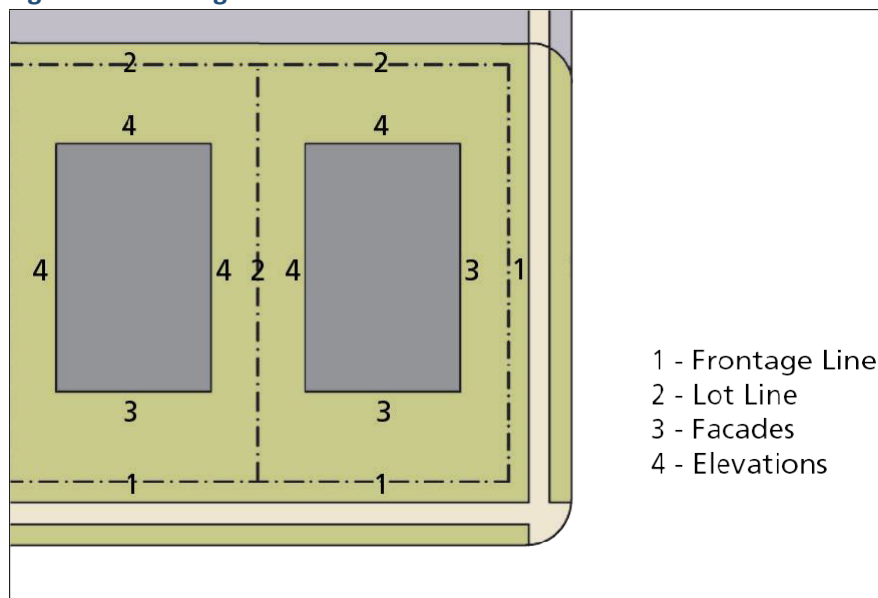
| A. BUILDING PLACEMENT | | | B. BUILDING FORM | |
|--|---|--|--|---------------|
| PRINCIPAL BUILDING | | | HEIGHT | |
|  | | |  | |
| i. Front Setback (Principal) | 0 ft. – 18 ft. | | PRINCIPAL BUILDING | |
| ii. Front Setback (Secondary) | 12 ft. max. | | Stories | 4 max. |
| iii. Side Setback | 6 ft. max. | | To eave / parapet | 48 ft. max. |
| iv. Rear Setback | 3 ft. min. | | OUTBUILDING | |
| Abutting MDR Principal Bldg. | 15 ft. min. | | Stories | 2 |
| OUTBUILDING | | | To eave / parapet | 30 ft. max. |
|  | | | MASS | |
| v. Front Setback (Principal) | 20 ft. min. | | Lot width | 20 ft. min. |
| vi. Side Setback | 0 ft. if attached to a neighboring structure; otherwise 3 ft. | | Lot coverage | 90% max. |
| vii. Rear Setback | 3 ft. min. | | Façade buildout at setback | 75% min. |
| Abutting MDR Outbuilding | 10 ft. min. | | PARKING AND STORAGE LOCATION | |
|  | | | | |
| ENCROACHMENTS | | | PARKING | |
| i. Setback encroachments | | | Principal Frontage setback | Not permitted |
| Balcony and/or bay window | 80% max. (distance between façade and front lot line) | | 20 ft. behind front setback | Not permitted |
| | | | Rear of lot | Permitted |
| ii. Sidewalk encroachments | | | TRASH & STORAGE* LOCATION | |
| Awning | Determined by City process for use of right-of-way | | Front setback | Not permitted |
| | | | 20 ft. behind front setback | Not permitted |
| | | | Rear of lot | Permitted |
| Rooftop Patio | To the property line but not over a public sidewalk. | | * Storage includes boats and recreational vehicles. | |

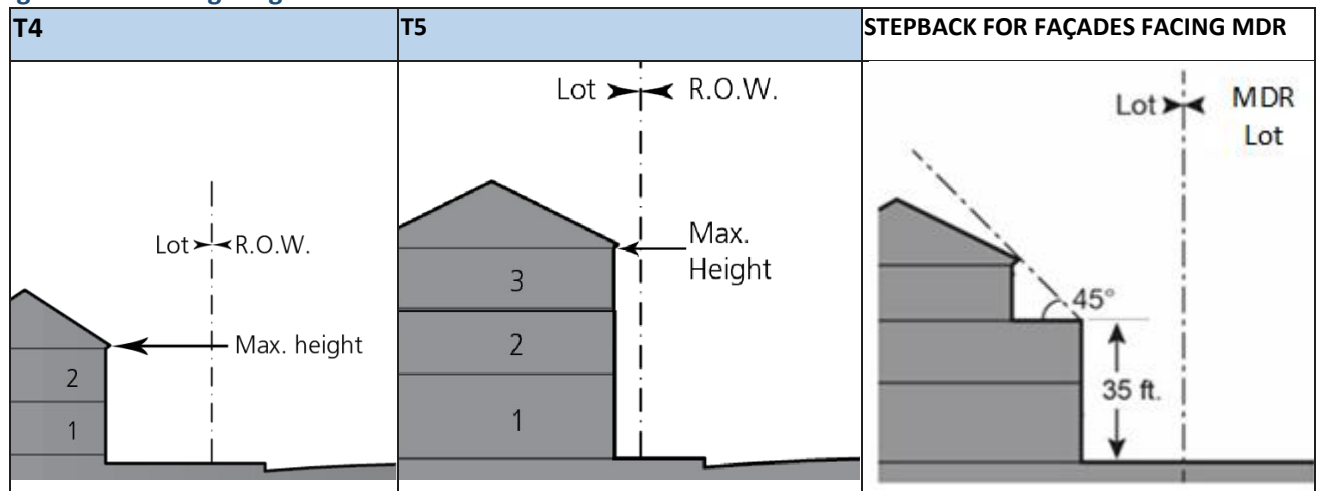
Figure 14. Frontages and Elevations



(2) Building Specifications: Height

- (a) Building height is pursuant to [Figure 15](#), measured as follows:
- (i) Building height is measured in above ground stories.
 - (ii) Stories are measured from finished floor to finished ceiling.
 - (iii) Stories above the ground floor are limited to 14 feet after which height they are counted as two stories.
 - (iv) For residential uses, a ground floor *story* of 18 feet or less is counted as one *story*. Ground floors exceeding 18 feet in height are counted as two stories.
 - (v) For non-residential and *mixed-uses* a ground floor *story* shall be no less than 10 feet in height. A ground floor *story* of 25 feet or less is counted as one *story*. Ground floors exceeding 25 feet in height are counted as two stories.
 - (vi) Height limits do not apply to unfinished attics, masts, belfries, clock towers, chimney flues, water tanks, or elevator bulkheads.
 - (vii) Building setbacks shall be required in T5 pursuant to the following dimensions (See [Figure 15](#)):
 - a. *Facades* facing MDR parcels shall maintain a 45° height plane beginning at 35 feet above the average grade at the property line.

Figure 15. Building Height



(3) Building Specifications: Frontage Requirements

- (a) Lot lines abutting a right-of-way are designated a primary frontage or *secondary frontage* as follows:
 - (i) For lots abutting a right-of-way along a single lot line, the lot line abutting the right- of-way is designated the primary frontage.
 - (ii) For lots abutting a right-of-way along multiple lot lines, the lot line relating to the address of the principal building is designated the primary frontage. All remaining lot lines are designed *secondary frontages*.
- (b) Regulations pertaining to primary *frontages* and *secondary frontages*, collectively frontage requirements, apply to the area of the lot within the front setback and secondary front setback including the following:
 - (i) Building *façades*.
 - (ii) Structures that project from the *façade* such as porches, *terraces*, *stoops*, awnings, canopies, and bay windows.
 - (iii) Landscape elements between the building *façade* and the lot line.
- (c) Where building façades do not occupy the entire frontage length in T5, a *street screen* may be erected as follows:
 - (i) *Street screens* shall be between 3 and 6 feet in height.
 - (ii) Openings in the *street screen* for vehicular access may be no wider than 24feet.

- (iii) *Street screens* may be made of the following materials: brick, stone; stucco over masonry, iron, steel, or aluminum that appears to be iron. Non-opaque *street screens* require planting behind to increase opacity.
- (d) *Frontages* are divided into the following types: porch, *stoop*, *terrace*, common entry, forecourt, and *shopfront*.
- (e) The Zoning Administrator shall designate which frontage type corresponds to the building(s) on the site or are proposed to be built, and the site shall comply with the standards for that type when new construction or substantial rehabilitation is proposed.
 - (i) Frontage types are limited by transect zone according to [Figure 16](#), [Figure 17](#), and [Figure 18](#).
 - (ii) A *shopfront* frontage is required for all ground floor retail uses. *Shopfronts* may be combined with *terraces* and *forecourts*.
- (f) Where buildings have multiple *frontages* or multiple buildings are located on one lot, similar frontage types should be selected for all *frontages*.
- (g) Loading docks and service areas up to a combined width of 30 feet may be incorporated into *frontages* as follows:
 - (i) At *secondary frontages* located towards the rear of the lot.
 - (ii) At primary *frontages* where lots have no *secondary frontage* and lot width exceeds 100 feet.
- (h) Roof overhangs, cornices, window and door surrounds and other *façade* decorations may *encroach* into the front setback up to 2 feet beyond the structure they are attached to but not beyond the lot line.
- (i) Other structural *encroachments* shall be pursuant to [Figure 12](#) and [Figure 13](#), and may also be subject to other City policies and/or procedures for regulating use of the public right-of-way.
- (j) *Encroachments* into the front setback are prohibited except where specifically permitted in this Section or [Figure 12](#) and [Figure 13](#).

Figure 16. Private Frontages (Porches and Stoops)

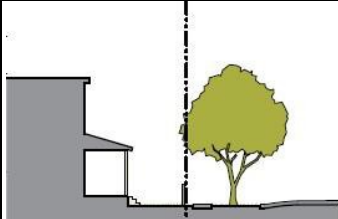
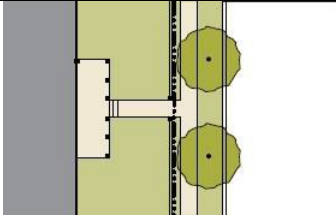
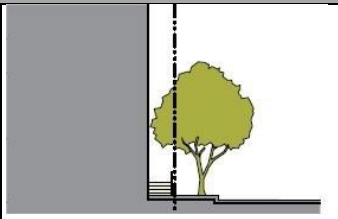
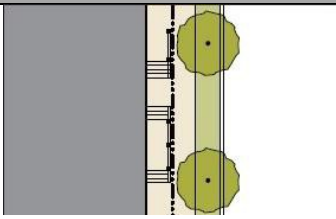
| FRONT SETBACK REGULATIONS | | SECTION | | PLAN | |
|----------------------------------|--|--|-----------------|---|-----------------|
| | | PRIVATE FRONTAGE | PUBLIC FRONTAGE | PRIVATE FRONTAGE | PUBLIC FRONTAGE |
| PORCH | | | | | |
| Transect district | T4 |  | |  | |
| Required elements | Porch; hedges, fences, or walls | | | | |
| Porch requirements | Shall occupy a minimum of 50% of the width of the building façade. | | | | |
| Porch encroachments into setback | May encroach to no more than 5 feet of the front lot line. | | | | |
| Surface Treatment | Grass, groundcover | | | | |
| Special requirements | Fences, hedges and walls shall be along <i>frontage lines</i> or parallel with the <i>façade</i> of the principal building. The first floor shall have a minimum elevation of 18 inches above average grade along the front lot line and a maximum elevation of 36 inches. | | | | |
| STOOP | | | | | |
| Transect district | T4, T5 |  | |  | |
| Permitted elements | Hedges and metal fences | | | | |
| Encroachments into setback | 80% of the distance between façade and front lot line | | | | |
| Surface Treatment | Paved in coordination with the public frontage or with pervious materials | | | | |
| Special requirements | May be recessed into the building <i>façade</i> where a front setback is less than 10 feet. The first floor shall have a minimum elevation of 20 inches above average grade along the front lot line and a maximum of 36 inches. <i>Stoops</i> shall have a landing between 4 and 6 feet deep. Stairs providing access to a <i>stoop</i> may <i>encroach</i> up to the lot line. | | | | |

Figure 17. Private Frontages (Terraces and Common Entries)

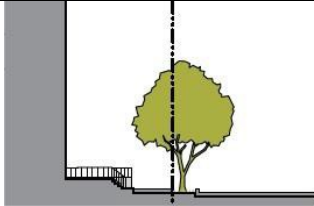
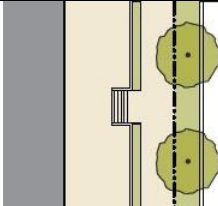
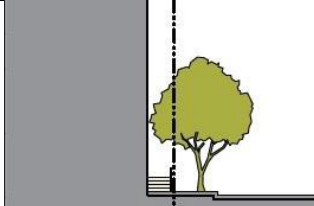
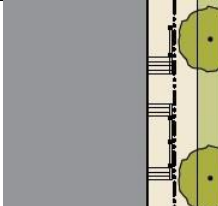
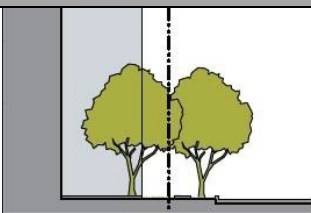
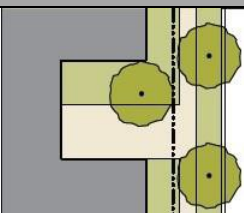
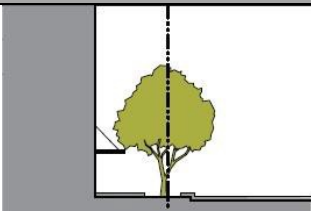
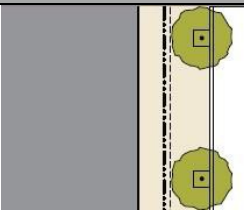
| FRONT SETBACK REGULATIONS | | SECTION | | PLAN | |
|----------------------------|--|--|-----------------|---|-----------------|
| | | PRIVATE FRONTAGE | PUBLIC FRONTAGE | PRIVATE FRONTAGE | PUBLIC FRONTAGE |
| TERRACE | | | | | |
| Transect district | T4, T5 |  | |  | |
| Permitted elements | May be combined with stoop | | | | |
| Awnings | May be fabric or solid material, and may be fixed or movable. Plastic is prohibited. May not extend beyond the terrace. 8 foot minimum clearance shall be maintained above the terrace. | | | | |
| Encroachments into setback | Terraces may encroach 100% of setback, but shall be no less than 6 ft. in width. | | | | |
| Surface Treatment | Paved or landscaped | | | | |
| Special requirements | Ramps for wheelchair access may be located within front setback. Terraces shall have a minimum elevation of 12 inches above average grade along the front lot line and a maximum elevation of 24 inches. Terrace frontages may include all elements of a shopfront frontage located at the level of the terrace. | | | | |
| COMMON ENTRY | | | | | |
| Transect district | T4, T5 |  | |  | |
| Permitted elements | A landscaping planter may line the façade | | | | |
| Encroachments into setback | A landscaping planter may encroach to within 5 feet of the lot line | | | | |
| Surface Treatment | Any setback area not within the landscaping planter shall be paved at grade. | | | | |
| Special requirements | Landscaping planters may extend no more than 3 ft. from the façade at grade. The first story of the façade shall be no less than 15% glazed in clear glass. | | | | |

Figure 18. Private Frontages (Forecourts and Shopfronts)

| FRONT SETBACK REGULATIONS | | SECTION | | PLAN | |
|-----------------------------------|--|--|-----------------|---|-----------------|
| | | PRIVATE FRONTAGE | PUBLIC FRONTAGE | PRIVATE FRONTAGE | PUBLIC FRONTAGE |
| FORECOURT | | | | | |
| Transect district | T5 |  | |  | |
| Permitted elements | May be combined with <i>terrace</i> , <i>stoop</i> , or <i>shopfront</i> . | | | | |
| <i>Encroachments</i> into setback | May recess from the <i>frontage line</i> a maximum of 20 feet for pedestrian entries or a maximum of 30 feet for vehicular access. | | | | |
| Surface Treatment | Paved in coordination with the public frontage or with pervious materials. | | | | |
| Special requirements | Shall provide access to the main building entrance. Driveways within <i>forecourts</i> shall not exceed 20 ft. in width. Portions of the driveway in the public <i>frontage</i> shall not exceed 12 ft. in width and shall be paved in coordination with the adjacent public <i>frontage</i> . | | | | |
| SHOPFRONT | | | | | |
| Transect district | T4, T5 |  | |  | |
| Permitted elements | Awnings | | | | |
| Awnings | May be fabric or solid material, and may be fixed or movable. Plastic is prohibited. 8 foot minimum vertical clearance shall be maintained below the awning. | | | | |
| <i>Encroachments</i> into setback | Display windows may <i>encroach</i> up to 5 feet. | | | | |
| Surface Treatment | Paved. | | | | |
| Special requirements | <i>Façade</i> shall be glazed with clear glass for no less than 30% of the ground floor (up to 16 ft. above grade) at <i>frontages</i> , calculated as a percentage of each <i>façade</i> individually. | | | | |

(4) Fencing Standards.

- (a) Hedges in *frontage* fences shall be evergreen.

- (b) Wood *frontage* fences shall be painted or stained.
- (c) No single *frontage* fence horizontal panel shall exceed 42 inches in height along a *frontage* lot line. *Frontage* fence horizontal panels must be of open construction.
- (d) Private lot line fences, fences in the front or side yard, as well as fences completely on private property, must be of fifty-percent open construction (see examples in [Figure 19](#)), with the following conditions and exceptions:
 - (i) A fence in a front yard serves as a decorative landscape element, and must have at least 50% of the area of its vertical plane open to light and air from both sides. Picket fences, wrought iron fences, wood lattice, and combinations thereof are appropriate. Split-rail, wire-woven, mesh-like and other similar appearing fences, including those commonly referred to as cyclone and chain-link fences, and mesh-like fences commonly used to contain farm animals are prohibited.
 - (ii) Private lot line fences in the rear yard shall be between 48 and 72 inches in height and may be of open or closed construction. See [Figure 21. Fence Locations](#).
 - (iii) A fence and/or wall in the side or rear yard for an approved commercial Outdoor Food and Beverage Service Use, and for Outdoor Entertainment and Community Events uses approved by a Special Land Use permit, may be up to eight (8) feet in height and of solid/opaque construction for the purposes of visual and noise screening of that particular use.
- (e) *Frontage* fences may occur at the lot line, or up to 18" behind the lot line to permit landscaping.
- (f) When erected on a lot line, all of the fence and any of its supporting structures shall be contained within the lot.
- (g) The supporting members and posts shall be on the inside, and the smooth or flat faces on the outside. If two faces are used, each face shall be of the same type and finish. Board on board fences are considered equal treatment.
- (h) Barbed wire, razor wire, and electrically charged fences are not permitted.

Figure 19. Fence Types (Hedgerow, Post and Hedge, Picket Fence, and Metal)

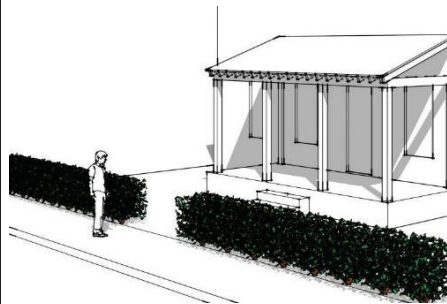
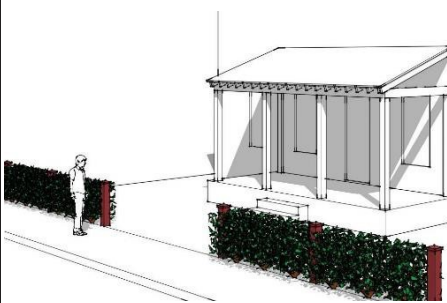
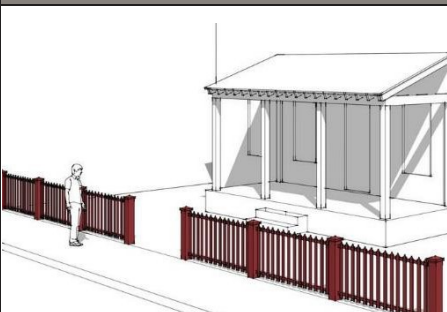
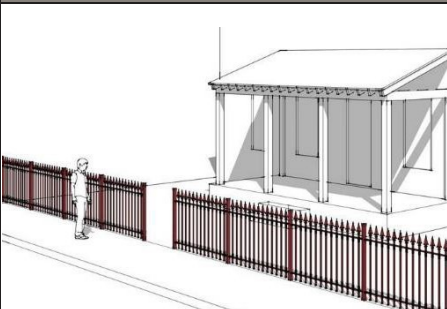
| | T5 SPECIFICATIONS | | | |
|---|-------------------|---|-------------------|------------------------------------|
| | T4 | | | |
| HEDGEROW | P | | a. Plant type | Evergreen |
|  | | | b. Setback | 0" or 18" for landscape |
| POST AND HEDGE | P | | a. Plant type | Evergreen |
|  | | | b. Setback | 0" or 18" for landscape |
| PICKET FENCE | P | | a. Picket spacing | $1 \leq 2.5$ times width of picket |
|  | | | b. Setback | 0" or 18" for landscape |
| METAL | P | P | a. Material | Aluminum or wrought iron |
|  | | | b. Finish | Powder coat, or paint |
| | | | c. Picket spacing | $1 \leq 2.5$ times width of picket |
| | | | d. Setback | 0" or 18" for landscape |

Figure 20. Fence Types (Masonry, and Metal and Masonry)

