

## ORDINANCE #731

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

ARTICLE 2 - DEFINITIONS

ARTICLE 3 – ZONING DISTRICTS AND MAP

ARTICLE 4 – SCHEDULE AND REGULATIONS

ARTICLE 5 – SUPPLEMENTAL ZONING DISTRICT STANDARDS

ARTICLE 6 – STANDARDS APPLICABLE TO SPECIFIC LAND USES

ARTICLE 7 – GENERAL PROVISIONS

ARTICLE 9 – PARKING, LOADING AND ACCESS MANAGEMENT

ARTICLE 10 – LANDSCAPING AND SCREENING

ARTICLE 11 – SIGNS

ARTICLE 14 – ADMINISTRATIVE PROCEDURES

ARTICLE 15 – VIOLATIONS, PENALTIES, AND ENFORCEMENT

**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.

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### SECTION 1. Article 2- Definitions

Chapter 54 – LAND DEVELOPMENT CODE, Article 2 – Definitions is hereby amended as follows:

## Article 2 Definitions

### Section 54.202 Specific Terms

**(10) Agriculture:** A land use which includes all of the following: (1) a farm operation, (2) producing a farm product, and (3) commercial activity. ~~The land use also includes accessory uses for housing and dwellings for the farmer and farm employees.~~ Agricultural operations in which the production of a farm product is conducted completely within an enclosed building are not considered a farm operation and are regulated instead as a manufacturing activity (light or heavy manufacturing).

**(13) Alterations:** ~~Any change, addition or modification to a structure or type of occupancy or use of structure or land or any~~ dimensional or locational change in the structural members of a building, such as walls or partitions, columns, beams or girders, door and window openings/frames; the enlargement or diminution of a building; the moving of a building or structure; the consummated act of which may be referred to herein as "altered" or "reconstructed" or "changed".

**Appeal:** A procedure by which a decision or enforcement action from a body or individual authorized to make administrative decisions under the provisions of this Chapter is disputed and submitted to the Board of Zoning Appeals for determination.

**Applicant:** The owner of a property or their authorized representative, who is applying for development approval.

**Approval:** A formal action by a designated approving authority approving a plan, use, design, or an application in whole or in part, or for work approved by a permit, as authorized by this Chapter

**Awning:** A retractable or fixed shelter projecting from and which is often supported by the exterior wall of a building (i.e. cantilevered) and constructed with non-rigid materials on a supporting framework.

**Bicycle Parking Space:** An area and facility used for the securing of bicycles. This term shall include enclosed bicycle storage, covered bicycle racks, or fixed bicycle racks.

**Building Frontage:** The area adjacent to any side of a building which fronts on a public street, a public or private parking area, or a pedestrian walk where customer access to the building is available.

**Canopy:** A rigid multi-sided structure covered with fabric, metal or other material, which may be supported in whole or in part by posts embedded in the ground, and often a projection from an exterior wall of a building. A canopy that is attached to a building may also be called a "Marquee". Compare to "Awning" and see Section 54.1103 for definitions in that Article for signs, if the canopy is to support a sign.

**(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)~~ **five (5)** 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.

**(120) 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).~~ **The total square footage of building(s) (See definition of "Building" or "Building, Accessory") divided by the lot area (i.e. 3,000 S.F. of buildings or structures/15,000 S.F. lot area would give a ratio of 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.

**Manufacturing, Artisan:** Manufacturing, Artisan means production of goods by the use of hand tools or small-scale, light mechanical equipment. Typical uses include apparel and jewelry making, production of small amounts of alcohol or food products. Home-based woodworking and cabinet shops, arts and/or crafts studios, and home-brewing are examples. Artisan manufacturing is usually not of a scale to support employees and is often a hobby that supplements a person's income, and is typically not a primary source of income and not a standalone, brick-and-mortar business. The Zoning Administrator shall consider the material, process, quantities, relation to any applicable laws such as the Michigan Cottage Food Law, revenue generated or forecast, and/or other similar factors to differentiate *artisan manufacturing* from *light manufacturing*. This activity does not require a zoning compliance permit in any zoning district if it is in compliance with all relevant laws.

**(130) Manufacturing, Light:** Light manufacturing refers to industrial, manufacturing, or fabrication commercial activity that typically uses small or moderate amounts of raw, partially processed, or processed materials to produce items of relatively high value per unit weight or of higher value. Light manufacturing activities are generally more consumer-focused than heavy manufacturing, which involves capital and energy-intensive machinery to produce large and/or complex products that are generally used by other businesses rather than directly by consumers. Light manufacturing activities are typically more like and compatible with commercial land uses, some having a high degree of interaction with the public. Low-impact Light Manufacturing may be compatible in residential areas. The manufacturing of clothes, furniture