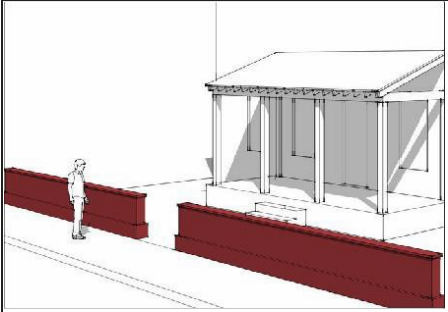
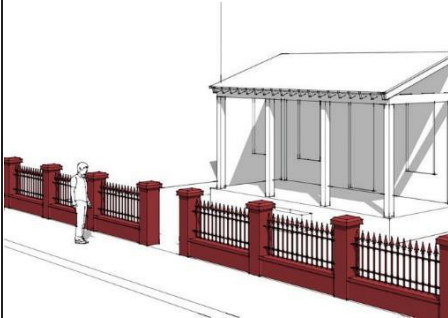
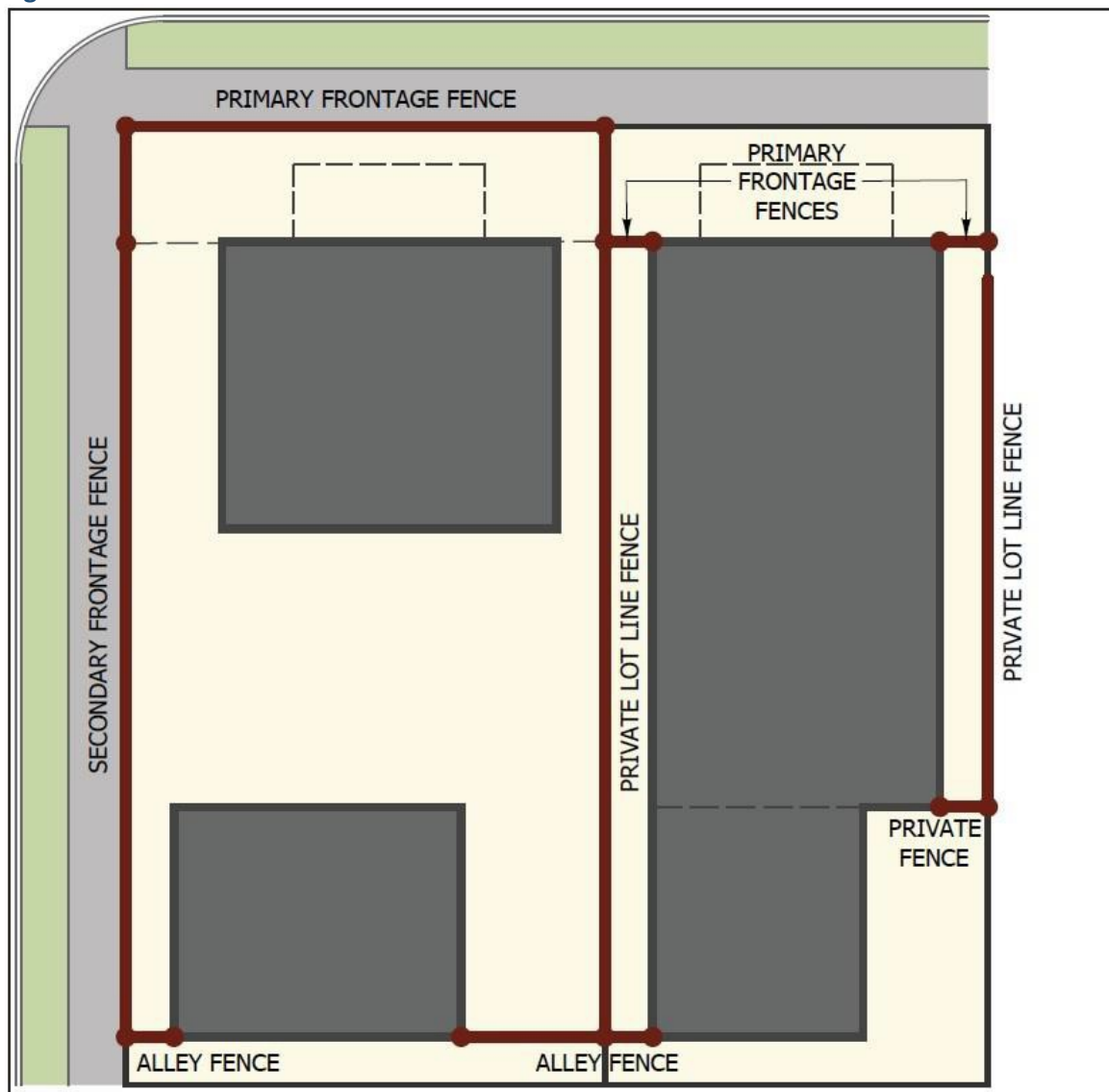
| | T4 | | T5 SPECIFICATIONS | |
|---|----|---|-------------------|--|
| MASONRY | P | P | a. Material | Stone, brick, or stucco |
|  | | | b. Setback | 0" or 18" for landscape |
| | | | | |
| METAL AND MASONRY | P | P | a. Material | Stone, brick or stucco with metal panels |
|  | | | b. Setback | 0" or 18" for landscape |
| | | | | |

Figure 21. Fence Locations



(5) **Signage Standards.** See [Article 11](#).

(6) **Architectural Standards.** This section does not apply to single-family and two-family edge yard and side yard residential unit building types.

(a) **Façade Standards:**

- (i) Glazing (i.e., windows) above the first *story* shall not exceed 60% of the total building *façade* wall area, with each *façade* being calculated independently.
- (ii) The *shopfront private frontage* shall be no less than 70% glazing (i.e., windows).
- (iii) All glass shall be clear and free of color.

- (iv) Low pitch or flat roofs shall be enclosed by a parapet that as high as necessary to conceal mechanical equipment.
 - (v) Exterior building materials shall be masonry, concrete, tile, stone, and wood, unless otherwise designated by the individual building form standards; glass curtain walls and reflective glass of greater than 30% reflectance are prohibited due to the undesirable blinding effect compounded by snow.
- (7) **Use.** Buildings, as the primary element of town planning, are subject to variations in use, placement and configuration.
 - (a) Special land uses shall be administered by the Planning Commission in accordance with [Section 54.1403](#) of the Land Development Code. Special land use permits shall be granted if the following conditions are met:
 - (i) The use will not materially endanger the public health or safety or constitute a public nuisance if located where proposed and developed according to the plans and information submitted and approved.
 - (ii) The use will not substantially injure the value of adjoining property; or that the use in a public necessity.
 - (iii) The location and character, if developed according to the plans and information approved, will be in harmony with the proximate land uses, and consistent with the purposes of the district.
 - (b) Uses permitted By Right. See [Figure 22](#).
 - (c) Special Land Uses. See [Figure 22](#).
 - (d) General to all sub-districts:
 - (i) All buildings in each transect district shall conform to the uses and types on [Figure 22. Use](#).

Figure 22. Use

| USE | T4 | T5 | USE | T4 | T5 |
|--|----|----|---|------------------|----|
| A. RESIDENTIAL | | | E. INSTITUTIONAL | | |
| Mixed-use building | P | P | Conference center | | P |
| Multi-family dwelling (Section 54.616) | P | P | Live theater | S | P |
| Live-work unit (Section 54.615) | P | P | Movie theater | S | P |
| Two-family dwelling (Section 54.613) | P | P | Museum | P | P |
| Townhouse | P | P | Religious assembly (Section 54.640) | P | P |
| Mixed-use building | P | P | F. AUTOMOTIVE | | |
| Multi-family dwelling (Section 54.616) | P | P | Gasoline | P | P |
| Live-work unit (Section 54.615) | P | P | Service | P | P |
| Two-family dwelling (Section 54.613) | P | P | Sales | P | P |
| Townhouse | P | P | Truck maintenance (Section 54.627) | | |
| Single-family dwelling (Section 54.617) | P | P | Drive-through facility (Section 54.611) | P | P |
| Group day care home (Section 54.608) | S | S | G. CIVIL SUPPORT | | |
| Foster family home | S | S | Funeral home | P | P |
| Halfway house (Section 54.620) | S | S | Hospital (Section 54.625) | | S |
| Home occupation (Section 54.621) | P | P | Medical clinic | P | P |
| Home office (Section 54.622) | P | P | Veterinary clinic | P | P |
| Dwelling, Intentional Community (Section 54.614) | S | S | Pet boarding facility | S | S |
| Family Day Care Home | P | P | Cemetery (Section 54.606) | S | S |
| Adult Foster Care Family Home | P | P | Public or Governmental Building | P | P |
| Domestic Violence Shelter (Section 54.610) | S | S | Recreational Use, Public | S | S |
| B. LODGING | | | H. EDUCATION | | |
| Hotel or Motel | S | P | High school | S | S |
| Bed & Breakfast Inn (up to 12 rooms) (Section 54.604) | P | P | Elementary school | P | P |
| Bed & Breakfast (up to 6 rooms) (Section 54.603) | P | P | Day care center | P | P |
| Rooming Houses (Section 54.642) | S | S | I. INDUSTRIAL | | |
| Hospital Hospitality Houses (Section 54.626) | S | S | Heavy industrial facility (Section 54.627) | | |
| Homestays and Vacation Home Rentals (Section 54.624) | P | P | Light industrial facility (Section 54.627) | S | S |
| C. OFFICE | | | Laboratory facility | S | S |
| Office building (Section 54.633) | P | P | Warehouse | S | S |
| Mixed-use building | P | P | Mini-storage | | S |
| Live-work unit (Section 54.615) | P | P | Marihuana Safety Compliance Facility (Section 54.628) | S | S |
| D. RETAIL | | | J. OTHER USES | | |
| Outdoor Entertainment and Community Events (Temporary Use) (Section 54.635(B)) | P | P | Accessory Building or Structure (See Figure 12 , Figure 13 , and, as applicable, Section 54.705) | P | P |
| Outdoor Entertainment and Community Events (Principal Use) (Section 54.635(D)) | S | S | Accessory Use, Non-Single Family Residential Lots | S | S |
| Retail building | P | P | Accessory Use, Single-Family Residential Lots | P | P |
| Gallery | P | P | Food Production, Minor | P | P |
| Restaurant, without Outdoor Food and Beverage Service | P | P | Outdoor Recreation | P | P |
| Restaurant, with Outdoor Food and Beverage Service (Section 54.636) | S | S | Wireless Telecommunications Facilities (Section 54.644) | S | S |
| Mixed-use building | P | P | | | |
| Open market building | P | P | | | |
| Indoor Recreation | P | P | | | |
| Farmers' Markets (Section 54.618) | P | P | | | |
| Kiosk | P | P | | | |
| Push cart | P | P | | | |
| Marihuana Retailer (Section 54.628) | | S | | | |
| | | | | Permitted Use | P |
| | | | | Special Land Use | S |

(8) Parking Location and Access.

- (a) Parking shall not be located within 25 feet of the primary *frontage*.
- (b) Required parking may be fulfilled in the following locations:
 - (i) Parking spaces provided within the lot.
 - (ii) Parking spaces provided along a parking lane (on-street) corresponding to lot *frontages*.
 - (iii) Parking spaces may be leased from a private or public parking facility within 500 feet of the lot.
- (c) Off-street parking shall be accessed by alleys where available.
- (d) Where alleys are not available, off-street parking may be accessed from the following locations:
 - (i) From *secondary frontages*; driveways should be located near the rear lot line.
 - (ii) Where *secondary frontages* are not available, parking may be accessed from the primary *frontage* in T4 for lots with a minimum width of 45 feet, in T5 for lots with a minimum width of 60 feet.
- (e) Driveways providing access to off-street parking are limited to 10 feet in width in T4 and 24 feet in T5.

(9) Off-Street Parking Design.

- (a) Off-street parking for single-family residential uses are not subject to the design requirements of this section.
- (b) All off-street parking spaces and aisles shall meet AASHTO size and configuration standards.
- (c) Off-street parking facilities shall have a minimum vertical clearance of 7 feet. Where such a facility is to be used by trucks or for loading, the minimum clearance is 15 feet.
- (d) Parking lots and structures visible from *frontages* require one of the following screening methods or a combination of methods:
 - (i) *Liner buildings*, optional at parking lots and required at parking structures. A minimum of 70% of parking structure width shall be screened ground floor *frontages*.

- (ii) A masonry wall no less than 4 feet in height.
 - (iii) A metal fence with an evergreen hedge or other landscape element to screen the view of parking.
- (e) **Parking Lot Attendant Shelter.** A parking lot may have one (1) attendant shelter building for security and collecting fees, provided the attendant shelter building complies with all building setback requirements.

Figure 23. Parking Requirements (Required Number of Spaces by Use per Figure 22)

| | T4 | T5 |
|---|---|---|
| Residential * | 1.125 / dwelling | 1.0 / dwelling |
| Lodging | 1.0 / bedroom | 1.0 / bedroom |
| Office | no minimum | no minimum |
| Retail | no minimum | no minimum |
| Institutional | 1.0 / 5 seat assembly use 1.0 / 1,000 sq. ft. of exhibition or indoor recreation area. Parking requirement may be reduced pursuant to Figure 24 . Parking may be provided by ownership or lease offsite within 1,000 feet. | 1.0 / 5 seat assembly use 1.0 / 1,000 sq. ft. of exhibition or indoor recreation area. Parking requirement may be reduced pursuant to Figure 24 . Parking may be provided by ownership or lease offsite within 1,000 feet. |
| Automotive, Civil Support, Education, Industrial, Other Uses | See Article 9, Section 54.903 for the specific use parking space requirements | See Article 9, Section 54.903 for the specific use parking space requirements |

* Senior housing or student housing requirements may be reduced by 50%.

Figure 24. Parking Occupancy Rates

| USES | MONDAY THROUGH FRIDAY | | | SATURDAY AND SUNDAY | | |
|--------------------|------------------------------|-------------------|-------------------|----------------------------|-------------------|-------------------|
| | 8AM – 6PM | 6PM – 12AM | 12AM – 8AM | 8AM – 6PM | 6PM – 12AM | 12AM – 8AM |
| Residential | 60% | 100% | 100% | 80% | 100% | 100% |
| Lodging | 70% | 100% | 100% | 70% | 100% | 100% |
| Office | 100% | 20% | 5% | 5% | 5% | 5% |
| Retail | 90% | 80% | 5% | 100% | 70% | 5% |
| Restaurant | 70% | 100% | 100% | 70% | 100% | 100% |
| Movie theater | 40% | 80% | 10% | 80% | 100% | 10% |
| Entertainment | 40% | 100% | 10% | 80% | 100% | 50% |
| Conference | 100% | 100% | 5% | 100% | 100% | 5% |
| Civic (non-church) | 100% | 20% | 5% | 10% | 10% | 5% |
| Civic (church) | 20% | 20% | 5% | 100% | 50% | 5% |

Calculation of parking space requirements from [Figure 23](#) may be reduced by the rates above, as they correspond to a particular use and the hours of operation for that use.

(10) Bicycle Parking.

(a) Intent. Short and long-term bicycle parking facilities shall:

- (i)** Maximize visibility and minimize opportunities for vandalism by being located in locations within clear view of pedestrian traffic, windows, doors, and/or well-lit areas.
- (ii)** Deter theft and provide for convenient parking ingress and egress by supporting the bicycle frame in at least two places.
- (iii)** Protect bicycles from inclement weather to the extent possible, as long as the facilities meet or exceed visibility, spacing, and performance standards.
- (iv)** Secure bicycles at a safe distance away from automobiles parked on-street, in lots, or in structures so that bicycles will not be damaged by opening doors or errant driving behavior.
- (v)** Not obstruct pedestrian movement in any way.
- (vi)** Not obstruct stairs, walls, berms, or handicap accessible ramps.
- (vii)** Provide enough space for bicycles of all types to maximize the intended bicycle parking capacity of a given facility.

(11) Landscape Standards.

(a) Intent. A transect-based landscape plan provides many aesthetic, ecological, functional and health/safety benefits. The standards of this section promote public health, safety, and welfare by establishing minimum standards for the design, construction and maintenance of landscape improvements for public *frontages* and *private frontages*, lots, *civic spaces*, and thoroughfares.

- (i) Aesthetics/Walkability.** These standards should enhance the overall aesthetic condition of communities, neighborhoods and the public realm with landscaping by:
 - a.** Providing spatial definition to the public realm
 - b.** Providing screening of unsightly places and/or mitigation of conditions that are incongruent with [Section 54.322\(A\)\(1\)](#) of this Section.
- (ii) Health/Safety.** These standards should enhance comfort, safety, and utilization of the public realm by moderating the local microclimate through the application of trees and landscaping to:
 - a.** Improve air quality
 - b.** Mitigate noise pollution
 - c.** Provide seasonal shade, sun and temperature regulation

- d. Reduce reflected light
- e. Mitigate wind gusts
- f. Provide a partial barrier between sidewalks and vehicular lanes
- g. Provide areas for the convenient removal and storage of snow

(b) Landscape Design Standards Applicable to All Sub-Districts.

- (i) The spacing and placement of plants shall be adequate and appropriate for the typical size, shape, and habit of the plant species at maturity.
- (ii) Proposed trees and understory trees shall be centered horizontally and minimally:
 - a. Two (2) feet from walkways, curbing, and other impervious pavements when planted in a tree well or continuous planter;
 - b. Three (3) feet from walkways, curbing and other impervious pavements when planted in a continuous swale;
 - c. Five (5) feet from street lights, underground utilities, utility meters and service lines, fences, walls and other ground level obstructions;
 - d. Six (6) feet from porch eaves, and awnings and similar overhead obstructions associated with the ground level of buildings;
 - e. Eight (8) feet from balconies, verandas, building eaves and cornices, and similar overhead obstructions associated with the upper stories of buildings.
- (iii) Proposed trees shall be a minimum height of ten (10) feet and / or three (3) inches in caliper.
- (iv) Proposed understory trees shall be a minimum of eight (8) feet in height and/ or two-and-one-half (2-1/2) inches in caliper.
- (v) Proposed Shrubs shall be of a five (5) gallon container minimum. Shrubs shall be 18" – 24" minimum clear from any sidewalk or pavement edge at the Lot line.
- (vi) Ground vegetation or Shrub plantings with spines, thorns, or needles that may present hazards to pedestrians, bicyclists or vehicles are prohibited in the first two (2) feet of the front setback.
- (vii) Bare and exposed ground on the site and / or in *landscaped areas* shall be covered with live plant materials and / or mulch.
- (viii) Artificial plants or artificial turf are prohibited.

- (ix) Buffers and screening elements shall be used to screen parking areas from public view, to screen service yards and other places that are unsightly.

(c) Landscape Construction Standards.

- (i) All plant materials shall meet with the minimum container size, class and other requirements outlined in American Standard for Nursery Stock (ANSI Z60.1-2004) published by the American Nursery and Landscape Association (ANLA) or other local Nursery Association Standards.
- (ii) The soil structure of planting strips shall be protected from compaction with a temporary construction fence. Standards of access, excavation, movement, storage and backfilling of soils in relation to the construction and maintenance of deep utilities and manholes shall be specified.
- (iii) The topsoil within the construction area's limits of disturbance shall be removed, stored and amended as recommended by a landscape soil test.
- (iv) Wind erosion shall be mitigated and controlled through dust abatement and similar practices during the period of site work and construction.
- (v) Landscape soils that have been compacted during construction activities shall be loosened and aerated to a depth of at least six (6) inches before planting.
- (vi) Plants shall have normal, well-developed branches and vigorous root systems.
- (vii) Temporary spray irrigation systems may be used to establish seeded areas for grass and groundcover.

(d) Landscape Maintenance.

- (i) All grass and vegetation shall be lightly fertilized to avoid fertilizer pollution to groundwater, streams, and ponds.
- (ii) No disturbed ground shall be left exposed. Turf grass and other approved and appropriate groundcovers or mulch shall cover all non-paved and non-built developed areas.
- (iii) It shall be the responsibility of the property owner(s) or his assigned agent(s) to:
 - a. Maintain and keep all screening and fencing in good condition at all times; and
 - b. Maintain landscaping by keeping Turf grass lawns properly mowed and edged, plants properly pruned and disease-free, and planting beds mulched, groomed and weeded, except in areas of naturally occurring vegetation and undergrowth; and
 - c. Replace any required planting(s) that are significantly damaged, removed, infested, disease ridden, or dead within one year or the next planting

season, whichever occurs first, except in areas of naturally occurring vegetation and undergrowth.

(e) Specific to sub-district T4:

- (i) The minimum required landscape area shall be twenty (20) percent of the front setback.
- (ii) Preservation of on-site existing trees and vegetation is encouraged and may be used to fulfill the landscape requirements.
 - a. The root zones of existing trees and vegetation to be preserved shall be protected from clearing or construction activities.
 - b. The size and limits of existing vegetation shall be indicated on the landscape plan.
- (iii) The applicant may remove mature, healthy, non-invasive trees only within areas of a lot that are inside the proposed footprint of the primary structure.
- (iv) The applicant shall replace mature trees that are removed on the site with trees of the same or similar species whose combined caliper dimensions equal that of the tree removed.
- (v) During construction, the root zone of existing vegetation to be preserved shall be enclosed by a temporary protective fence.
- (vi) All landscape areas compacted during construction activities shall be retiled and re-conditioned to provide an arable topsoil layer that can support the long term health and vitality of landscaping.
- (vii) The topsoil within the construction area's limits of disturbance shall be removed, stored, and amended with organic soil additives as recommended by a landscape soils test prior to being redistributed.

(f) Specific to sub-district T5:

- (i) Landscape islands in interior parking lots shall only occur at the end of drive aisles. Islands should be the minimum size for healthy growth for the specific species of tree.
- (ii) Porous paving materials should be used in order to increase storm water infiltration on site.

(g) Specific to neighborhood edges:

- (i) A landscape buffer located along common property lines shall be required between Third Street Corridor District properties and the residential properties adjacent. The landscape buffer shall be a minimum of five feet wide.
 - a. Minimum of three (3) trees shall be planted within the side and rear setbacks for every 500 square feet of landscape buffer.
 - b. Shrubs shall be five (5) gallon container and twenty-four (24) inches height minimum, and of a type that, at maturity, will provide a continuous opaque screen at least thirty-six (36) inches in height.
 - c. Trees shall be four (4) inches caliper minimum, or in the case of evergreen trees, twelve (12) feet minimum height.

(h) **Public Space Trees.** Any tree species and cultivar applicable for planting in USDA Cold Hardiness Zone 5a (-15 to -20°F average coldest winter temperature) can be considered for planting within district public *squares*, *plazas*, and private parcels, with the exception of the following prohibited species.

(i) **Prohibited Tree Species.**

- (i) All Willows (*Salix*)
- (ii) All Poplars (*Populus*)
- (iii) Silver Maple

(12) **Streetscape Standards.** The primary use of thoroughfares is to provide access to private lots and public *civic spaces*. In accordance with the intent of this Section, thoroughfares shall be designed to support several modes of transportation: public transportation, motor vehicles, and non-motorized vehicles such as bicycles and pedestrians.

- (a) Alley easements include one (1) bi-directional vehicular lane, within a total width no more than twenty-four (24) feet. The entire right-of-way should be paved.
- (b) At the time of, and within, new or infill development:
 - (i) Trees shall be planted at an average spacing of no greater than 40 feet within the front setback of the parcel being developed unless the front setback is less than 6 feet pursuant to [Figure 25. Public Frontage Type](#).
 - (ii) The developer is required to widen the sidewalk within the first 5 feet of the front setback pursuant to [Figure 25. Public Frontage Type](#).

Figure 25. Public Frontage Type

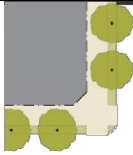
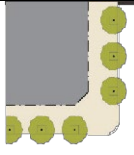



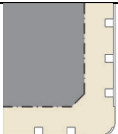
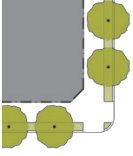
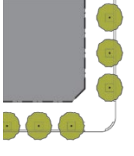


| Public Frontage Type | A | B |
|--|---|---|
| i. Assembly: The principal variables are the type and dimension of curbs, walkways, landscaping planters and other landscaping. |  |  |
| Total Width: | 10-20 feet | 10-20 feet |
| ii. Curbing: The detailing of the edge of the vehicular way, incorporating drainage. |  |  |
| Type Cuts: | Raised Curb Ramp at 1:12 slope | Raised Curb Ramp at 1:12 slope |
| iii. Walkway: The portion of the thoroughfare dedicated exclusively to pedestrian activity. |  |  |
| Type Width: | Sidewalk 6-15 feet | Sidewalk 6-15 feet |
| iv. Planter: The portion of the thoroughfare accommodating street trees and other landscape. |  |  |
| Arrangement Type: | Opportunistic | Opportunistic |
| Type: | Similar | Similar |
| Planter Type: | Continuous | Tree Well |
| Planter Width: | 5 feet | 4 feet |
| Public Planting Type: | Columnar, Rounded | Columnar, Rounded |
| v. Verge: Provides allowable locations for public infrastructure and public furniture outside of access ways. |  |  |
| Verge Width: | 5 feet* | 5 feet* |
| Verge Material: | Match planter | Match sidewalk or pervious pavement |






Figure 26. Bicycle Parking Calculations

This table prescribes minimum short-term bicycle parking calculations within each Transect Zone assigned to the Third Street Corridor. The calculations assume not just current but future possible bicycle mode share, not to exceed 5%. Requirements may be met within the Public *Frontage*, Private *Frontage*, building envelope, or a combination thereof. Bicycle parking provided within the Public *Frontage* must receive Administrative Approval.

| SHORT-TERM BICYCLE PARKING | T4 | T5 |
|--|---|---|
| RESIDENTIAL: Single-Family | No spaces required | n/a |
| RESIDENTIAL: Multi-Family w/ Private Garage Space for Each Unit | Minimum of 2 spaces | Minimum of 2 spaces + 0.05 spaces / bedroom |
| RESIDENTIAL: Multi-Family w/o Private Garage Space for Each Unit | Minimum of 2 spaces + 0.05 spaces / bedroom | Minimum of 2 spaces + 0.05 spaces / bedroom |
| LODGING | Minimum of 2 spaces + 1 add'l space / 10,000 sq. ft. of floor area | Minimum of 2 spaces + 1 add'l space / 10,000 sq. ft. of floor area |
| OFFICE | Minimum of 2 spaces + 1 add'l space / 10,000 sq. ft. of floor area | Minimum of 2 spaces + 1 add'l space / 5,000 sq. ft. of floor area |
| RETAIL | Minimum of 2 spaces + 1 additional space / 5,000 sq. ft. of floor area | Minimum of 2 spaces + 1 additional space / 2,500 sq. ft. of floor area |
| RESTAURANT | Minimum of 2 spaces + 1 additional space / 5,000 sq. ft. of floor area | Minimum of 2 spaces + 1 additional space / 2,500 sq. ft. of floor area |
| ENTERTAINMENT | Minimum of 2 spaces + 1 add'l space / 10,000 sq. ft. of floor area | Minimum of 2 spaces + 1 additional space / 5,000 sq. ft. of floor area |
| CIVIC: Non-assembly | Minimum of 2 spaces + 1 add'l space / 10,000 sq. ft. of floor area | Minimum of 2 spaces + 1 add'l space / 10,000 sq. ft. of floor area |
| CIVIC: Assembly | Spaces for 2% of max. expected attendance | Spaces for 2% of maximum expected attendance |
| LONG-TERM BICYCLE PARKING | T4 | T5 |
| RESIDENTIAL: Single-Family | No spaces required | n/a |
| RESIDENTIAL: Multi-Family w/ Private Garage Space for Each Unit | No spaces required | Minimum of 2 spaces + 0.05 spaces / bedroom |
| RESIDENTIAL: Multi-Family w/o Private Garage Space for Each Unit | Minimum of 2 spaces + 0.5 spaces / bedroom | Minimum of 2 spaces + 0.05 spaces / bedroom |
| LODGING | Minimum of 2 spaces + 1 additional space / 10,000 sq. ft. of floor area | Minimum of 2 spaces + 1 additional space / 10,000 sq. ft. of floor area |
| OFFICE | Minimum of 2 spaces + 1 space / 10 employees | Minimum of 2 spaces + 1 space / 10 employees |
| RETAIL | Minimum of 2 spaces + 1 space / 10 employees | Minimum of 2 spaces + 1 space / 10 employees |
| RESTAURANT | Minimum of 2 spaces + 1 space / 10 employees | Minimum of 2 spaces + 1 space / 10 employees |
| ENTERTAINMENT | Minimum of 2 spaces + 1 space / 10 employees | Minimum of 2 spaces + 1 space / 10 employees |
| CIVIC: Non-assembly | Minimum of 2 spaces + 1 space / 10 employees | Minimum of 2 spaces + 1 space / 10 employees |
| CIVIC: Assembly | Minimum of 2 spaces + 1 space / 20 employees | Minimum of 2 spaces + 1 space / 20 employees |

Figure 27. Bicycle Parking Types

This table shows five common types of Bicycle Parking facilities appropriate for the Third Street Corridor and includes basic design/performance standards. Please reference the Association for Pedestrian and Bicycle Professionals Bicycle Parking Guide for more detailed design and placement guidance.

| Parking Type | T4 | T5 | Standards |
|--|----|----|---|
| <p>Bicycle Rack</p>  | P | P | Bicycle Racks shall be capable of securing bicycles with at least two points of contact. Simple, easily identifiable forms, like the In-verted U-rack (shown at left) should be used. Racks may be placed in the <i>private frontage</i> , public <i>frontage</i> (including within an in-street <i>Bicycle Corral</i>), or within buildings where appropriate. |
| <p>Bicycle Rack (decorative, public art)</p>  | A | P | Decorative racks shall be recognizable as bicycle parking facilities and shall be held to the same performance standards as other bicycle racks. Such racks may be provided for and designed to enhance civic buildings, <i>civic spaces</i> , and other locations of historic, social, or cultural importance. |
| <p>Bicycle Shelter</p>  | A | P | <i>Bicycle Shelters</i> shall be highly recognizable and integrated with transit, parks, trailheads, and/or land uses requiring medium or long-term bicycle parking needs. Each shelter shall include bicycle parking racks capable of securing bicycles with at least two points of contact, and may include other bicycling amenities, such as wayfinding maps/signs, air pumps, etc. |
| <p>Bicycle Locker</p>  | A | P | <i>Bicycle Lockers</i> shall be placed in highly visible and well-lit locations, but should not disrupt the function, safety and order of the public realm. They should be associated with land uses and transportation facilities where long-term parking is required. |
| <p>Bicycle Sharing</p>  | P | P | <i>Bicycle sharing</i> stations should be located in highly viable locations, adjacent to existing or proposed transit stops, employment centers, or popular destinations. Stations should be spaced every few <i>blocks</i> so that access remains convenient. |

SECTION 6. Article 3 – Zoning Districts and Map, Section 54.323

Chapter 54 – LAND DEVELOPMENT CODE, Article 3 – Zoning Districts and Map, Section 54.323 PUD, Planned Unit Development District is hereby repealed. New Chapter 54 – LAND DEVELOPMENT CODE, Article 3 – Zoning Districts and Map, 54.323 PUD, Planned Unit Development District is hereby adopted:

Section 54.323 PUD, Planned Unit Development District

(A) Purpose. The Planned Unit Development (PUD) option is intended to encourage, with City approval, private or public development that is substantially in accord with the goals and objectives of the Community Master Plan. Development permitted under this Section shall be considered as an optional means of development only upon terms agreeable to the City. Use of the PUD option will permit flexibility in the regulation of land development and benefit the City by:

- (1)** Encouraging innovation through an overall development plan to provide variety in design and layout.
- (2)** Achieving economy and efficiency in the use of land, natural resources, energy, and in the provision of public services and utilities.
- (3)** Encouraging the creation of useful open spaces particularly suited to the needs of the parcel in question.
- (4)** Providing appropriate housing, employment, service, and shopping opportunities suited to the needs of residents of Marquette.

(B) Use. The PUD may be used to:

- (1)** Permit nonresidential uses of residentially zoned areas.
- (2)** Permit residential uses of non-residentially zoned areas.
- (3)** Permit land uses and the mixing of land uses that would otherwise not be permitted, provided the objectives are supported by the Master Plan and the intent of this Ordinance and the resulting development promotes the public health, safety, and welfare without a material adverse impact on adjoining existing and planned uses.

(C) Minimum Size. The minimum size of a PUD must be two (2) acres of contiguous land. However, the City Commission, upon recommendation from the Planning Commission, may permit a smaller PUD under the following circumstances:

- (1)** The proposed project has unique characteristics and benefits; and/or
- (2)** The parcel in question has unique characteristics that significantly impact development, such as unusual topography, tree stands, wetlands, poor soil conditions on portions of the parcel, water courses, unusual shape or proportions, or utility easements that cross the parcel.

In such case, the applicant must submit a letter to the City requesting a waiver of the minimum PUD size requirements. The request must be submitted at the time of the submittal of Concept and Request for Consideration of Project Qualifications ([Section 54.323\(G\)](#)). The Planning Commission shall review the request and make a recommendation to the City

Commission. The City Commission shall make the final decision concerning a request to waive the PUD size requirements.

(D) Density, Layout, and Bulk.

- (1)** Densities, setbacks, height, lot coverage, or lot sizes may be permitted that are different from the current zoning district and unique to the proposed PUD district, provided the other objectives of this Ordinance are met and the resulting development would promote the public health, safety, and welfare. The requirements of the Riparian Overlay District must be met.
- (2)** The PUD shall be laid out so various land uses and building bulk relate to each other and to adjoining existing and planned uses with no material adverse impact of one use on another. Clustering development is encouraged in areas that are not located in the Riparian Overlay District.

(E) Definitions.

- (1)** A **“Planned Unit Development”** (PUD) is a zoning district that shall apply to a specific parcel of land or several contiguous parcels of land, for which a comprehensive physical plan has been recommended by the Planning Commission, approved by the City Commission, and documented in a contract (PUD Agreement) between the City and site owner/developer. Such plan and contracted development will establish functional use areas and density patterns; will provide a fixed system of streets, public utilities, drainage, and other essential services; and account for similar factors necessary for and incidental to the intended land uses. The Planning Commission may, but is not required to, consider parcels separated by a public street as eligible for inclusion in a PUD.
- (2)** A **“Pattern Book”** is a document prepared by the applicant’s design firm that contains specific information on the site master plan, and architectural designs for planned buildings. Information should include specifications on building materials, size, and dimensions, building elevations, and site design elements such as pedestrian walkways, lighting, landscaping, and signage.

(F) Criteria for Qualifications. The PUD option may be permitted anywhere in the City except in the Conservation and Recreation (CR) district. To be considered for the PUD option, it must be demonstrated that all of the following criteria are met:

- (1)** Use of this option shall not be for the purpose of avoiding applicable zoning requirements. Any permission given for any activity or building or use not normally permitted shall result in an improvement to the public health, safety, and welfare in the area affected.
- (2)** The PUD shall not be utilized in situations where the same land use objectives can be accomplished by application of conventional zoning provisions or standards. Problems or constraints presented by applicable zoning provisions shall be identified in the PUD application.

- (3) The PUD option may be effectuated only when proposed land use will not materially add service and facility loads beyond those contemplated in the Master Plan unless the proponent can demonstrate to the sole satisfaction of the City that such added loads will be accommodated or mitigated by the proponent as part of the PUD.
- (4) The PUD shall not be allowed solely as a means of increasing density or as a substitute for a variance request; such objectives should be pursued through the normal zoning process by requesting a Zoning Map amendment or variance.
- (5) The Planned Unit Development must substantially meet, as a minimum, three (3) or more of the following objectives. The benefits given to the developer through the flexibility of the PUD must be balanced with the benefits to the City:
 - (a) To permanently preserve open space or natural features because of their exceptional characteristics or because they can provide a permanent transition or buffer between land uses.
 - (b) To permanently establish land use patterns that are compatible or that will protect existing or planned uses.
 - (c) To accept dedication or set aside open space areas in perpetuity.
 - (d) To provide alternative uses for parcels that can provide transition buffers to residential areas.
 - (e) To guarantee provision of a public improvement that could not otherwise be required that would further the public health, safety, or welfare; protect existing or future uses from the impact of a proposed use; or alleviate an existing or potential problem relating to public facilities.
 - (f) To promote the goals and objectives of the Community Master Plan.
 - (g) To foster the aesthetic appearance of the City through quality building design and site development; the provision of trees and landscaping beyond minimum requirements; the preservation of unique and/or historic sites or structures; and the provision of open space or other desirable features of a site beyond minimum requirements.
 - (h) To bring about redevelopment of sites where an orderly change of use or requirements is determined to be desirable.
 - (i) To bring about redevelopment of sites that have been identified as environmentally distressed or Brownfields.
 - (j) To facilitate appropriate development of environmentally sensitive areas.

(G) Submittal of Concept and Request for Consideration of Project Qualifications.

- (1) Any person owning or controlling land in the City may make application for consideration of a PUD. Such application shall be made by submitting a request for a preliminary determination as to whether or not a parcel qualifies for the PUD option.
 - (2) A written and graphic request shall be submitted to the Marquette City Planning Commission through the Community Development Department. The submission shall include information required by [Section 54.323\(G\)\(3\)](#) below.
 - (3) Based on the documentation submitted, and following a public hearing the Planning Commission shall review the applicant's request and make a preliminary determination as to whether or not a parcel qualifies for the PUD option under the provisions of Criteria for Qualifications ([Section 54.323\(F\)](#)). The submittal must include the following:
 - (a) Substantiation that the criteria set forth in Criteria for Qualifications ([Section 54.323\(F\)](#)) are or will be met.
 - (b) A schematic land use plan containing the required information of a preliminary site plan ([Section 54.1402\(C\)](#)) with enough detail to explain the function of open space; the location of land use areas, streets providing access to the site, pedestrian and vehicular circulation within the site; dwelling unit density and types; and buildings or floor areas contemplated, as applicable.
 - (c) A plan for the protection of natural, cultural, and historic features and preservation of open space, green space, or public access, as applicable.
 - (d) The proposed phasing of the project.
- (H) Submittal and Approval of Preliminary PUD Plan.** An application for Preliminary PUD Plan approval may be made for consideration with the submission of the following materials and Planning Commission review. To expedite PUD projects, the Planning Commission, at its discretion, may waive submitted information required in [Section 54.323\(H\)](#) and [Section 54.1402\(C\)](#):
- (1) **Submittal of Proposed PUD Plan.** An application shall be made to the Community Development Department for review and recommendation by the Planning Commission that complies with the preliminary site plan information requirements of [Section 54.1402](#), including but not limited to the following graphic and written representations of the project at a scale not to be smaller than one (1) inch equals one hundred (100) feet unless approved by the City:
 - (a) A boundary survey of the PUD boundaries being requested completed by a licensed land surveyor.
 - (b) A topographic map of the entire area at a contour interval of not more than one (1) foot and spot elevations at intervals not to exceed fifty (50) feet, unless waived.
 - (c) Existing natural areas including, but not limited to, major stands of trees, bodies of water, wetlands, floodplains, steep slopes, and un-buildable areas.

- (d) A proposed land use plan.
- (e) Parcel and lot lines, land use, access points, and zoning of all parcels within 100 feet of the PUD site.
- (f) Vehicular circulation including major drives and location of vehicular access. Proposed project cross sections including public streets or private roads.
- (g) Transition treatment, including minimum building setbacks to land adjoining the PUD and between different land use areas within the PUD.
- (h) The location of nonresidential buildings and parking areas, estimated floor areas, building coverage, and number of stories and heights for each structure.
- (i) The location of residential unit types and densities, and lot parcel or land units by frontages and areas.
- (j) The location of all wetlands, water and watercourses, and proposed water detention areas.
- (k) The boundaries of open space areas that are to be preserved or reserved and an indication of the proposed ownership thereof.
- (l) A schematic landscape treatment plan for open space areas, streets, and border/transition areas to adjoining properties.
- (m) A preliminary grading plan, indicating the extent of grading and delineating any areas that are not to be graded or disturbed.
- (n) An indication of the contemplated water distribution, storm, and sanitary sewer plan.
- (o) A written statement explaining in detail the full intent of the applicant, indicating the type of dwelling units or uses contemplated and resultant population, floor area, parking, and supporting documentation, including the intended schedule of development.
- (p) The proposed phasing of the project, tentative development timetables, and future ownership intentions. Each phase of the project should be capable of standing alone.
- (q) Minimum of two (2) site sections, showing major building relationships and building site features.
- (r) Detailed design guidelines, drawings, and / or pattern book, which depict the design character of the project; the architectural details of proposed buildings; details on

various site elements such as lights, furniture, landscaping, signage; and such other information deemed appropriate by the Planning Commission.

(2) Planning Commission Review of Proposed PUD Plan.

- (a) Public Hearing and Review Procedure.** The Planning Commission shall give notice of a public hearing as provided in [Section 54.1406](#) and hold a public hearing on the PUD and conduct a review of the PUD Plan and rezoning pursuant to the rezoning procedures of [Section 54.1405](#).
- (b) Planning Commission Review and Determination.** The Planning Commission shall review the proposed PUD plan and make a recommendation to the City Commission as to the proposal's qualification for the PUD option and for adherence to the following objectives and requirements:
 - (i)** The proposed PUD adheres to the criteria for qualification of the PUD option ([Section 54.323\(F\)](#)) and promotes the land use goals and objectives of the City.
 - (ii)** All applicable provisions of this Section shall be met. Insofar as any provision of this Section shall be in conflict with the provisions of any other section of this Ordinance, the provisions of this Section shall apply to the lands embraced within a PUD area.
 - (iii)** There is, or will be, at the time of development, an adequate means of disposing of sanitary sewage and of supplying the development with water, and that the road system and storm water drainage system are or will be adequate.

- (3) Performance Guarantee.** The City Commission and/or Planning Commission can require the applicant to submit a performance guarantee, escrow funds, or other such performance-based guarantees to the City as a condition of PUD approval pursuant to [Section 54.1402\(H\)](#). The amount of the performance guarantee shall be recommended to the Planning Commission by the City Attorney after discussion with the applicant, City Engineering Department, and other involved parties.

(I) Final Approval of Planned Unit Development.

- (1) City Commission Action.** Upon receipt of the report and recommendation of the Planning Commission, the City Commission shall hold a public hearing in accordance with [Section 54.1406](#) and review all findings. If the City Commission approves the PUD, approval shall be granted only upon the City Commission determining that all provisions of this Section have been met and that the proposed development will not adversely affect the public health, welfare, and safety.
- (2) PUD Zoning.** Upon approval by the City Commission, the subject site shall be rezoned to "Planned Unit Development" in accordance with the procedures of [Section 54.1405](#).
- (3) PUD Agreement.** Upon approval of the PUD by the City Commission, the City Commission shall instruct the City Attorney to prepare a contract setting forth the conditions upon

which such approval is based and which contract, after approval by resolution of the City Commission, shall be executed by the City and the applicant. The agreement shall become effective upon execution after its approval. The agreement shall be recorded with the County Register of Deeds by the City Clerk. If the agreement is not executed within one (1) year of approval of the by the City Commission, the PUD approval shall expire.

- (4) PUD Development.** Once an area has been included within a plan for PUD and the City Commission has approved such plan, all development must take place in accordance with such plan unless changes have been approved by the City Commission.
- (5) Termination by Applicant.** An approved PUD plan may be terminated by the applicant or the applicant's successors or assigns, prior to any development within the area involved, by filing with the City Clerk and Community Development Department, and recording in the County Register of Deeds an affidavit so stating. The approval of the PUD plan shall terminate upon such recording. No approved PUD plan shall be terminated after development commences except with the approval of the City Commission and of all parties with interest in the land. After termination, the City shall commence rezoning the site to its previous zoning classification or a different zoning classification supported by the Master Plan, in accordance with [Section 54.1405](#).
- (6) Expiration.** Within a period of two (2) years following approval of the PUD Agreement by the City Commission, preliminary plats ([Section 54.501](#)) or final site plans ([Section 54.1402](#)) for an area embraced within the PUD must be submitted as hereinafter provided. If such plats or plans have not been submitted within the two-year period, the right to develop under the approved plan shall be terminated by the City. Upon the developer's showing of good cause, the Planning Commission can recommend and the City Commission grant an extension of up to two (2) years for submission of the preliminary plat and/or final site plan. If the right to develop under the approved plan is terminated by the City, the City shall commence rezoning the site to its previous zoning classification or a different zoning classification supported by the Master Plan, in accordance with [Section 54.1405](#).
- (J) Submission of Preliminary Plat or Final Site Plans; Schedule for Completion of PUD.** Before any permits are issued for any activity within the area of a PUD, preliminary plats ([Section 54.501](#)) or final site plans ([Section 54.1402](#)) and open space plans for a project area shall be submitted to the Community Development Department for review by the Planning Commission. Review and approval of final site plans shall comply with the Marquette City Land Development Code as well as this Section and the terms of the contract and approved plan. Before approving any preliminary plat or final site plan, the Planning Commission shall determine all of the following:

 - (1)** All portions of the project area shown upon the approved plan for the PUD for use by the public or the residents of lands within the PUD have been committed to such uses in accordance with the PUD contract through recording of a deed, deed restrictions, and/or a master deed for creation of a property owner's association with authority to levy assessments.

- (2) The preliminary plats or final site plans are in substantial conformity with the approved contract and plan for the PUD.
- (3) Provisions have been made in accordance with the PUD contract to provide for the financing of any improvements shown on the project area plan for open spaces and common areas that are to be provided by the applicant and that maintenance of such improvements is assured in accordance with the PUD contract. If development of approved preliminary plats or final site plans are not completed in five (5) years after approval, further final submittals under the PUD shall cease until the part in question is completed or cause can be shown for not completing same. When the developer is in default of the PUD timetable, the City Commission may, at the recommendation of the Planning Commission take any or all of the following actions:
- (a) Withdraw approval of any other phase;
 - (b) Require the applicant to submit a new PUD application for any additional phases; and/or
 - (c) Invoke the performance guarantees to complete the project or make necessary repairs.
- (K) **Filing of As-Built Plans and Final Plats Prior to Release of Performance Guarantee.** As-built site plans and final plats must be filed with the City Engineering Department and the Community Development Department. Performance guarantees shall not be released until these documents have been submitted.
- (L) **Fees.** Fees for review of PUD plans under this Section shall be established by resolution of the City Commission.
- (M) **Interpretation of Approval.** Approval of a PUD under this Section shall be considered an optional method of development and improvement of property subject to the mutual agreement of the City and the applicant.
- (N) **Amendments to PUD Plan.** Proposed amendments or changes to an approved PUD plan shall be submitted to the Zoning Administrator. The Zoning Administrator shall determine whether the proposed modification is of such minor nature as not to violate the area and density requirements or to affect the overall character of the plan, as guided by [Section 54.323\(N\)\(1\)](#), and in such event may approve or deny the proposed amendment. If the Zoning Administrator determines the proposed amendment is major in nature, the Planning Commission shall review the amendment in accordance with the provisions and procedures of this Section as they relate to final approval of the PUD and make a recommendation to the City Commission to approve or deny the changes. The Zoning Administrator may refer any proposed amendment to the Planning Commission at his/her discretion for determination of minor/major amendment status.
- (1) **Minor Amendment.** Minor amendments are those that may have no foreseeable effect beyond the property boundary, such as minor changes in the siting of buildings, the alignment of utilities and the alignment of interior roadways, and the layout of parking

areas. Minor amendments for good cause may be authorized by the Zoning Administrator without notice or hearing, provided no such changes shall substantially increase the size or height of structures, reduce the efficiency or number of public facilities serving the PUD, reduce usable open space, significantly reduce or increase the number of approved parking spaces, encroach on natural features proposed by the plan to be protected, or that would alter contractual terms related to the timing or other non-dimensional aspects of development. The degree of permitted minor amendments may be further described in the PUD Agreement. The Zoning Administrator shall inform the Planning Commission and City Commission of any approved minor amendments. Minor changes to site lighting, signage, landscaping, non-structural building elements, and for temporary structures and uses, may be made via approval of a Zoning Compliance Permit that is linked to the PUD rather than via a Minor PUD Amendment, per the discretion of the Zoning Administrator.

- (2) Major Amendment.** Any amendment not qualifying as a minor amendment is considered to be a major amendment and must be reviewed by the Planning Commission and approved by the City Commission, to be amended according to the procedures authorized by this section for approval of a PUD.

SECTION 7. Article 4 – Schedule of Regulations, Section 54.403

Chapter 54 – LAND DEVELOPMENT CODE, Article 4 – Schedule of Regulations, Section 54.403 Footnotes to Schedule of Regulations is hereby repealed. New Chapter 54 – LAND DEVELOPMENT CODE, Article 4 – Schedule of Regulations, Section 54.403 Footnotes to Schedule of Regulations is hereby adopted:

Section 54.403 Footnotes to Schedule of Regulations

- (A) **Permitted Front Yard Setback Encroachments in the MDR and MFR Districts.** In the MDR and MFR districts, open front porches may encroach into the required front yard setback, provided the encroaching porch is for the first story only and is setback at least five (5) feet from the front lot line.
- (B) **Reduced Minimum Front Yard Setback in the LDR and MDR Districts.** If the average front yard setback of the principal buildings on the same block are less than the minimum front yard setback of the district, the minimum front yard setback of a subject lot in the LDR district or MDR district may be reduced to that average, provided the principal buildings used in the average are on the same side of the street and in the same zoning district as the subject lot.
- (C) **Minimum Lot Area for Two-Family Dwellings (Duplexes) in the MDR and MFR Districts.** In the MDR and MFR Districts, the minimum lot area for a two-family dwelling (duplexes) is:
- (1) 6,000 sq. ft. for lots created prior to the adoption of this Ordinance.
 - (2) 9,000 sq. ft. for lots created after the adoption of this Ordinance.
- (D) **Minimum Lot Width for Two-Family Dwellings (Duplexes) in the MDR and MFR Districts.** In the MDR and MFR Districts, the minimum lot width for a two-family dwelling (duplex) is:
- (1) 50 feet for lots created prior to the adoption of this Ordinance.
 - (2) 75 feet for lots created after the adoption of this Ordinance.
- (E) **Minimum Front Yard Setback in the M-U and GC Districts.** In the M-U and GC districts, the minimum front yard setback is 0 ft. if there is at least a 10-foot distance between the front lot line and the curb/edge of the street. If there is not at least a 10-foot distance between the front lot line and the curb/edge of the street in these districts, the minimum front yard setback shall be increased accordingly so that the minimum separation distance between a structure and the curb/edge of the street is at least ten (10) feet.
- (F) **Maximum Front Yard Parking in the M-U and GC Districts.** Although there are no maximum front yard setbacks in the M-U and GC districts, refer to [Article 9](#) for the maximum allowable parking in the front yard of the M-U ([Section 54.902\(E\)\(3\)](#)) and GC ([Section 54.902\(E\)\(4\)](#)) districts.
- (G) **Separation Distance of Multiple-Family Structures in the MFR District.** In the MFR, Multiple Family Residential District, the minimum distance between any two (2) buildings on the same site shall be one and one-half (1.5) times the average height of the two (2) buildings. For example purposes only, the separation distance between a 36-foot high multiple-family building and a 30-foot high multiple family building shall be 49.5 feet (i.e., 1.5 times 33 feet, which is the average height of the two buildings).
- (H) **Reduced Side Yard Setbacks in the M-U, CBD, and GC Districts.** In the M-U, CBD, and GC districts the side yards may be eliminated under the following conditions:
- (1) The side walls are of fireproof construction and are wholly without opening.
 - (2) The zoning of the adjacent property is M-U, CBD, GC, Marquette Downtown Waterfront District, or Third Street Corridor District.

- (I) **Modified Rear Yard Setbacks in the M-U and CBD Districts.** In the M-U and CBD districts the required rear yard may be measured from the center of an alley abutting the rear lot line, provided the structure is not located in the alley.
- (J) **Each parcel in the MFR district that contains a multiple-family residential use shall have:**
- (1) A maximum lot coverage ratio of 0.20.
 - (2) Minimum outdoor livability space of 0.40.
- (K) **Accessory Buildings and Structures.** For accessory buildings and structures, additional requirements for side yard setbacks, rear yard setbacks, and height are in [Section 54.705](#).
- (L) **Height Exceptions and Increased Setbacks for Multiple-Family Dwelling Buildings in the MFR District.** For multiple-family buildings in the MFR District, the height may be increased above 36.5 feet provided that 1 foot shall be added to all of the minimum yard setbacks for each 1 foot that the building exceeds 36.5 feet in height.
- (M) **Height Exceptions and Increased Setbacks for Buildings in the M-U District.** If the subject lot is adjacent to a lot zoned LDR, MDR, C, or CR, any portion of the building higher than 36.5 feet must be setback at least 8 feet from a minimum front yard setback line and at least 10 feet from any other minimum yard setback line.
- (N) **Modified Height and Setback Requirements in the IM District.** The Planning Commission may permit via special land use approval a greater height than the maximum allowed in the schedule of regulations in the IM district, provided that the front, side, and rear yards specified in [Section 54.402](#) and [Article 6](#) are increased by one (1) foot for each foot of building height that exceeds the maximum allowed. However, in no case shall the height of any structure in the IM district exceed the horizontal setback distance from the structure to a lot line; where the property abuts a right-of-way, up to 1/2 width of said right-of-way may be used in calculation the required yard; in no instance may the yard be less than the minimum specified in [Section 54.402](#).
- (O) **Height Exemptions.** There shall be no height restriction on chimneys, flagpoles, public monuments, and wireless telecommunications facilities except when they are part of a special land use.
- (P) **Increased Rear Yard Setbacks for Lots in the CR District.** Lots in the CR district must have a minimum rear yard setback of 50 feet from the ordinary high water mark of Lake Superior.
- (Q) **Maximum Impervious Surface Coverage of a Lot in the LDR and MDR Districts, and single-family and two-family dwelling units in other zoning districts:** The maximum impervious surface coverage of a lot in the LDR and MDR Districts, and single-family and two-family uses in all other zoning districts shall be based on the lot areas as follows:

| Maximum Impervious Surface Coverage Based on Lot Area |
|--|
| 60% of the lot area up to 8,712 sq. ft. (1/5 acre or less); plus |
| 50% of the area of the lot between 8,713 sq. ft. and 21,780 sq. ft. (1/2 acre); plus |
| 40% of the area of the lot between 21,781 sq. ft. and 43,560 sq. ft. (1 acre); plus |
| 30% of the area of the lot over 1 acre |

- (R) **Storm Water Management.** For all uses except Single-family and Two-family dwelling units, please refer to Section 54.803 Storm Water Management. For Single-family and Two-family dwelling units, please refer to item Q above.
- (S) **Landscape Buffer and Greenbelt Requirements.** The minimum setbacks may be increased in accordance with the landscape buffer and greenbelt standards of [Section 54.1003\(D\)](#).

SECTION 8. Article 6 – Standards Applicable to Specific Land Uses, Section 54.612 Chapter 54 – LAND DEVELOPMENT CODE, Article 6 – Standards Applicable to Specific Land Uses, Section 54.612 Dwelling, Accessory Unit is hereby repealed. New Chapter 54 – LAND DEVELOPMENT CODE, Article 6 – Standards Applicable to Specific Land Uses, Section 54.612 Dwelling, Accessory Unit is hereby adopted:

Section 54.612 Dwelling, Accessory Unit

Accessory dwelling units (ADU) shall comply with all of the following standards:

- (A) **One ADU Per Lot.** One ADU is permitted per lot containing an existing detached single-family dwelling unit, provided the ADU complies with all of the requirements of this Section and this Ordinance.
- (B) **Minimum Lot Area and Width.** ADUs are only permitted on lots that meet the minimum lot area and lot width standards of the zoning district.
- (C) **Setbacks and Height.** ADUs must meet all requirements of this Ordinance for minimum setbacks and maximum height. However, the height of an ADU shall not exceed two (2) stories or 20 feet.
- (D) **Maximum Occupancy.** The occupancy of the accessory dwelling unit shall not exceed two (2) unrelated adults.
- (E) **Owner-Occupancy Required of the Principal Dwelling is as follows:**
 - (1) Either the principal dwelling unit or the accessory dwelling unit shall be occupied by the person who has a legal or equitable ownership interest with the property, and who bears all or part of the economic risk of decline in value of the property and who receives all or part of the payment, if any, derived from the lease or rental of the dwelling unit. The owner-occupant shall prove residency by means such as a voter registration, car registration, or other method acceptable to the City.
 - (2) Ownership of the ADU shall remain with the owner of the property. In no case may the owner of the property divide ownership rights between the principal and accessory dwelling units through condominium or other means.
 - (3) To ensure continued compliance by current and subsequent owners, the applicant shall provide and record in the Marquette County Register of Deeds a covenant in a form acceptable to the City Attorney that the existence of the ADU is predicated upon the occupancy of either the principal or accessory dwelling unit by a person who owns the property, and that the ADU shall remain in the ownership of the person who owns the property. The applicant shall provide the City with evidence of filing of the restrictive covenant with the Register of Deeds prior to and as a condition of the issuance of the Zoning Compliance Permit for the development of the ADU. Any owner of the property must notify a prospective buyer of the limitations of this Section. Violations of the terms of this covenant shall result in the loss of the special use permit.
- (F) **Yearly Certification.** Conformance with the occupancy conditions of the ADU special use permit shall be certified yearly by the property owner subject to inspection by the City. The City may adopt an ordinance or administrative standards for certification and inspection. Inspection shall be allowed by the owner after 48 hours' notice by certified mail from the City. The certification process shall be subject to an appropriate fee as determined by the City Commission.
- (G) **Maximum Floor Area of ADU.** The floor area of the ADU shall not exceed 750 square feet, or 50% of the gross floor area of the principal residence, whichever is less.

(H) Attachment Options. The ADU may be attached to the single-family dwelling or constructed on the second story of a conforming detached accessory building on the site. If the ADU is attached to the single-family dwelling, the ADU may be located within the existing footprint or added to the existing footprint, provided all of the requirements of this Ordinance are met.

(I) Architecture and Design.

(1) An ADU must be designed to maintain the architectural character and appearance of the principal building. If an ADU extends beyond the existing footprint of the main building, the addition must be consistent with the existing façade, roof pitch, siding, and windows.

(2) Entrances to ADUs, including exterior stairs leading to a second story entrance, are restricted to the side or rear façade of the building to which it is attached. This provision does not apply if the ADU's primary entrance is the same as the entrance to the principal residence.

(J) Parking. One (1) off-street parking space shall be provided for the ADU in a driveway or in a rear or side yard on the lot. No parking space may be provided in the front yard except in paved driveways or hard surfaced parking spaces in accordance with this Ordinance (see definition of "Hard Parking Surface" in [Section 54.202\(A\)\(91\)](#)). Parking spaces are not subject to setback requirements. The Zoning Administrator may grant an exception to the parking space requirement if the property owner submits a signed and notarized affidavit to the City affirming that the ADU occupant will not have a motor vehicle on site.

(K) Duration of Lease or Rental. Leasing or rental of the ADU for less than 30 days is prohibited.

SECTION 9. Article 6 – Standards Applicable to Specific Land Uses, Section 54.619 Chapter 54 – LAND DEVELOPMENT CODE, Article 6 – Standards Applicable to Specific Land Uses, Section 54.619 Food Production, Minor is hereby repealed. New Chapter 54 – LAND DEVELOPMENT CODE, Article 6 – Standards Applicable to Specific Land Uses, Section 54.619 Food Production, Minor is hereby adopted:

Section 54.619 Food Production, Minor

Minor Food Production, such as home gardens and community gardens, are subject to the following requirements:

- (A) Minimum Setbacks and Clear Vision Triangle Area.** All garden structures must maintain a three-foot setback from all property lines as well as meet traffic visibility regulations of [Section 54.704](#), with the exception of an arbor that is adjacent to the front property line as part of a fence or freestanding. Garden vegetation shall not encroach onto adjacent lots.
- (B) Permitted Structures.** In addition to the accessory structure regulations of [Section 54.705](#), the following requirements shall apply to Minor Food Production structures (such as home gardens and community gardens). If these standards are met, the structures are in compliance with this section and no permit is required:

 - (1) Trellises and Arbors.** If located in a required setback area (see [Article 4](#)), the maximum height of a trellis or arbor is 8 feet. Arbors may be freestanding or built into fences along the property line.
 - (2) Raised Planting Beds.** If located in a required setback (see [Article 4](#)) or in a front yard, the maximum height of a raised planting bed is 24 inches. Planting beds must be kept out of the public right-of-way. Raised planting beds higher than 24 inches must meet the minimum setback requirements for accessory structures in the district ([Section 54.705](#)).
 - (3) Temporary Hoop Houses or Plant Covers.** Temporary hoop houses or plant covers for early start-up plants are permitted (see [Section 54.705](#) for permanent accessory structures), provided the temporary hoop houses or plant covers:

 - (a)** Do not exceed 8 feet in height in a front yard and no more than 16 feet in height in a rear or side yard.
 - (b)** Maintain a setback of at least 3 feet from all lot lines and meet the clear vision requirements of [Section 54.704](#).
 - (c)** Are maintained in good repair.
- (C) Sales.** Sale of goods grown in a garden/community garden is prohibited in residential districts unless the sales are conducted without any noticeable accouterment of sales (e.g., special structures, signs/handbills, or items used to draw attention to the property) or the sales are otherwise permitted in this Ordinance (e.g., a Home Occupation). Sales of goods in other districts are subject to underlying district requirements.
- (D) Property Maintenance.** The property shall be maintained in an orderly and neat condition and shall not be detrimental to the physical environment or to public health and general welfare, and remains subject to compliance with the property maintenance code, noise ordinance, and related ordinances.
- (E) Off-Site Impacts.** The site shall be maintained so as to prevent the free flow of storm water, irrigation water, chemicals, dirt, or mud across or onto adjacent lots, properties, public streets, or alleys.

- (F) **Noise.** Motorized equipment within a residential zoning district or residential planned unit development district must meet the noise regulations of the City.
- (G) **Compost.** Compost piles may only be used for waste generated on site, and are subject to the setbacks of the district and all other regulations of City Codes with respect to odor, blight, and other elements of composting that may become a nuisance. Compost in a raised planting bed must meet the requirements of [Section 54.619\(B\)\(2\)](#). Other compost structures must meet the minimum setback requirements for accessory structures in the district ([Section 54.705](#)).
- (H) **Private Nuisance Action.** Nothing in this Section is intended to preclude any person from filing a private nuisance action against an offensive use.
- (I) **Farm Animals Prohibited.** Unless permitted in [Section 54.641](#), the keeping of farm animals (e.g., chickens, honeybees, rabbits, etc.) is not permitted as a Residential Limited Animal Keeping use.

SECTION 10. Article 6 – Standards Applicable to Specific Land Uses, Section 54.621 Chapter 54 – LAND DEVELOPMENT CODE, Article 6 – Standards Applicable to Specific Land Uses, Section 54.621 Home Occupations is hereby repealed. New Chapter 54 – LAND DEVELOPMENT CODE, Article 6 – Standards Applicable to Specific Land Uses, Section 54.621 Home Occupations is hereby adopted:

Section 54.621 Home Occupations

- (A) **One Non-Resident Employee.** A Home Occupation shall not employ more than one (1) person who is not a member of the household.
- (B) **Signs.** A Home Occupation shall not have signage unless permitted in [Article 11](#).
- (C) **Accessory Structure Use.** Activities related to the home occupation may take place in an accessory structure that is properly permitted by the City and the County Building Codes Department (if necessary) and if those activities do not create nuisance conditions for neighboring properties including loud noise, dust, smoke, bright light, etc. and are not activities that meet the definition of “manufacturing” (heavy or light) or “industrial” as defined in Article 2.
- (D) **Limited Customer Traffic.** A Home Occupation shall not constitute a retail store, but limited customer traffic is permitted. No commodity other than that produced or processed on the premises shall be sold.
- (E) **Commercial Vehicles.** Commercial vehicles used for the home occupation cannot be used primarily for commercial advertising.
- (F) **Maximum Floor Area.** A Home Occupation shall not occupy more than 25% of the floor area of the dwelling unit and accessory structures (combined floor area) utilized for the occupation, or a maximum of 500 square feet, whichever is smaller.
- (G) **Non-Transferrable.** Approval of a Home Occupation shall vest only in the person making the application and is non-transferrable to another person.
- (H) **Application and City Approval.** A Home Occupation requires an application and approval from the City of Marquette.
- (I) **Revocation.** An approved permit for a Home Occupation will be revoked for producing nuisance violations or other violations of this section if the violations are not corrected.

SECTION 11. Article 6 – Standards Applicable to Specific Land Uses, Section 54.622 Chapter 54 – LAND DEVELOPMENT CODE, Article 6 – Standards Applicable to Specific Land Uses, Section 54.622 Home Offices is hereby repealed. New Chapter 54 – LAND DEVELOPMENT CODE, Article 6 – Standards Applicable to Specific Land Uses, Section 54.622 Home Offices is hereby adopted:

Section 54.622 Home Offices

A Home Office is a dedicated space in a residential dwelling unit where the resident(s) may carry out certain functions of a commercial, service, or organizational nature – such as administration and sales – without a permit, provided the following conditions are met:

- (A) **Maximum Floor Area.** The office may not occupy more than 25% of the floor area of the dwelling unit or a maximum of 500 square feet, whichever is smaller.
- (B) **Resident Employees Only.** No persons who are not lawful residents of the dwelling may be employed.
- (C) **Signs.** There shall be no signs except as provided for in [Article 11](#).
- (D) **No Customer or Client Traffic.** No persons other than residents of the dwelling shall typically or regularly visit the home office for business purposes.
- (E) **Equipment Operation.** There shall be no equipment used, the operation of which can be sensed outside of the dwelling unit.
- (F) **Accessory Structure Use.** A Home Office use may be conducted in an accessory structure that is properly permitted by the City and the County Building Codes Department.

SECTION 12. Article 6 – Standards Applicable to Specific Land Uses, Section 54.641 Chapter 54 – LAND DEVELOPMENT CODE, Article 6 – Standards Applicable to Specific Land Uses, Section 54.641 Residential Limited Animal Keeping is hereby repealed. New Chapter 54 – LAND DEVELOPMENT CODE, Article 6 – Standards Applicable to Specific Land Uses, Section 54.641 Residential Limited Animal Keeping is hereby adopted:

Section 54.641 Residential Limited Animal Keeping

(A) Requirements Applicable to All Residential Limited Animal Keeping.

- (1) **Accessory Use of On-Site Residents.** The accessory use of Residential Limited Animal Keeping is permitted upon application for a non-transferable Residential Limited Animal Keeping Permit approved by the Zoning Administrator, which is for enclosures and structures that are required for chickens and rabbits, or for beehives. Upon approval, the permit is intended to be for the benefit of the occupants of the dwelling on-site, and not for commercial animal uses.
- (2) **Applicable Zoning Districts.** This Residential Limited Animal Keeping use is permitted only in the LDR and MDR districts as an accessory use, where there is a separate occupied dwelling.
- (3) **General Animal Care.** Animals being kept in a residential environment must be cared for and monitored daily to maintain animal health and to prevent nuisance problems with neighbors and the community.
- (4) **Permitted Animals.** Unless classified as a bona fide household pet, only animals explicitly permitted in this Section (i.e., hens, rabbits, and honeybees) qualify as animals that may be kept as a Residential Limited Animal.
- (5) **Zoning Compliance Review Required.** Zoning Compliance Review in accordance with [Section 54.1401](#) is required prior to the establishment of the Residential Limited Animal Keeping use.
- (6) **Location of Animals on the Same Lot as the Dwelling and in the Rear Yard.** The location of animals permitted in accordance with this Section must be on the same property as the dwelling to which they are accessory and must be located in the rear yard.
- (7) **Storage of Seed, Fertilizer, and Feed.** All seed, fertilizer, and animal feed shall be stored in secured, rodent- and animal-proof containers and kept within an enclosed structure.
- (8) **On-Site Commercial Sale Prohibited.** The commercial sale of animal products including eggs, honey, hens or rabbits is prohibited on the site.
- (9) **Sanitation, Waste, and Odors.** All animal structures and roaming areas must be kept sanitary and free from accumulations of animal excrement and objectionable odors. Waste must be composted or disposed of in accordance with all City requirements. The City may require a Residential Refuse Collection Agreement as a condition of Zoning Permit approval. Piling of waste materials on the property is not permitted unless composted in accordance with [Section 54.619\(G\)](#).
- (10) **Runoff.** No runoff from nutrient sources shall be allowed to leave the property, nor be discharged into the storm sewer.

(B) Requirements Applicable to Residential Limited Animal Keeping of Female Chickens (Hens).

In addition to the requirements of [Section 54.641\(A\)](#), the following shall apply to the Residential Limited Animal Keeping of hens:

- (1) **Maximum Number of Hens.** A maximum of six (6) hens per single-family or two-family dwelling unit may be kept.
 - (2) **Male Chickens (Roosters) Prohibited.** Male chickens (roosters) are prohibited.
 - (3) **Prohibited Locations of Keeping Hens.** Hens are prohibited in a residence, porch, or attached garage.
 - (4) **Keeping of Hens Required on the Lot.** Hens must be confined to the lot.
 - (5) **Enclosure Housing for Hens.** Enclosed housing for hens (the hen house or coop) is prohibited in a front yard. Enclosed housing must be fully enclosed, roofed, and provide at least one (1) square foot of indoor usable floor space per animal. Enclosed housing must be designed to discourage rodents, dogs, cats, and wildlife from gaining entry.
 - (6) **Access to Fresh Water.** Fresh water must be provided for hens at all times.
 - (7) **Outdoor Usable Space for Hens.** Outdoor usable space (a run) of at least two (2) square feet per hen must be provided and be attached to the coop. Outdoor usable space must be enclosed to prevent hens from leaving the lot and must not be located in a front yard.
 - (8) **Setback of Housing for Hens.** Enclosed housing for hens must meet the same setback requirements for accessory buildings ([Section 54.705\(A\)](#)), except that the enclosed housing must be set back at least 20 feet from a principal building on an adjoining property. Mobile chicken housing must meet the required setbacks at all times.
- (C) **Requirements Applicable to Residential Limited Animal Keeping of Rabbits.** In addition to the requirements of [Section 54.641\(A\)](#), the following shall apply to the Residential Limited Animal Keeping of rabbits:
- (1) **Maximum Number of Rabbits.** A maximum of six (6) adult rabbits per single-family or two-family dwelling unit may be kept.
 - (2) **Keeping of Rabbits Required on the Lot.** Rabbits must be confined to the lot.
 - (3) **Enclosure Housing for Rabbits.** Enclosed housing for rabbits (cage or hutch) is prohibited in a front yard. Enclosed housing must be fully enclosed, roofed, and provide at least five (5) square feet of indoor usable floor space per animal. Enclosed housing must be designed to discourage rodents, dogs, cats, and wildlife from gaining entry.
 - (4) **Access to Fresh Water.** Fresh water must be provided for rabbits at all times.
 - (5) **Outdoor Usable Space for Rabbits.** Rabbits shall only be kept within enclosed housing except for monitored exercise periods. Outdoor usable space must be enclosed to prevent rabbits from leaving the lot and must not be located in a front yard.
 - (6) **Setback of Housing for Rabbits.** Enclosed housing for rabbits must meet the same setback requirements for accessory buildings ([Section 54.705\(A\)](#)), except that the enclosed housing must be set back at least 20 feet from a principal building on an adjoining property. Mobile rabbit housing must meet the required setbacks at all times.

(D) Requirements Applicable to Residential Limited Animal Keeping of Honeybees. In addition to the requirements of [Section 54.641\(A\)](#), the following shall apply to the Residential Limited Animal Keeping of honeybees:

- (1) Maximum Number of Honeybee Hives or Colonies.** A maximum of 10 honeybee hives is permitted on a lot.
- (2) Location.** Honeybee hives must be located on an undeveloped area of the lot.
- (3) Minimum Setback.** Honeybee hives must be set back at least twenty-five (25) feet from any lot line. The setback for hives may be reduced to ten (10) feet to a lot line if a six (6) foot high flyway barrier surrounds the immediate vicinity of the hive(s) consisting of a solid fence, wall, or dense vegetation that prevents a direct line of flight from the hives into neighboring properties or public use rights-of-way.
- (4) Honeybee Hive Manipulation.** Beekeepers must make every reasonable effort to perform hive manipulations as quickly as possible, with minimum disturbance to the bees and at times of the day when outdoor activity of neighbors is minimized.
- (5) Honeybee Swarm Prevention.** Beekeepers must use best beekeeping management practices to prevent or minimize swarming. Beekeepers must take reasonable measures to retrieve swarms.
- (6) Access to Fresh Water.** A supply of fresh water shall be provided for all honeybee hives throughout the active flight season.

SECTION 13. Article 7 – General Provisions, Section 54.702

Chapter 54 – LAND DEVELOPMENT CODE, Article 7 – General Provisions, Section 54.702 Permitted Encroachments into Required Yard Setbacks is hereby repealed. New Chapter 54 – LAND DEVELOPMENT CODE, Article 7 – General Provisions, Section 54.702 Permitted Encroachments into Required Yard Setbacks is hereby adopted:

Section 54.702 Permitted Encroachments into Required Yard Setbacks

The following features may be located within required yard setbacks to the extent indicated. Unless explicitly permitted, under no circumstances shall any structure or attachment to a structure protrude to within five (5) feet of a right-of-way line and/or rear property line, or closer than three (3) feet to the side yard property line.

- (A) **Sidewalks and Landscaping.** Sidewalks and landscaping may be located in any yard setback.
- (B) **Architectural Features.** Cornices, canopies, eaves, or similar architectural features may project into required yard setback areas to a maximum of two and one-half (2.5) feet from the property line.
- (C) **Access Ways.** Unenclosed stairs, steps, fire escapes, and access ramps may project into yard setbacks, provided that they are set back at least five (5) feet from the front and rear lot lines and three (3) feet from the side lot lines; however, front yard setbacks are not required for barrier-free access ramps. Window wells, egress windows, and basement escape ladders required by fire codes may project into required yard setbacks the minimum amount necessary to meet the fire code requirement.
- (D) **Unenclosed Balconies and Open Porches.** Unenclosed balconies and open porches may project into a required yard setback by up to ten (10) feet provided they are at least five (5) feet from the rear lot lines, at least three (3) feet from the side lot lines, and at least five (5) feet from the front lot lines unless a different front yard setback for unenclosed balconies and open porches is permitted or required by [Article 4](#).
- (E) **Bay Windows, Basement Window Wells, and Chimneys.** Bay windows, basement window wells, and chimneys may project into yard setbacks by up to two (2) feet, provided that such features do not occupy, in the aggregate, more than one-third (1/3) the length of the building wall on which they are located.
- (F) **Accessory Structures.** Accessory structures may project as allowed in [Section 54.705](#).
- (G) **Structural Amenities.** A structural amenity, such as outdoor art, paintings, sculpture, fountains and similar water features, benches, arbors, doghouses, playsets, birdfeeders, clotheslines, air conditioners, detached open structures, and similar amenities as determined by the Zoning Administrator may be located a minimum of three (3) feet from a side lot line and a minimum of five (5) feet from a front or rear lot line, subject to the following requirements:
 - (1) **Clear Vision Triangle Area.** All structural amenities must meet traffic visibility regulations of [Section 54.704](#).

- (2) Durable Materials and Construction.** Structural amenities must be composed of durable materials such as steel, bronze, stained glass, concrete, wood, ceramic tile, stone, or other similar material durable against weather and requiring a low level of maintenance.
- (3) Maintenance.** Structural amenities must be maintained in a safe, neat, and orderly manner acceptable to the City. The City may require the owner of the structural amenity to submit a maintenance plan for review. The City shall determine the acceptable maintenance of a structural amenity to prevent blight.
- (4) Secure Location.** Structural amenities must be properly secured to provide stability. The structural amenity may be attached or secured to the ground, or it may be attached to the principal structure or accessory structure (excluding roof attachment).
- (5) Minimum Setback.** In addition to the minimum setbacks of [Section 54.702\(G\)](#), structural amenities shall be set back from all lot lines a distance of one and one-half (1.5) times the height of the structural amenity.
- (6) Prohibitions.** The following are prohibited:

 - (a)** Structural amenities that have deteriorated or are otherwise determined by the City to be blight.
 - (b)** Structures that are beyond the scope of a structural amenity and should be regulated under a different section of this Ordinance, such as fences ([Section 54.706](#)), accessory structures ([Section 54.705](#)), or signs ([Article 11](#)).
- (7) Exemptions.**

 - (a)** Enclosed structural amenities less than nine (9) square feet in floor area/footprint are exempt from permit requirements. Examples of such amenities include dog/bat/bird houses, children's playsets, treehouses, library boxes, and garden sheds.
- (H) Food Production, Minor.** Where Minor Food Production is permitted, the permitted structure encroachments are regulated in [Section 54.619](#).

SECTION 14. Article 7 – General Provisions, Section 54.704

Chapter 54 – LAND DEVELOPMENT CODE, Article 7 – General Provisions, Section 54.704 Clear Vision Triangle Area is hereby repealed. New Chapter 54 – LAND DEVELOPMENT CODE, Article 7 – General Provisions, Section 54.704 Clear Vision Triangle Area is hereby adopted:

Section 54.704 Clear Vision Triangle Area

No structure, wall, fence, sign, tree, or shrubbery shall be erected, maintained, or planted on any lot or front yard thereof, which unreasonably obstructs or interferes with traffic visibility on a curve or at any intersection of any street, driveway, or other vehicular way. Fences, walls, structures, signs, trees, shrubs, and other plantings located in the clear vision triangle area described below are not permitted to obstruct cross-visibility between a height of thirty (30) inches and eight (8) feet above the road level.

(A) Clear Vision Triangle Area. The clear vision triangle area is described as follows (see [Figure 32](#), [Figure 33](#), and [Figure 34](#)) though the City Engineering Department may require a different clear vision triangle area for collector and arterial roadways:

(1) Road Intersection.

(a) Where One or Both of the Intersecting Roads are Collector or Arterial Roads.

Where one or both of the intersecting roads are collector or arterial roads, as defined by the City of Marquette, the clear vision triangle area is the area formed at the corner intersection of the two (2) road right-of-way lines, the two (2) sides of the triangular area being twenty-five (25) feet in length measured along the boundaries of the property and right-of-way lines, and the third side being a line connecting these two (2) sides. See [Figure 33](#).

(b) Where Both of the Intersecting Roads are Local Roads. Where both of the intersecting roads are local roads, as defined by the City of Marquette, the clear vision triangle area is the area formed at the corner intersection of the two (2) road right-of-way lines, the two (2) sides of the triangular area being fifteen (15) feet in length measured along the boundaries of the property and right-of-way lines, and the third side being a line connecting these two (2) sides. See [Figure 34](#).

(2) Driveway Intersection. The area formed at the corner intersection of a right-of-way and a driveway, the two (2) sides of the triangular area being ten (10) feet in length measured along the boundary of the property and right-of-way line and along edge of the driveway, and the third side being a line connecting these two (2) sides. See [Figure 33](#) and [Figure 34](#).

Figure 32. Clear Vision Triangle Area

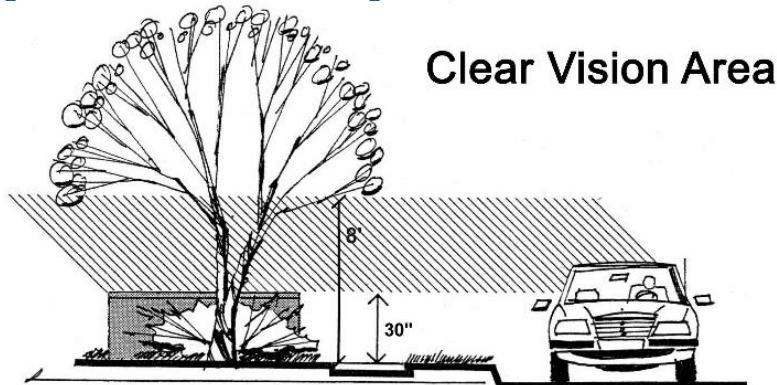


Figure 33. Clear Vision Triangle Area Where One or Both of the Intersecting Roads are Collector or Arterial Roads

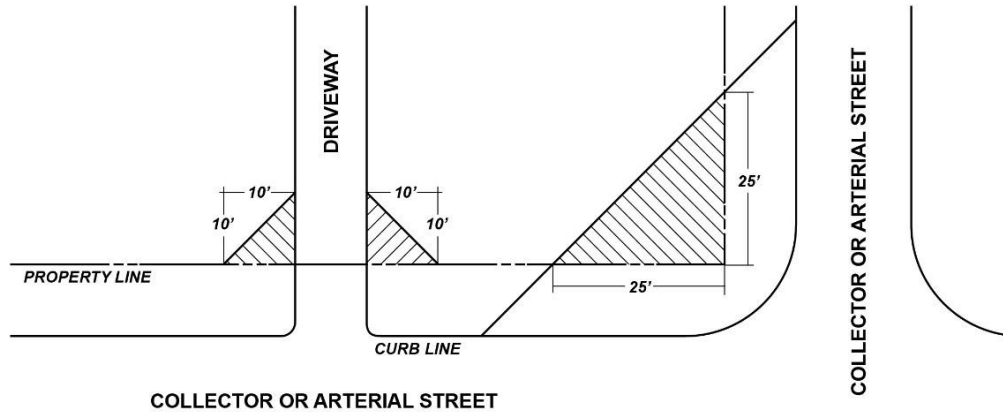
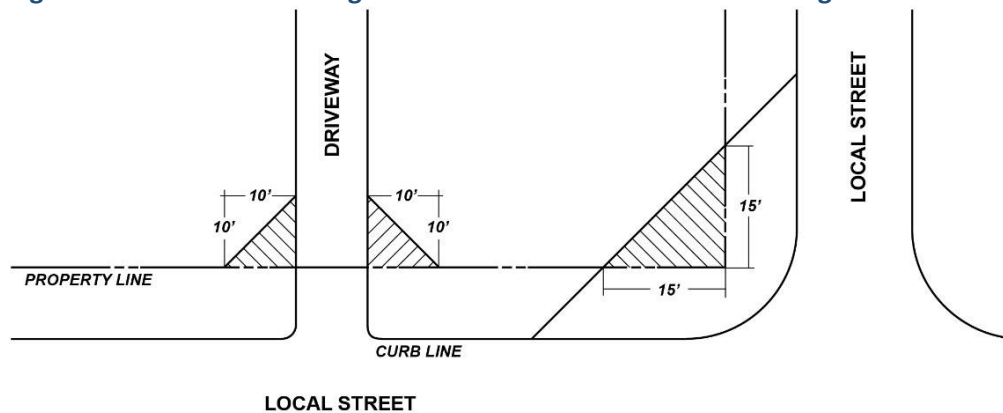


Figure 34. Clear Vision Triangle Area Where Both of the Intersecting Roads are Local Roads



- (B) **Specific Buildings Allowed in the Clear Vision Triangle.** Buildings may be permitted in the clear vision triangle if they are permitted by the front yard setback requirements of their respective zoning district, provided the building shall not be located in a manner which unreasonably obstructs or interferes with traffic visibility on a curve or at any intersection of any street, driveway, or other vehicular way.
- (C) **Trees.** Trees may be permitted in the clear vision triangle area provided that limbs and foliage are trimmed so that they are not less than eight (8) feet above the road level within the clear vision triangle area. See [Figure 32](#).
- (D) **Shrubs.** Shrubs may be permitted in the clear vision triangle area provided that they are trimmed so that they are not more than thirty (30) inches above the road level. See [Figure 32](#).
- (E) **Landscaping.** All landscaping, except turf grass or ground cover, shall not be located closer than three (3) feet from the edge of any driveway or road within a clear vision triangle area.

- (F) **Snow Storage.** Snow storage on lot corners and near driveway entrances may be permitted in the clear vision triangle (CVT) area provided that the snow storage does not exceed thirty (30) inches above the road level within a clear vision triangle area. In winter circumstances which preclude the removal of snow from a CVT by means available to the property owner, or if snowfall accumulations make snow removal adjacent to the right-of-way impractical throughout the city, this requirement may be suspended.

SECTION 15. Article 7 – General Provisions, Section 54.705

Chapter 54 – LAND DEVELOPMENT CODE, Article 7 – General Provisions, Section 54.705 Accessory Buildings and Structures is hereby repealed. New Chapter 54 – LAND DEVELOPMENT CODE, Article 7 – General Provisions, Section 54.705 Accessory Buildings and Structures is hereby adopted:

Section 54.705 Accessory Buildings and Structures

All accessory buildings and structures must meet the setback and height requirements of [Article 4](#) unless otherwise stated in this Section or in another section of this Ordinance applicable to accessory buildings and structures. No accessory building or structure may be located on any parcel of land which does not have a principal building or use already established or being established contemporaneously with the accessory building or structure.

(A) Accessory Buildings and Structures in the Low Density Residential (LDR) District, Medium Density Residential (MDR) District, and Mixed-Use (M-U) District.

- (1) **Attached Accessory Buildings.** Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all yard regulations of this Ordinance, applicable to main building.
- (2) **Location.** Detached accessory buildings shall not be located in any required yard setback except as permitted in [Section 54.705\(A\)\(4\)](#).
- (3) **Maximum Lot Coverage.** Detached accessory buildings shall not occupy more than twenty-five percent (25%) of a rear yard area, provided that in no instance shall the total ground floor area of the detached accessory buildings exceed the ground floor area of the main building and provided the impervious surface coverage limits of the lot (see [Article 4](#)) are not exceeded.
- (4) **Separation and Setback Distances.** No permanent accessory building shall be located in a minimum front yard setback. No detached accessory building shall be located closer than five (5) feet to any main building nor closer than three (3) feet from a side or rear lot line, except swimming pools, which are regulated in [Section 54.707](#). Non-building accessory structures (e.g., fences and steps) or open buildings (i.e., a shelter without walls including an open lean-to or open carports) are not subject to the minimum separation distance requirements unless a minimum separation distance is required by the Building Official.
- (5) **Maximum Height.** Unless otherwise stated in this Ordinance, no attached or detached accessory building in a the LDR, MDR, and M-U Districts shall exceed sixteen and one-half (16.5) feet in height. The height of Accessory Dwelling Units must comply with [Section 54.612](#).

(B) Accessory Buildings and Structures in the Multiple Family Residential (MFR) District. In the MFR District, accessory buildings and structures for multiple-family buildings and apartments must meet the requirements of [Section 54.616\(C\)](#). For all other uses in the MFR District, the following requirements apply:

(1) Detached Accessory Buildings.

- (a) **Maximum Height.** No detached accessory building may exceed 16.5 feet in height.

- (b) **Minimum Side and Rear Yard Setbacks.** Detached accessory buildings shall be located at least ten (10) feet from the side and rear property lines.
 - (c) **Front Yard Location Prohibited.** No detached accessory building shall be located in a front yard.
 - (d) **Maximum Lot Coverage.** Detached accessory buildings shall not occupy more than twenty-five percent (25%) of a rear yard area, provided that in no instance shall the total ground floor area of the detached accessory buildings exceed the ground floor area of the main building and provided the impervious surface coverage limits of the lot (see [Article 4](#)) are not exceeded.
 - (e) **Separation and Setback Distances.** No detached accessory building shall be located closer than five (5) feet to any main building. Non-building accessory structures (e.g., fences and steps) or open buildings (i.e., a shelter without walls including an open lean-to or open carports) are not subject to the minimum separation distance requirements unless a minimum separation distance is required by the Building Official.
- (2) **Attached Accessory Buildings.** Attached accessory building shall meet the yard requirements of the Schedule of Regulations ([Article 4](#)).
- (3) **Swimming Pools.** Outdoor swimming pools shall not be located closer than ten (10) feet to any building or lot line. The pool must comply with [Section 54.707](#).
- (C) **Accessory Buildings in the Central Business District (CBD), General Commercial (GC), Regional Commercial (RC), Municipal (M), Civic (C), Industrial/Manufacturing (I-M), Conservation and Recreation (CR), and Board of Light and Power (BLP) Districts.**
 - (1) **Maximum Lot Coverage.** No detached accessory building in the CBD, GC, RC, C, I-M, CR, and BLP district may exceed the lot coverage of the principal building.
- (D) **Exemptions.** Structural amenities, as described and regulated in [Section 54.702\(G\)](#), are not classified as accessory buildings and structures in this Ordinance.
- (E) **Structures Accessory to Food Production, Minor.** See [Section 54.619](#).
- (F) **Temporary Structures in all Zoning Districts.** The City may permit temporary structures in any zoning district during the duration of a permitted temporary land use, subject to the following requirements:
 - (1) **Outdoor Temporary Retail Sales.** Temporary structures for outdoor retail sales must meet the requirements of [Section 54.635](#).
 - (2) **Outdoor Entertainment and Community Events.** Temporary structures for outdoor entertainment and community events must meet the requirements of [Section 54.633](#).

- (3) **Applications and Permits.** The property owner must contact the Zoning Administrator to determine if a Zoning Permit is required prior to establishment of a temporary structure. The property owner must also contact the County Building Code Administrator to determine if a building permit is required. Temporary structures intended to be used for non-customary commercial activity (e.g., those requiring Special Land Use permits, use for recurring sales in a parking lot, or an alcohol permit) require the approval of the Zoning Administrator and the Fire Administrator prior to erection and use.
- (4) **Secure Placement of Temporary Structures.** Temporary structures shall not have foundations or footings, but must be properly secured to the ground.
- (5) **Location, Size, and Accessibility.** The location, size, and construction of all temporary structures (including tents) require approval by the Zoning Administrator and the Fire Administrator. The location of the temporary structures shall be located in a manner that will not interfere with vehicular or pedestrian mobility, access, or parking, and shall meet Michigan barrier-free requirements. Temporary structures shall not obstruct the entrance to any building or sidewalk, nor shall they obstruct any barrier-free ramp or access aisle. If temporary structures are located on a private sidewalk, a minimum five (5) foot wide unobstructed pathway shall be maintained on the sidewalk for pedestrian traffic. The Zoning Administrator or Fire Administrator may deny a permit for a temporary structure if the structure interferes with traffic patterns or access to required parking spaces, or if the Zoning Administrator or Fire Administrator determine that the size of the structure is excessive for the temporary land use.
- (6) **Duration and Removal.** Prior to the erection of a temporary structure, the Zoning Administrator must be notified of the date of removal. The temporary structure must be removed when the associated temporary use has ceased. In no case shall a temporary structure be permitted for more than 90 days in a 12-month period.
- (G) **Rooftop Accessory Buildings and Structures.** Rooftop accessory structures are permitted, subject to all other requirements for setbacks, height, location, and use.

SECTION 16. Article 7 – General Provisions, Section 54.706

Chapter 54 – LAND DEVELOPMENT CODE, Article 7 – General Provisions, Section 54.706 Fences and Walls is hereby repealed. New Chapter 54 – LAND DEVELOPMENT CODE, Article 7 – General Provisions, Section 54.706 Fences and Walls is hereby adopted:

Section 54.706 Fences and Walls

- (A) **Requirements.** It shall be unlawful for any person, firm, or corporation to construct or cause to have constructed any fence or wall upon any property within the corporate limits of the City of Marquette, except in accordance with the requirements and restrictions herein provided.
- (B) **Permit.** Any person desiring to build or cause to be built a fence or wall upon property within the corporate limits of the City of Marquette shall first apply to the Zoning Department for a permit in accordance with [Section 54.1401](#). Application for such permit must contain any and all information, including drawings, required and necessary for the determination of whether the erection of such fence or wall would be contrary to the provisions of this Ordinance or the laws of the State of Michigan. A permit is not required if, pursuant to [Section 54.706\(F\)](#), a fence or wall is being repaired to the similar or approximate specifications as the previous construction (including materials and dimensions), provided the fence or wall was previously constructed with a permit. A permit is required if the fence or wall is proposed to be reconstructed or altered.
- (C) **Requirements by Zoning District:**
- (1) **LDR, MDR, and MFR Districts.**
- (a) **Height.** Fences and walls shall not exceed six (6) feet in height, with the following exceptions:
- (i) **Adjoining a Lot Containing a One- or Two-Family Dwelling or Adjoining a Vacant Lot that Could Contain a One- or Two-Family Dwelling.** Where a fence or wall is within ten (10) feet of an adjoining lot containing a one- or two-family dwelling or within ten (10) feet of an adjoining a vacant lot that could contain a one- or two-family dwelling; the fence or wall shall not exceed four (4) feet in height if it is located in the side or front yard (see [Section 54.706\(C\)\(1\)\(a\)\(iii\)](#) for additional front yard requirements), with the exception of required retaining walls.
- (ii) **Street Sides of Corner Lots.** On the street sides of corner lots, a fence or wall may not exceed four (4) feet in height between the rear of the dwelling and the corner on either street frontage.
- (iii) **Front Yard Requirements.** A fence in a front yard may not exceed four (4) feet in height. Walls are prohibited in a front yard except for retaining walls.
- (b) **Construction.** A six (6) foot high fence may be of solid, opaque construction. A fence limited to four (4) feet, as stated in [Section 54.706\(C\)\(1\)\(a\)](#) above, may not have more than 50% of the fence area of solid matter or of closed construction (See [Figure 35](#) for examples of noncompliant fences). A screening fence required by any City ordinance or by State law may be of solid, opaque construction.
- (2) **M-U and CBD Districts.**
- (a) **Height.** Fences and walls in the side or rear yard shall not exceed six (6) feet in height, except that a wall or fence in the side or rear yard of an approved commercial Outdoor Food and Beverage Service use (see [Section 54.634](#)) may be up to eight (8)

feet in height for the purpose of screening the outdoor food and beverage service use. A fence in a front yard may not exceed four (4) feet in height. Walls are prohibited in a front yard except for retaining walls.

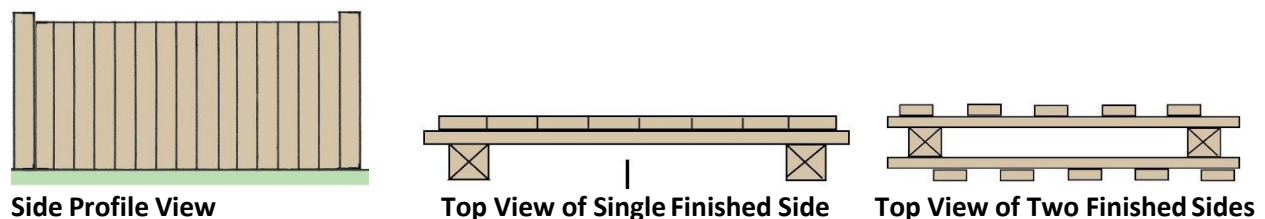
- (b) **Construction.** Fences may not have more than 50% of the fence area of solid, opaque construction (See [Figure 35](#) for examples of noncompliant fences), except that a wall or fence in the side or rear yard of an approved Marihuana Grower or Marihuana Microbusiness use (see [Section 54.628](#)) may be 100% of the fence area of solid opaque construction for the purpose of screening the outdoor growing area.

- (i) **Exception.** A screening fence that is required for a Special Use Permit, by any City ordinance, or by State law may be of solid, opaque construction.

(3) **GC, RC, M, C, I-M, CR, and BLP Districts.**

- (a) **Height.** Fences and walls shall not exceed ten (10) feet in height. In the GC and RC districts, a fence in a front yard may not exceed four (4) feet in height. In the GC and RC districts, walls are prohibited in a front yard except for retaining walls.
- (b) **Construction.** Fences may not have more than 50% of the fence area of solid, opaque construction (See [Figure 35](#) for examples of noncompliant fences), except that a wall or fence in the side or rear yard of an approved Marihuana Grower or Marihuana Microbusiness use (see [Section 54.628](#)) may be 100% of the fence area of solid opaque construction for the purpose of screening the outdoor growing area. A screening fence required by any City ordinance or by State Law may be of solid, opaque construction.

Figure 35. Example of Fences with More Than 50% of the Fence Area of Solid, Opaque Construction



(D) **Requirements Applicable to All Fences.**

- (1) **Location.** All fences must be located on the private property of the person, firm, or corporation constructing the fence, and shall not extend toward the street beyond the front lot line.
- (2) **Construction and Materials.** Fences shall be constructed with boards, chain link construction, or other suitable material firmly connected to posts sunk in the soil at least two (2) feet or more as necessary to properly support the fence.
- (3) **Orientation of Finished Side.** Except where partition fences between two (2) properties may be erected by written agreement between the owners thereof, the finished or decorative side of the fence (e.g., the outside of the boards, chain link, or other material used in the building of a fence) shall be oriented to face outward toward the adjacent

parcel or right-of-way (i.e., fixed to that side of the posts nearest to the property line).

- (4) **Electrical Fence Prohibited.** No fence shall be constructed, maintained, or placed on any property in the City of Marquette of metal construction or otherwise, which is charged or connected with an electrical current in such manner as to transmit said current to persons, animals, or things which intentionally or unintentionally might come in contact with it.
- (5) **Barbed Wire Prohibited.** Barbed wire is prohibited in the City of Marquette except as permitted by the Board of Zoning Appeals on approved protective measures fences.
- (6) **Strands of Wire, Rope, or Similar Material.** Where a fence is made up of individual strands of wire, rope, or similar material smaller than one (one) inch in width, thickness, or diameter, the strands must be strung, between posts, parallel with the grade of the land, must be evenly spaced between the top and bottom of the posts, and must be no more than six (6) inches apart.
- (7) **Clear Vision Triangle Area.** No fence shall be located within a clear vision triangle area of any lot except in compliance with [Section 54.704\(A\)](#).
- (8) **Sharp Wire Prohibited.** Concertina wire, and similar types of fence with sharp edges designed to injure, are prohibited in the City of Marquette.
- (9) **Right-of-Way Location Prohibited.** Fences may not be located in the right-of-way unless located by a public entity in connection with a public project or event, or upon the grant of a license to use the municipal property.

(E) Special Purpose Fences.

- (1) **Swimming Pools.** All swimming pools with a water depth of two (2) feet or greater at any point must be enclosed with a six (6) foot high fence, not closer than four (4) feet from the pool's edge on any side. Gates in the fence must have a self-latching catch or lock located not closer to the grade than four (4) feet and otherwise made inaccessible from the outside to small children.
- (2) **Protective Measures Fence.** A protective measures fence may only be erected upon a finding by the Board of Zoning Appeals of the need for such fence. The BZA's established procedures of [Section 54.1404](#) must be followed. In determining whether the applicant has a practical difficulty, the BZA shall determine that the definition of a "protective measures fence" is met and that there is no reasonable alternative to the erection of the fence. A protective measures fence shall not exceed twelve (12) feet in height in the I-M district, ten (10) feet in height in the GC, RC, M, C, CR, and BLP, and eight (8) feet in height in all other districts. The BZA may permit the owner of a protective measures fence to erect necessary and reasonable barriers along the uppermost edge of such fence including barbed wire. Security fences for telecommunications towers and other facility that require such fencing are exempt from the provisions of this sub-section.
- (3) **Temporary Fences.** Temporary fences, as defined herein, may be permitted by the City in conjunction with an approved temporary activity/purposes, such as construction, landscaping and grading erosion control, temporary sales areas, temporary events, or snow fencing. The type of temporary fencing used must be appropriate for the temporary

activity, and in most cases a temporary fence must be installed prior to the temporary activity and should be removed soon after the end of the temporary activity. Temporary fencing that does not meet these standards may be considered a violation of this section.

- (F) **Maintenance.** Fences and walls shall be maintained in good condition. Rotten or broken components shall be replaced or repaired to the exact specifications as the previous construction (including materials and dimensions), or removed. As required, surfaces shall be painted, stained, or similarly treated. Fences and walls must also be maintained so as not to endanger life or property. Any fence or wall which, through lack of repair, type of construction, or otherwise, imperils life or property, shall be deemed a nuisance. The Zoning Administrator or Zoning Official shall notify the owner of the property on which such a fence or wall is located of the existence of such a nuisance. The owner must then abate said nuisance within six (6) days after receiving such notice. In the case of immediate danger to life or property the Zoning Administrator may require immediate abatement by removing or securing removal of the fence or wall. The City's actual cost and reasonable administrative charges may be placed as a lien on the property and the lien on the property shall be superior to all other liens except taxes.
- (G) **Unsafe Fences and Walls.** Fences or walls containing barbed wire, concertina or similar wire, individual strand fences not meeting the spacing requirements of [Section 54.706\(D\)\(6\)](#), electric fences, and private fences and walls located in a right-of-way are hereby declared hazardous to public safety. The Zoning Administrator may order the removal of such fences or walls when they are located in a residential zoning district. Such fences and walls located in other zoning districts may not be maintained or repaired and must be removed when they become dilapidated. If the City removes the fence or wall or secures removal of the fence or wall, the City's actual cost and reasonable administrative charges may be placed as a lien on the property and the lien on the property shall be superior to all other liens except taxes.
Exception: Barbed wire which is part of a protective measures fence approved under this or a previous ordinance is exempt from this requirement.
- (H) **Retaining Walls.** Retaining walls that rise to less than 18 inches above grade are considered minor structures for landscaping, and do not require a zoning compliance permit. Retaining walls more than 18" high in a required yard require a zoning compliance permit.
- (I) **Exemptions.**
- (1) **Raised Planting Beds.** If located in a required setback or in a front yard, the maximum height of a "retaining wall" for a raised planting bed is 24 inches. Raised planting beds higher than 24 inches must meet the minimum setback requirements for accessory structures in the district. Planting beds with any kind of enclosing materials must be on private property.

SECTION 17. Article 7 – General Provisions, Section 54.708

Chapter 54 – LAND DEVELOPMENT CODE, Article 7 – General Provisions, Section 54.708 Solar Energy is hereby repealed. New Chapter 54 – LAND DEVELOPMENT CODE, Article 7 – General Provisions, Section 54.708 Solar Energy is hereby adopted:

Section 54.708 Solar Energy

- (A) **Purpose.** It is the purpose of this section to promote the safe, effective, and efficient use of solar energy systems to generate electricity and heat. Further, it is the purpose of this section to standardize and streamline the review and permitting process for solar energysystems.
- (B) **Findings.** The City has found that solar energy is an abundant, renewable, and nonpolluting energy resource of which some residents and utility companies would like to make use. Generation of electricity by these facilities will reduce dependence on non-renewable energy resources and decrease air and water pollution that results from the use of conventional fossil fuels. Solar energy systems will also enhance the reliability and power quality of the power grid, reduce peak power demands, and help diversify the City's energy supply.
- (C) **Roof-Mounted and Wall-Mounted Solar Energy Systems:** Roof-mounted and wall-mounted solar energy systems for on-site use are permitted accessory structures in all zoning districts, with the exception of solar collectors/panels that are built into roof shingles, subject to the following regulations:
- (1) **Height.** Roof-mounted systems shall not extend more than three (3) feet above the surface of the roof. Wall-mounted systems shall not exceed the height of the wall.
 - (2) **Location.** Roof-mounted solar energy systems may be located anywhere on a roof of a principal or accessory structure, and may project into required yard setback areas to a maximum of two and one-half (2.5) feet from the property line per [Section 54.702\(B\)](#), but shall not protrude beyond the edge of the roof. However, a solar panel may function as a roof element, such as an awning or carport. Shingles that incorporate solar panels, which do not require brackets and thus do not protrude from the roof, are not required to obtain a permit as an accessory structure. Wall-mounted solar energy systems may be located anywhere on the wall of a principal or accessory structure, but shall not be located within a required setback area.
- (D) **Ground-Mounted Solar Energy Systems (less than 20 kW).** Ground mounted and freestanding solar energy systems of less than 20kW for on-site use are permitted accessory structures in all zoning districts, subject to the following regulations:
- (1) **Location and Setbacks.** Ground-mounted solar energy systems shall be located to the side or rear of the principal building. Solar energy systems shall be located at least five (5) feet from a side lot line and/or rear lot line. Solar panels shall not be installed in Riparian Overlay area or locations that are subject to annual flooding.
 - (2) **Height.** The height of the solar energy system and any mounts shall not exceed ten (10) feet when oriented at maximum tilt and within ten (10) feet of a residential lot line; and shall not exceed sixteen (16) feet on a residential property or within twenty (20) feet of a residential lot line.
 - (3) **Area.** Ground-mounted solar energy systems are not classified as lot coverage and are therefore not subject to the maximum lot coverage standards of the zoning district.
 - (4) **Power Lines.** All power lines between solar panels and inverters must be placed underground.

(E) Ground-Mounted Solar Energy Facilities – Utility Grade (over 20 kW, operated by a public utility, government entity, or on-site business only). Ground mounted and freestanding solar energy systems over 20 kW capacity are permitted for public utilities, government entities, and on-site businesses only, subject to special land use approval in the C, I-M, CR, and BLP zoning districts and subject to the following regulations:

- (1) Location and Setbacks.** The solar energy system shall not be located closer to the street than any portion of the principal building, and shall meet the minimum front, side and rear yard setbacks of the zoning district.
- (2) Height.** The height of the solar energy system and any mounts shall not exceed fifteen (15) feet when oriented at maximum tilt.
- (3) Area.** Ground-mounted solar energy systems are not classified as lot coverage and are therefore not subject to the maximum lot coverage standards of the zoning district.
- (4) Power Lines.** All power lines between solar panels and inverters must be placed underground.

(F) General Standards. The following requirements are applicable to all roof-mounted, wall-mounted, or ground-mounted solar energy systems.

- (1) Permit.** A zoning compliance permit shall be required for any roof-mounted, wall-mounted, or ground-mounted solar energy system. A building permit may be required for these facilities.
- (2) Batteries.** If solar storage batteries are included as part of the solar collector system, they must be placed installed according to all requirements set forth in the National Electric Code and State Fire Code when in operation. When no longer in operation, the batteries shall be disposed of in accordance with the laws and regulations of the City and any other applicable laws and regulations relating to hazardous waste disposal. If located in an accessory building, the accessory building must meet the requirements of [Section 54.705](#).
- (3) Electrical Emissions.** The design and construction of solar energy systems shall not produce electrical emissions that would interfere with aircraft communications systems or navigation equipment.
- (4) Light Emissions and Reflection.** The design and construction of solar energy systems shall not produce light emissions, either direct or indirect (reflective), that would interfere with pilot vision and/or air traffic control operations. The solar panels shall be composed of anti-reflective material and/or treated with anti-reflective coating.
- (5) Removal.** If a solar energy system ceases to perform its intended function (generating electricity) for more than eighteen (18) consecutive months, the operator shall remove the collectors, mounts, and associated equipment and facilities. Where the removal has not been lawfully completed as required above, and after at least thirty (30) days written notice, the City may issue Civil Infraction tickets to the owner and/or operator and seek an order to remove the system in the Marquette County Circuit Court.

- (6) **Utility Connection.** The applicant shall submit evidence that the utility company has been informed of the customer's intent to install an interconnected, customer-owned solar energy generator and that such connection has been approved. Off-grid systems shall be exempt from this requirement.

SECTION 18. Article 9 – Parking, Loading, and Access Management, Section 54.903 Chapter 54 – LAND DEVELOPMENT CODE, Article 9 – Parking, Loading, and Access Management, Section 54.903 Minimum Number of Parking Spaces Required is hereby repealed. New Chapter 54 – LAND DEVELOPMENT CODE, Article 9 – Parking, Loading, and Access Management, Section 54.903 Minimum/Maximum Number of Parking Spaces is hereby adopted:

Section 54.903 Minimum/Maximum Number of Parking Spaces

In all districts there shall be provided off-street parking for motor vehicles for specified land uses. When a public parking lot has been provided by special assessment, the minimum required parking may be reduced by the number of spaces in the public lot representing the same percentage as the property's participation in the special assessment district costs. The minimum number of spaces to be provided shall be based on the following schedule, which may only be increased in accordance with [Section 54.902\(H\)](#) and may only be reduced in accordance with the parking reduction standards of [Section 54.902\(G\)](#) or the shared parking standards of [Section 54.902\(C\)](#):

| Land Use | Minimum Parking Requirement |
|--|--|
| (A) Residential and Lodging | |
| (1) Single-Family and Two-Family units | Two (2) spaces per dwelling unit, except the M-U and CBD zoning districts require 1.125 spaces per dwelling unit. For parking spaces provided for residential dwelling units off-site, one (1) space per dwelling unit may be permitted off-site if proof of a lease arrangement for long-term parking is provided to the City with the application. |
| (2) Multiple-Family units with 3 or 4 dwelling units | One and a half (1.5) spaces per dwelling unit, except the M-U and CBD zoning districts require 1.125 spaces per dwelling unit. |
| (3) Multiple-Family units with 5 to 19 dwelling units, except subsidized (below market rate) and senior housing. | 1.125 spaces per dwelling unit, except the M-U and CBD zoning districts require 1 space per dwelling unit. |
| (4) Multiple-Family units with 20 or more dwelling units, subsidized housing units (including Section 8 and other programs) | 1 space per dwelling unit |
| (5) Attached housing exclusively for senior citizens that is not congregate care | One-half space per dwelling unit, plus one space per employee on peak shift. |
| (6) Hotels and Motels | 1 space per rental unit, plus 1 space per employee on peak shift. |
| (7) Fraternities, Sororities, and Intentional Communities | One (1) space for each capacity occupant |
| (8) Rooming Houses | Three (3) spaces. |
| (9) Nursing Home, Convalescent Homes, Extended Care Facility, Assisted Living Facilities (congregate care facilities) | One (1) space for each three (3) units or beds |
| (10) Homeless Shelter or Domestic Violence Abuse Shelter | Established based on the needs of each facility. As a general rule, shelter facilities providing services to families will require more parking than emergency shelters that serve homeless individuals exclusively. |
| (11) Bed and Breakfast Homes, and Bed and Breakfast Inns | Two (2) spaces, plus one (1) space per guest room. |
| (12) Short-Term Rentals (Homestays and Vacation Homes) | One (1) space per dwelling unit. |

| (B) Educational | |
|--|---|
| (1) Public and Private Elementary, Junior, and Senior High Schools | One (1) space for each instructor, administrator or additional employee plus one (1) space for each ten (10) senior high school students |
| (2) Commercial and Trade Schools, Colleges, and Universities | One (1) space for each instructor, administrator or other employee plus 1 space for each four students |
| (C) Religious, Cultural, and Recreational | |
| (1) Religious Institutions, Commercial or Noncommercial Assembly, Convention, Meeting and Exhibition Halls, Theaters, Auditoriums Stadiums, Sports Arenas, and Similar Places of Public Gathering | One (1) space for every three (3) seats or six (6) feet of linear seating in the main assembly area for areas with fixed seating. For facilities without fixed seating, one (1) space for every three (3) capacity occupants. |

| Land Use | Minimum Parking Requirement |
|---|--|
| (2) Libraries, Museums, Art Galleries | One (1) space per 250 square feet of floor area |
| (3) Private Clubs, Private Lodges, or Indoor Recreation (Commercial or Noncommercial) | One (1) space for every three (3) capacity occupants |
| (D) Health Facilities | |
| (1) Hospitals and Inpatient Mental Health or Substance Abuse Treatment Facility | Two (2) spaces for each bed |
| (2) Medical and Dental Clinics, Doctors' and Dentists' Offices, Veterinary Clinics, and Outpatient Mental Health or Substance Abuse Treatment Facilities with less than 20 Licensed Health Professionals | One (1) space per 400 square feet of gross floor area plus one (1) per employee on peak shift. |
| (3) Medical and Dental Clinics, Doctors' and Dentists' Offices, Veterinary Clinics, and Outpatient Mental Health or Substance Abuse Treatment Facilities containing twenty or more Licensed Health Professionals | One (1) space per 500 square feet of gross floor area plus one (1) per employee on peak shift. |
| (E) Transportation, Communication, and Utilities | |
| (1) Rail, Bus, Air and Water Passenger Terminals | No minimum |
| (2) Air, Rail, Motor and Water Freight Terminals | One (1) space per 400 square feet of floor area |
| (3) Radio and Television Stations | One (1) space per 200 square feet |
| (4) Public Utility Operations other than Offices | One (1) space per 1,000 square feet of floor area plus One (1) space per 10,000 square feet of site area |
| (F) Industrial/Wholesaling/Warehousing | |

| | |
|--|--|
| (1) Production or Processing of Materials, Goods, or Products | One (1) space per 1,000 square feet of floor area plus one (1) space per 10,000 square feet of site area |
| (2) Testing, Repairing, Cleaning or Servicing of Materials, Goods, or Products | One (1) space per 1,000 square feet of floor area plus One (1) space per 10,000 square feet of site area |
| (3) Warehousing and Wholesaling | One (1) space per 1,000 square feet of floor area plus One (1) space for every 10,000 square feet of outdoor storage or sales area |
| (G) Retail Trade | |
| (1) Establishments for the Consumption of Food or Beverages on the Premises, | 1 space for every two (2) capacity occupants |

| Land Use | Minimum Parking Requirement |
|--|---|
| excluding Drive-Through Restaurants | |
| (2) Drive-Through Restaurants | 1 space for every two (2) capacity occupants plus five (5) stacking spaces between the pick-up window and the order station and five (5) stacking spaces that do not conflict with access to required parking spaces per order station (e.g., menu board). |
| (3) Establishments for the Sale of Motor Vehicles, Trailers, and Large Equipment of any sort | One (1) space for each 1,000 square feet of floor area, minimum of two (2) spaces |
| (4) Gasoline Stations and Convenience Stores | One (1) per gas pump (located at the pump) and one (1) per employee on peak shift, plus required parking for the retail area. In no instance shall a required parking space or its maneuvering area conflict with vehicles being fueled or serviced or awaiting to be fueled or serviced. |
| (5) All Other Retail | Maximum of one (1) space for every 150 square feet of floor area, minimum of two (2) spaces |
| (H) Services | |
| (1) Offices, business and professional except as otherwise specified. | One (1) space for every 400 square feet of floor area |
| (2) Auto service stations and repair garages | One (1) space for every 300 square feet of interior office/sales/waiting room floor area plus two (2) spaces per service stall. |
| (3) Laundromats | One (1) space for every 50 square feet of floor area. |
| (4) Barber Shops, Beauty Shops, and Salons | One (1) space per employee plus two (2) spaces per service chair. |
| (5) Day Care Facilities | One (1) per employee in the largest working shift and one (1) per ten (10) persons cared for at capacity plus stacking spaces for five (5) vehicles. |
| (6) Pet Boarding Facilities | One (1) per employee in the largest working shift and one (1) per ten (10) animals cared for at capacity. |

| | |
|---|--|
| (7) Other Personal Service Establishments | One (1) space for every 150 square feet of floor area, minimum of two spaces |
| (I) Other | |
| (1) Marihuana Designated Consumption Establishment | 1 space for every two (2) capacity occupants |
| (2) Marihuana Grower and Marihuana Microbusiness growing portion | Minimum of one (1) space per employee on maximum shift, maximum of two (2) spaces |
| (3) Marihuana Processor and Marihuana Microbusiness processing portion | One (1) space per 1,000 square feet of floor area plus one (1) space per 10,000 square feet of site area |

| Land Use | Minimum Parking Requirement |
|--|--|
| (4) Marihuana Retailer and Marihuana Microbusiness retail portion | Maximum of one (1) space for every 150 square feet of floor area, minimum of two (2) spaces |
| (5) Marihuana Safety Compliance Facility and Marihuana Secure Transporter | One (1) space per 1,000 square feet of floor area plus One (1) space per 10,000 square feet of site area |

SECTION 19. Article 11 – Signs, Section 54.1106

Chapter 54 – LAND DEVELOPMENT CODE, Article 11 – Signs, Section 54.1106 General Sign Standards is hereby repealed. New Chapter 54 – LAND DEVELOPMENT CODE, Article 11 – Signs, Section 54.1106 General Sign Standards is hereby adopted:

Section 54.1109 General Sign Standards

(A) Freestanding Pole Signs:

- (1) **Maximum Height.** See [Section 54.1105](#). Pole signs in any non-residential district that are within 100 feet of a residential district must be reduced in height ten percent (10%) for each ten (10) feet less than 100 feet they are located from the residential district.
- (2) **Minimum Height.** There shall be a minimum unobstructed distance of ten (10) feet between the bottom of any display area and the ground for any sign located in or at the right-of-way. For every 2.5 feet the sign is set back from the right-of-way, the base of the display area may be lowered by one (1) foot.

(B) Freestanding Ground Signs and Monument Signs:

- (1) **Minimum Setback From Intersections.** No monument sign shall be located closer than 25 feet to any intersection of a right-of-way with another right-of-way or within the clear vision area of the intersection of a right-of-way and driveway or alley, per [Section 54.704\(A\)](#).
- (2) **Minimum Side Yard Setback.** No monument sign shall be located closer to a side lot line than the distance specific for side yards in that district (see [Article 4](#)).
- (3) **Minimum Landscaping Around the Monument Sign.** For every two (2) square feet of sign, one (1) square foot of planting or lawn must be provided and maintained, at the base of the sign.
- (4) **Maximum Height.** No portion of a monument sign may exceed eight (8) feet in height.

(C) Wall Signs:

- (1) **Prohibited Locations.** No wall sign shall cover, wholly or partially, any wall opening nor shall any sign project beyond the ends or top of the wall to which it is attached.
- (2) **Maximum Projection from Wall.** A wall sign shall not project more than 15 inches from the wall.

(D) Blade Signs:

- (1) **Minimum Height.** No portion of a blade sign shall be less than ten (10) feet abovegrade.
- (2) **Minimum Distance from the Wall.** The distance between a blade sign and the wall to which it is attached may not be greater than two (2) feet.
- (3) **Concealment of Support Structures.** All blade signs shall be designed, installed and erected in such a manner that there shall be no visible angle iron or wire support structures above the roof line or parapet.

- (4) **Maximum Projection from the Wall.** From the bracket on the building wall where it is attached, a blade sign may project at least 3 (three) feet, and to a maximum of 4 (four) feet into the public right-of-way (above a sidewalk). A blade sign may project three (3) inches for each linear foot of distance to the nearest side lot line, provided that in no instance may a sign project more than four (4) feet into the public right-of-way. This requirement shall not apply to blade signs suspended under a canopy or marquee pursuant to [Section 54.1109\(E\)\(6\)](#).
- (5) **Prohibited Over Alleys and Private Access Lanes.** No blade sign may project over an alley or private access lane.
- (6) **Minimum Setback from Intersections.** No blade sign shall be located closer than ten (10) feet to any intersecting rights-of-ways.
- (7) **Maximum Height.** A blade sign may not extend vertically above the roofline by more than 6 feet, but in no case shall more than 50% of the sign area be above the roofline regardless of whether there is a parapet.
- (8) **Review of Blade Signs in the Public Right-of-Way.** Prior to the erection of a sign overhanging a public right-of-way, the person erecting such sign shall receive the approval of the proper governmental agency (City, County, or State) having jurisdiction over such right-of-way.
- (9) **Design of Hardware, Supports, and Brackets.** Mounting hardware, such as supports and brackets, and shall complement the design of the sign, the building, or both.

(E) Awning, Canopy, and Marquee Signs:

- (1) **Minimum Height.** Awnings, canopies, and marquees shall not be placed less than ten (10) feet above a public sidewalk or right-of-way.
- (2) **Prohibited Locations.** Awnings, canopies, and marquees shall not extend beyond the width of the building or tenant space, nor encroach above the roof line or the story above.
- (3) **Maximum Projection from the Wall.** Awning, canopy, and marquee signs shall not be located closer than two (2) feet, measured horizontally, from an established curb.
- (4) **Signs Attached to the Face of the Awning, Canopy, or Marquee (Parallel to the Flow of Traffic).** Signs attached to the face of an awning, marquee, or canopy which are parallel to the flow of traffic shall meet the requirements of wall signs, may not project more than six (6) inches from the face of the awning, canopy, or marquee, and may not exceed three (3) feet in height.
- (5) **Signs Attached to the Sides of the Awning, Canopy, or Marquee (Not Parallel to the Flow of Traffic).** Signs attached to the sides of an awning, marquee, or canopy which are not parallel to the flow of traffic shall meet the requirements of blade signs ([Section 54.1109\(D\)](#)) except that the maximum projection from the wall ([Section 54.1109\(D\)\(4\)](#)) shall not apply if the sign is entirely contained on the side of the awning, marquee, or canopy.

- (6) **Signs Suspended Under Awnings, Canopies, and Marquees.** Where signs are suspended under awnings, canopies, or marquees, the following conditions shall apply:
- (a) **Maximum Area.** Signs shall not be greater than six (6) square feet.
 - (b) **Maximum Number.** There shall not be more than one (1) such sign per tenant or address.
 - (c) **Minimum Height.** Signs shall be no less than nine (9) feet above the sidewalk
 - (d) **Minimum Distance from Established Curb.** Signs shall not be located closer than two (2) feet, measured horizontally, from any established curb.
 - (e) **Maximum Vertical Separation from Awning, Canopy, or Marquee.** Signs may swing provided that the distance between the top of the sign and the underside of the canopy or marquee is not greater than four (4) inches.
 - (f) **Perpendicular Location to Pedestrian Traffic Flow.** Signs shall be perpendicular to the flow of pedestrians.
- (7) **Review of Awning, Canopy, or Marquee Signs in the Public Right-of-Way.** Prior to the erection of a sign overhanging a public right-of-way, the person erecting such sign shall receive the approval of the proper governmental agency (City, County, or State) having jurisdiction over such right-of-way.

(F) Sidewalk Signs:

- (1) **Permitted Time(s) of Placement.** Sidewalk signs are permitted during the hours a business is open to the public, but in no instance may a sign be placed in the right-of-way earlier than 8:00 a.m. or later than 9:00 p.m.
- (2) **Allowable Construction.** Sidewalk signs shall be of A-frame or swinging-style construction.
- (3) **Maximum Height and Area.** The maximum height of a sidewalk sign shall be four (4) feet and the sign shall not exceed nine (9) square feet in area nor occupy more than nine (9) square feet of sidewalk. The allowable area of the sidewalk sign is exempt from the maximum sign area of the site.
- (4) **Stability.** The sign shall be sturdy, stable, and shall stay in place when experiencing typical winds without flipping over or sliding.
- (5) **Sign Surface Requirements.** The surfaces of sidewalk signs shall be durable. Copy may be painted or printed on the surface. Loose paper faces shall not be permitted.
- (6) **Illumination.** Sidewalk signs shall not be illuminated by any means except natural light and existing street lights.

- (7) **Allowable Locations.** At all times of the year, sidewalk signs shall be placed directly in front of the associated building or use, a minimum of two (2) feet from the curb, and shall allow a minimum of five (5) feet of unobstructed sidewalk for pedestrians. Sidewalk signs shall not be placed within 25 feet of an intersection, measured perpendicularly from the intersecting curb. When snow is present, the sidewalk shall be completely clear of snow prior to placement and sidewalk signs shall not be placed on snow banks.
- (8) **Minimum Separation of Sidewalk Signs.** Sidewalk signs shall be spaced a minimum of ten (10) feet from one another. If signs fail to meet the minimum spacing requirements, all improperly placed signs will be considered to be in violation.
- (9) **Sign Owner Liability.** The owner of the sign and the owner of the site upon which it is located must sign a statement assuming all liability for damage and injury caused by the sign.
- (10) **One Sidewalk Sign Permitted Per Lot or Tenant Thereof.** There shall be one (1) sidewalk sign allowed for each lot or tenant thereof, provided that all of the requirements of this section are met.

(G) Flexible Signs.

- (1) **Permitted on Pole, Freestanding, or Wall Signs.** Flexible signs of fabric, thin plastic, or other flexible material may be erected as pole, freestanding, or wall signs provided that all requirements for those types of signs are met.
- (2) **Attachment.** The outer perimeter of the flexible sign shall be held taut. No ropes or guy wires may be fastened so as to cause a hazard.
- (3) **Removal Due to Wear.** Flexible signs shall be removed at the first evidence of wear or deterioration.

- (H) Window Signs:** Window signs, both permanent and temporary, shall not exceed 50% of the area within a single window frame, and the total area of window signs shall not exceed fifty percent (50%) of the total window area of that story of the building.

(I) Changeable Signs and Electronic Message Center Signs (EMCs):

- (1) **Permitted Zoning Districts.** See [Section 54.1105](#).
- (2) **Prohibited Areas.** EMCs are prohibited on any lot fronting Lakeshore Boulevard.
- (3) **Maximum Area.** The face of the EMC may not exceed 16 square feet, with the exception of in General Commercial (GC) zoning districts west of the Lincoln Avenue right-of-way – where the face of the sign may not exceed 32 square feet.
- (4) **Frequency of Message Changes.** Copy may not change more than once every four (4) seconds, and no single electronic message is permitted to be repeated more than once every eight (8) seconds. The copy of an EMC must change instantaneously. Flashing,

scrolling, facing, dissolving, osculating, spinning, twirling, video display, or other type of motion or animation is prohibited.

- (5) Non-Electronic and Non-Mechanical Changeable Copy Permitted on Any Lawful Sign.** Changeable copy by non-electronic and non-mechanical means may be utilized on any permitted sign.
- (6) Automatic Dimming Required for EMCs.** All EMC signs are required to have automatic dimming capability that adjusts the brightness to the ambient light at all times of the day and night, either by photocell (hardwired) or via software settings.
- (7) Maximum Illumination of EMCs.** See [Section 54.1110\(C\)](#).
- (8) Maximum EMCs Per Lot.** Only one (1) EMC sign is permitted on a lot for each street on which the lot fronts. Pursuant to [Section 54.1105\(C\)](#) and [Section 54.1105\(D\)](#), this limit shall not apply to drive-through lane monument signs, provided the parcel has an approved drive-through lane use, there is not more than two (2) monument signs per approved drive-through lane, and the drive-through lane monument signs are located within 6 feet of the drive-through lane, not greater than 8 feet high, not greater than 24 sq. ft. in area each, and not legible from the right-of-way or any lot line.
- (9) Audio Prohibited.** Changeable signs and EMCs may not utilize audio devices to create sound. However, drive-through lane monument signs that meet the requirements of [Section 54.1105\(C\)](#) and [Section 54.1105\(D\)](#), may utilize audio devices, provided that no sound from the audio device can be detected from the right-of-way or any lot line.

(J) Nameplate Signs:

- (1) Maximum Number.** One (1) nameplate sign is permitted per building address.
- (2) Maximum Area.** Nameplate signs shall not to exceed two (2) square feet in area.
- (3) Location.** Nameplate signs must be attached to the building and located within (10) feet of an entrance to the building.
- (4) Materials.** Nameplate signs must be constructed of durable materials and located within ten (10) feet of an entrance to the building. Specific to Nameplate Signs:

SECTION 20. Article 14 – Administrative Procedures, Section 54.1401

Chapter 54 – LAND DEVELOPMENT CODE, Article 14 – Administrative Procedures, Section 54.1401 Zoning Permits and Zoning Compliance Review is hereby repealed. New Chapter 54 – LAND DEVELOPMENT CODE, Article 14 – Administrative Procedures, Section 54.1401 Zoning Permits and Zoning Compliance Review is hereby adopted:

Section 54.1401 Zoning Permits and Zoning Compliance Review

- (A) **Submission of Zoning Compliance Application Required.** No person shall commence to erect, alter, or repair any structure or to replace or enlarge any of the uses listed in [Section 54.1401\(B\)](#), without first obtaining Zoning Compliance and approval of plans. No use shall be carried on, nor construction undertaken, except as shown upon an approved Zoning Compliance application and plan. Plans shall be submitted to the Zoning Administrator or designated official.
- (B) **Permitted Uses and Development Subject to Zoning Compliance Review.** The following uses and development are subject to Zoning Compliance Review:
- (1) Residential dwellings (one-family, two-family, multi-family) and associated accessory structures, including additions and structural alterations, and structural alterations to any other building or structure. Structural alterations include, but are not limited to, replacement of structural members of decks, porches, or steps, alterations to the means of ingress and egress, and other changes regulated by this Ordinance, provided such alterations are not subject to Site Plan Review pursuant to [Section 54.1402\(B\)](#). The Zoning Administrator reserves the right to require a Zoning Compliance Review for the replacement of a non-structural member of a deck, porch, or other structure if deemed necessary by the Zoning Administrator to determine compliance with this Ordinance.
 - (2) Interior remodeling of a non-residential use, provided such remodeling is not subject to Site Plan Review pursuant to [Section 54.1402\(B\)](#).
 - (3) Re-paving of an off-street parking lot, provided there are no grading changes and no changes to the configuration of the parking lot layout.
 - (4) The establishment of a permitted use in the district, provided that the use must meet all requirements of this Ordinance including any special requirements listed for that zoning district. Any development requiring Site Plan Review must be reviewed in accordance with to [Section 54.1402\(B\)](#) and special land uses must be reviewed in accordance with [Section 54.1403](#).
- (C) **Required Information for Zoning Compliance Review.** The required form of, and information on, plans shall include:
- (1) Name and address of the applicant and plan preparation date.
 - (2) Dimensioned property lines of the area included in the plan and a north arrow.
 - (3) The scaled shape, size, use, location, height, eave size, floor area, parking spaces, driveways, sidewalks, exterior architectural design of all structures, the floor area and ground coverage ratios of residential structures if applicable.
 - (4) The elevation of the finished floor and the elevation at the curb for driveways when the proposed construction is new or when this information is otherwise deemed necessary by the Zoning Administrator to determine the runoff flow of storm water.

- (5) All proposed and existing structures and their relationship to each other and adjacent property lines, including setbacks.
- (6) For non-residential interior remodeling, two (2) copies of plans sized 24 inches by 36 inches shall be drawn to a scale acceptable to the Zoning Administrator and shall be sealed by a professional engineer or architect.
- (7) Any other information deemed necessary by the Zoning Administrator to establish compliance with this and other ordinances.
- (8) If no exterior dimensional changes will result from the proposed construction or alteration, the Zoning Administrator may permit the plan to consist of the minimum applicable information listed above to determine compliance with the Zoning Ordinance and applicable codes.

(D) Zoning Compliance Review Procedure. Upon receipt of any Zoning Compliance application and plan, the Zoning Administrator or designated official shall review to determine whether it is in proper form, contains all of the required information and shows compliance with the ordinance. The Zoning Administrator or designated review official shall, within ten (10) business days, grant approval in writing or deny approval in writing, setting forth in detail the reasons which shall be limited to any defect in form or required information, any violation of any provision of this Ordinance, and any changes which would make the plan acceptable. The Zoning Administrator or designated official may extend this ten (10) business day period if additional time is required to determine compliance and/or obtain additional information necessary to determine compliance. In determining compliance with this Ordinance, the Zoning Administrator or designated official shall take into consideration all applicable standards of this Ordinance, such as setbacks, height, parking, landscaping, etc. If non-compliance with any standard of this Ordinance is demonstrated, the Zoning Administrator or designated official shall deny approval of the plan. The applicant may appeal any denial to the Board of Zoning Appeals.

SECTION 21. Article 14 – Administrative Procedures, Section 54.1402

Chapter 54 – LAND DEVELOPMENT CODE, Article 14 – Administrative Procedures, Section 54.1402 Site Plan Review is hereby repealed. New Chapter 54 – LAND DEVELOPMENT CODE, Article 14 – Administrative Procedures, Section 54.1402 Site Plan Review is hereby adopted:

Section 54.1402 Site Plan Review

- (A) **Intent.** It is the intent of this section to establish procedures and standards for the review and approval of site plan applications and to ensure proper relationships between the development features as they relate to the standards outlined in this section. This section is further intended to ensure that developments are compatible with adjacent uses of land and promote the use of land in a desirable manner that does not impair the surrounding uses by the erection of structures, additions, alterations, or site improvements that may negatively impact surrounding development, while providing for the orderly development of the City of Marquette.
- (B) **Uses Subject to Site Plan Review, Minor Site Plan Review, and Exemptions.** The required review process for uses and development is described in [Figure 49](#). All uses and development, regardless of whether site plan review is required, are subject to the Zoning Compliance review requirements of [Section 54.1401](#). The Zoning Administrator may approve or conditionally approve minor site plans as described in [Figure 49](#) and [Section 54.1402\(D\)\(1\)](#). All other site plans must be reviewed by the Planning Commission.

Figure 49. Required Review Process Based on Development Activity

| Development Activity | Site Plan Review Required | Minor Site Plan Review | Exempt From Site Plan Review |
|--|---------------------------|------------------------|------------------------------|
| Special land uses | • | | |
| Planned Unit Developments | • | | |
| New construction, additions, or alterations of any non-residential building or buildings, including non-residential accessory buildings or structures, unless the activity is exempt or requires minor site plan review (see below for exemptions) | • | | |
| New construction for multi-family residential units that contain or will contain more than twenty (20) dwelling units | • | | |
| Filling a parcel of land to an elevation above the established grade of adjacent developed land | • | | |
| New construction, additions, alterations, or site improvements for multi-family residential units that contain or will contain five (5) to twenty (20) dwelling units, and for all multi-family residential additions, alterations, or site improvements that are not otherwise exempt (as stated below) | | • | |
| Conversion of an existing building or part thereof from a residential use to a non-residential use, including site improvements that result from a change in the use of the building or part thereof from residential use to nonresidential use | | • | |
| Additions, alterations, and renovations that are less than 20% of the size of the original commercial or multi-family residential building footprint or less than 2,500 square feet and which, unless otherwise exempt | | • | |
| Any expansion or change in an existing land use if more parking in addition to that already provided is required | | • | |
| Any earthwork greater than 20,000 square feet in size | | • | |

| Development Activity | Site Plan Review Required | Minor Site Plan Review | Exempt From Site Plan Review |
|---|---------------------------|------------------------|------------------------------|
| Site improvements that include landscaping, site access, and parking lot grading, layout, and new off-street parking, unless the activity is exempt | | • | |
| Commercial and non-residential buildings less than 2,000 square feet, unless the activity requires site plan review | | • | |
| Single-family dwellings and their accessory facilities on individual parcels | | | • |
| Two-family dwellings and their accessory facilities on individual parcels | | | • |
| Multi-family residential units that contain or will contain three (3) or four (4) dwelling units | | | • |
| Additions, alterations, and renovations that are less than 10% of the size of the original commercial or multi-family residential building footprint or less than 500 square feet | | | • |
| Interior remodeling or interior construction | | | • |
| Landscaping that is less than 25% of the parcel size or 5,000 square feet, whichever is less | | | • |
| Site improvements that are less than 2,000 square feet, and site lighting, unless the activity requires site plan review or minor site plan review | | | • |
| Alterations to exterior walls such as window openings, façade changes, etc., provided there is no change to the building footprint | | | • |
| Re-paving of an off-street parking lot, provided there are no grading changes and no changes to the configuration of the parking lot layout | | | • |

(C) Information Required for Site Plans and Sketch Plans. The site plan review application materials shall include all the following information, unless the Zoning Administrator determines that some of the required information is not reasonably necessary for consideration of the plan.

- (1) Application and Fee.** A completed application form, supplied by the Zoning Administrator, and an application fee.
- (2) Proof of Ownership.** Current proof of ownership or evidence of a contractual ability to acquire such land, such as an option or purchase agreement or a written statement from the property owner indicating permission for the filing of the application.
- (3) Site Plan.** Twelve (12) copies of plan sheet(s) providing the information listed below ([Figure 50](#)). For minor site plans, three (3) copies of plan sheets are required. Sheet size of submitted drawings shall be at least 24-inches by 36-inches, with graphics at an engineer's scale of one (1) inch equals twenty (20) feet for sites of 20 acres or less; and one (1) inch equals fifty (50) feet for sites over 20 acres. The surrounding area drawing may be in a scale of one (1) inch equals one-hundred (100). Digital plans must also be submitted. Upon request of the applicant, the Zoning Administrator may waive individual site plan requirements if the requirements are found to be unnecessary or irrelevant to the intent of providing the information; however, the Planning Commission has the right to require all of the information in [Figure 50](#).

- (4) **Sketch Plan.** A sketch plan must include the information listed below ([Figure 50](#)). The number of plans submitted is determined by the Zoning Administrator, and the Zoning Administrator may accept digital plans. The sheet size of submitted drawings shall be at a scale acceptable to the Zoning Administrator. Upon request of the applicant, the Zoning Administrator may waive individual sketch plan requirements if the requirements are found to be unnecessary or irrelevant to the intent of providing the information; however, the Planning Commission has the right to require all of the information in [Figure 50](#).

Figure 50. Site Plan Information Required in the Site Plan Set

| Site Plan Information Required | Sketch Plan | Preliminary Site Plan | Final Site Plan |
|---|-------------|-----------------------|-----------------|
| Identification of Project | | | |
| The applicant's name. | • | • | • |
| Name of the development. | • | • | • |
| The preparer's name and professional seal of architect, engineer, or landscape architect indicating license in the State of Michigan. | | • | • |
| Small scale location sketch of sufficient size and scale. | • | | |
| A survey of the property, sealed by a surveyor licensed in the State of Michigan. | | • | • |
| Date of preparation and any revisions. | • | • | • |
| North arrow. | • | • | • |
| Complete and current legal description and size of property in acres. | • | • | • |
| Existing Features | | | |
| Property lines and dimensions drawn to scale. | • | • | • |
| Zoning and current land use of applicant's property and all abutting properties and of properties across any public or private street from the site. | • | • | • |
| Lot lines and all structures on the property and within 100 feet of the site's property lines. | | • | • |
| Locations of all significant natural features, including Riparian Buffers (see Section 54.804), wetlands (see Section 54.805), steep slopes (see Section 54.806), floodplains, etc.) | • | • | • |
| Location of any access points on both sides of the street within 100 feet of the site along streets where access to the site is proposed. | • | • | • |
| Locations of existing utilities. | • | • | • |
| Existing topography at a minimum of two (2) foot contour intervals. | | • | • |
| Proposed Construction | | | |
| Building footprints, setbacks, and elevations showing height for all proposed structures with the acreage allotted to each use. See Article 3 , Article 4 , and Article 7 . | • | • | • |
| Floor area and ground coverage ratios. See Article 3 and Article 4 . | • | • | • |
| Proposed locations of utility services (with sizes) and storm water management, including storm drainage, retention or detention ponds, fire hydrants, and any public or private easements. See Section 54.803 . | | • | • |

| Site Plan Information Required | Sketch Plan | Preliminary Site Plan | Final Site Plan |
|---|-------------|-----------------------|-----------------|
| Proposed topography with a site grading plan with topography at a minimum of two (2) foot contour intervals. | | • | • |
| Location and method of screening for all waste dumpsters. See Section 54.1003(F) . | | • | • |
| Location and dimensions of parking spaces. See Article 9 . | • | • | • |
| General landscaping design concept acceptable to the Zoning Administrator. | • | | |
| A landscaping plan indicating proposed plant locations with common plant name, number, and size at installation. Berms, retaining walls or fences shall be shown with elevations from the surrounding average grade. See Article 10 . | | • | • |
| Locations of exterior light fixtures. | • | | |
| Details of exterior lighting including locations, height, and method of shielding. See Section 54.802 . | | • | • |
| The location of all permanent or temporary signs, existing or proposed, including their area, size, height, illumination, and the type of construction. See Article 11 . | • | • | • |
| If the application is related to property scheduled for phased development, the proposed layout for the total projected development shall be indicated, and the projected scope and time period shall be estimated for each additional phase. The phasing plan must be acceptable to the City staff to ensure that each phase can function independently and is not reliant on future phases if they are not constructed. | • | • | • |
| Site Circulation Details and Access Design | | | |
| General site circulation and access including: indication of street right-of-way and pavement widths; access points; and location of pedestrian paths. See Section 54.907 . | • | | |
| Indication of street right-of-way and pavement widths and pavement type. | | • | • |
| Street horizontal and vertical dimensions, including curve radii. | | • | • |
| Dimensions of access points including distance from adjacent driveways or intersecting streets, including those across a street. See Section 54.907 . | | • | • |
| Identification of width and material to be used for pedestrian paths. See Section 54.907 . | | • | • |
| Name and location of abutting public streets, proposed access driveways and parking areas, and existing and proposed pedestrian/bicycle paths. | | • | • |
| Written verification of access easements or agreements, if applicable. | | • | • |
| Additional Information | | | |
| Any other information necessary to establish compliance with this and other ordinances. | • | • | • |

(D) Site Plan Review Procedures. No Zoning Compliance or Special Land Use Permit shall be issued for any uses subject to site plan review except in accordance with a site plan approved by the Planning Commission, or a Minor Site Plan approved by the Zoning Administrator, in accordance with the following procedures:

- (1) Minor Site Plan Review.** The Zoning Administrator may approve or conditionally approve Minor Site Plans as described in [Figure 49](#); however, Minor Site Plans may also be subject to review by the Planning Director, Engineering Department, Fire Department, or any

other City department deemed necessary by the Zoning Administrator. After approval of a Minor Site Plan, the applicant may apply for a Zoning Permit pursuant to [Section 54.1401](#).

- (2) Pre-Application Concept Plan Review.** At the option of the applicant, the applicant may submit a concept plan to the City be reviewed by the Zoning Administrator, City Planner, and Engineering Department prior to submitting an application for site plan review. Depending on the scope of the development proposal, the City staff may require the concept plan to contain as little detail as a Zoning Compliance Review ([Section 54.1401\(C\)](#)) or as much detail as a Sketch Plan Review ([Figure 50](#)). The concept plan must contain enough detail to explain the location of land use areas, streets providing access to the site, pedestrian and vehicular circulation within the site; dwelling unit density and types; function of open space; and buildings or floor areas contemplated, as applicable. The purpose of concept plan review is for the City staff to review the concept plan and provide the applicant an advisory opinion whether the concept plan appears to meet the standards of this Ordinance with respect to use, location, character, and zoning district requirements. The City's review of a concept plan is advisory only, and the City shall not approve, deny, or take any other action on a concept plan.
- (3) Sketch Plan Review.** At the option of the applicant, preliminary sketches of proposed site plans may be submitted for review to the Planning Commission prior to submission for formal site plan review. Submission of preliminary sketch plans shall be made no later than fourteen (14) days prior to the meeting at which the review is to take place. The Planning Commission shall advise the applicant as to the general acceptability of the proposed plan, but shall not be bound by any statements or indications of acceptance to the plan. The Zoning Administrator shall determine the number of plans to be submitted. Sketch plans must include at a minimum the required information for sketch plans in [Figure 50](#).
- (4) Preliminary Site Plan Review.** The purpose of preliminary site plan review is to allow for the review and decision on most aspects of the site without the need for final detailed engineering unless required by the City Engineer. Applications for preliminary site plan review must be submitted to the Zoning Administrator at least twenty (20) business days prior to the meeting at which the review is to take place. The Planning Commission shall review the preliminary site plan, together with any reports and recommendations from staff, consultants and other reviewing agencies and any public comments. The Planning Commission shall then make a determination based on the requirements of this Ordinance and the standards of [Section 54.1402\(E\)](#). The Planning Commission is authorized to postpone, approve, approve subject to conditions or deny the preliminary site plan as follows:

 - (a) Postponement.** Upon determination by the Planning Commission that a preliminary site plan is not sufficiently complete for approval or denial or upon a request by the applicant, the Planning Commission may postpone consideration until a later meeting.
 - (b) Denial.** Upon determination that a preliminary site plan does not comply with the standards and regulations set forth in this Ordinance, or would require extensive revisions to comply with said standards and regulations, the site plan shall be denied.

If a site plan is denied, a written record shall be provided to the applicant listing the reasons for such denial.

- (c) **Approval.** Upon determination that a preliminary site plan is in compliance with the requirements of this Ordinance and other applicable ordinances and laws, including the standards of [Section 54.1402\(E\)](#), the preliminary site plan shall be approved. Upon approval of the preliminary site plan, the applicant may apply for final site plan review.
- (d) **Approval Subject to Conditions.** The Planning Commission may approve a preliminary site plan, subject to one (1) or more conditions necessary to address minor modifications to the preliminary site plan, ensure that public services and facilities can accommodate the proposed use, protect significant natural features, ensure compatibility with adjacent land uses, or otherwise meet the intent and purpose of this Ordinance. Such conditions may include the need to obtain variances or approvals from other agencies. Upon approval of the preliminary site plan and the satisfaction of conditions, the applicant may apply for final site plan review.

(5) Final Site Plan Review.

- (a) **Deadline to Submit Final Site Plan Application.** Applications for final site plan approval shall be submitted to the Zoning Administrator at least twenty (20) business days prior to the meeting at which the review is to take place.
- (b) **Staff Review of Site Plan Materials.** The Zoning Administrator, Engineering Department, Fire Department, Planning Staff, and other City departments if required by the Planning Commission to determine compliance with this Ordinance, will review application materials to determine if they are in proper form, all of the required information is present, and the site plan is in compliance with this Ordinance. Each department that reviews an application shall provide a report or relevant comments to the Zoning Administrator. If the site plan is determined to not be complete or in compliance with the ordinances, the Zoning Administrator shall return the reports to the applicant. The Planning Commission shall not review a site plan that is not complete unless the incomplete items are minor.
- (c) **Additional Information.** The Planning Commission, prior to granting approval of a site plan, may request from the applicant any additional graphics or written materials, prepared by a qualified person or person(s), to assist in determining the appropriateness of the site plan. Such material may include, but is not limited to, photographs, estimated impact on public schools and utilities, and traffic impacts.
- (d) **Planning Commission Action.** Except as noted above, the Planning Commission shall approve, approve with conditions, or deny the site plan based on the compliance of the plan with City Ordinances and the review standards of this Ordinance. If conditional approval is granted, the conditions shall be stated specifically so that the Zoning Administrator or other reviewing departments can determine compliance with the conditions and grant approval following submission of revised plans; said review not to exceed ten business (10) days unless additional time is required by the Zoning Administrator or other reviewing departments to determine compliance with

the conditions of site plan approval. A site plan shall be approved if it contains all of the information required by the ordinance and is in compliance with the standards of the Land Development Code (including [Section 54.1402\(E\)](#)), other City planning documents, City ordinances, and state and federal statutes.

- (e) **Signed Copies of Final Approved Plans.** The Planning Commission Chair and the applicant shall sign two (2) copies of the approved site plan, one of which is kept by the Zoning Administrator, the other by the applicant. If the site plan is approved with conditions that require revisions to the site plan, the applicant must make the required revisions and submit the revised plans to the City be signed.
 - (f) **Certificate of Zoning Compliance.** A Zoning Compliance permit shall not be issued until the Planning Commission has approved the plan. The Zoning Compliance permit shall be reviewed and issued in accordance with [Section 54.1401](#).
- (6) **Single-Step Site Plan Approval.** Nothing in this Ordinance shall prohibit the Planning Commission from granting final site plan approval without first granting a preliminary site plan approval if the plans are in compliance with the requirements of this Ordinance for a final site plan.
- (E) **Site Plan Review Standards.** In addition to the development standards of this Ordinance as well as the underlying zoning district, each site plan shall be designed to ensure that:

 - (1) **Public Health, Safety, and Welfare.** The uses proposed will not harm the public health, safety, or welfare. All elements of the site plan shall be designed to take into account the site's topography, the character of adjoining property, and the type and size of buildings. The site shall be developed so as not to impede the normal and ordinary development or improvement of surrounding property for uses permitted in this Ordinance.
 - (2) **Safe and Efficient Traffic Operations.** Safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation within and to the site shall be provided. Drives, streets, and other elements such as walkways shall be designed to promote safe and efficient traffic operations within the site and at its access points.
 - (3) **Vehicular and Pedestrian Circulation.** The arrangement of public or common ways for vehicular and pedestrian circulation shall be connected to existing or planned street and pedestrian or bicycle pathways in the area. There shall be provided a pedestrian circulation system which is separated from the vehicular circulation system. In order to ensure public safety, special pedestrian measures, such as crosswalks, crossing signals and other such facilities may be required in the vicinity of schools, playgrounds, shopping centers, and other uses which generate a considerable amount of pedestrian traffic.
 - (4) **Topography and Landscaping.** The landscape shall be preserved in its natural state, insofar as practical, by removing only those areas of vegetation or making those alterations to the topography which are reasonably necessary to develop the site in accordance with the requirements of this Ordinance. Landscaping shall be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding property.

- (5) **Storm Water Management.** Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Surface water on all paved areas shall be collected so that it will not obstruct the flow of vehicular or pedestrian traffic or create standing water.
- (6) **Emergency Vehicle Access.** All buildings or groups of buildings shall be arranged so as to permit emergency vehicle access as required by the Fire Department and Police Department.
- (7) **Outdoor Storage and Loading and Unloading Areas.** All outside storage areas, including refuse storage stations, shall be screened from the view of the street and/or adjacent residentially zoned properties. All loading and unloading areas shall be reasonably screened for residentially zoned properties.
- (8) **Lighting.** Exterior lighting shall be arranged so that it is deflected away from adjacent properties and bodies of water so that it does not impede the vision of traffic along adjacent streets or impair navigation on the waterway. Flashing or intermittent lights shall not be permitted.
- (9) **Location of Building Entrances.** For consistency in areas where adjoining properties face the street, the Planning Commission may require that primary structures shall be oriented so that their main entrance faces the street upon which the lot fronts. If the development is on a corner lot, the main entrance may be oriented to either street or to the corner.
- (10) **Nuisances.** No noise, vibration, dust, fumes, or other nuisance shall leave the property in a manner that affects the surrounding area.
- (11) **City of Marquette Engineering Design and Construction Standards.** The site plan must comply with the City of Marquette Engineering Design and Construction Standards.

(F) Validity of Approved Site Plans and Expiration.

- (1) **Approval, including Conditions, Attached to the Property.** Approval of a site plan, including conditions made as part of the approval, is attached to the property described as part of the application and not to the owner of such property.
- (2) **Validity of Approved Site Plans.**
 - (a) **Expiration.** Site plan approval shall expire one (1) year from the date of approval by the Planning Commission, or by the Zoning Administrator for minor site plans, except for phased projects that are required to follow a project timeline. If the site plan is approved with conditions that require revisions to the site plan, the applicant must make the required revisions and submit the revised plans to the City prior to the expiration date.
 - (b) **Halt in Construction.** The Planning Commission or Zoning Administrator, according to which entity approved the plan, may revoke the zoning approval if work on a project is halted for at least two (2) months, except during winter conditions, if the conditions warrant.

(c) **Extension.** The Planning Commission may grant two (2) one-time extensions to the expiration deadline, not to exceed one (1) year each, provided the request for an extension must be submitted at least 45 days prior to the expiration of the site plan approval and must meet the following standards. The Zoning Administrator may similarly grant extensions of administratively approved site plans.

(i) The approved plan conforms to zoning at the time the extension is granted

(ii) Any and all Federal and State approvals and permits are current.

(d) **Resubmission of Expired Plans.** Site plans whose approval has expired shall require resubmission as an initial application.

(G) Amendments to Approved Site Plans.

(1) No changes, erasures, modifications, or revisions shall be allowed for any approved site plan without prior approval by the Zoning Administrator or the Planning Commission, in accordance with [Figure 49](#) of this Ordinance.

(2) The ability to approve any changes to an approved site plan shall remain consistent with the ability of the Planning Commission or Zoning Administrator to approve or deny a specific development activity stated in [Figure 49](#).

(H) Performance Guarantees. To ensure compliance with this Ordinance and any condition imposed thereunder, the City may require that a cash deposit, certified check, irrevocable bank letter of credit, or other financial instrument acceptable to the City covering the estimated cost of improvements associated with a project (verified by the City Engineer) for which site plan approval is sought, be deposited with the Treasurer of the City to ensure faithful completion of the improvements and also be subject to the following:

(1) Prior to development activity or the issuance of a permit, the performance guarantee shall be deposited prior to the issuance of the building permit authorizing the activity of the project. The City shall return the performance guarantee on deposit upon verification by the City that all work and improvements have been satisfactorily completed. A return of the performance guarantee does not relieve the applicant from satisfying all applicable maintenance warranties and/or guarantees necessary to ensure the proper functioning of the public improvements.

(2) As used in this Section, “improvements” means those features and actions associated with a project which are considered necessary by the body or official granting approval, to protect natural resources, or the health, safety and welfare of the residents of the City and future users or inhabitants of the proposed project or project area, including roadways, lighting, utilities, sidewalks, screening, landscaping and surface drainage.

- (I) **Development Agreement.** The Planning Commission may require, as a condition of approval, that the owner/developer enter into a Development Agreement with the City of Marquette, incorporating therein the terms and conditions of final site plan approval, and record the same in the Office of the Register of Deeds for Marquette County. The Development Agreement shall be signed by the applicant and/or developer and approved by the City Commission. The Agreement shall include such provisions as the deposit of funds to defray variable costs and expenses and performance guarantees per [Section 54.1402\(H\)](#) to ensure that improvements depicted on a site plan meet the provisions of this Ordinance, adopted standards and regulations, and conditions set by the Planning Commission. The cost to prepare, review, and record this Agreement shall be borne by the applicant/developer.
- (J) **Compliance Guarantees.** Prior to construction, the Zoning Administrator may require that the property boundaries be staked by a licensed surveyor. At any time during construction, the Zoning Administrator may inspect the site to determine compliance with the approved site plan. If the Zoning Administrator determines that the construction is not in accordance with the approved site plan, the Zoning Administrator shall issue a stop work order and take action to ensure compliance with the approved site plan.
- (K) **Appeals of Site Plans.**
- (1) Any person aggrieved by the decision of the Planning Commission or Zoning Administrator with respect to an approval or denial of a site plan shall have the right of an appeal to the Board of Zoning Appeals in accordance with [Section 54.1404](#). The appeal shall be filed in writing within thirty (30) days of the decision.
- (2) The filing of such an appeal shall act to stay or suspend the issuance of any permit.
- (3) No new evidence may be submitted to the Board of Zoning Appeals that is in addition to the evidence considered by the Zoning Administrator or Planning Commission during its review.
- (L) **Required As-Built Plans.** Upon completion of the development, as-built plans of the final development must be provided to the City in CAD format or other digital format required by the City.
- (M) **Revocation.** Approval of a site plan may be revoked by the Planning Commission if the construction or use is not in conformance with the approved site plan. In such case, the site plan shall be placed on the agenda of the Planning Commission for consideration and written notice shall be sent to the applicant at least ten (10) days prior to the meeting. The Zoning Administrator, applicant, and any other interested persons shall be given the opportunity to present information to the Planning Commission and answer questions. If the Planning Commission finds that a violation of the approved site plan exists and has not been remedied prior to the hearing, then it shall revoke the approval of the site plan.

SECTION 22. Publication

This Ordinance shall take effect ten days after adoption, but not before publication.

Jennifer A. Smith, Mayor

Kyle Whitney, Clerk

Adopted: _____

Published: _____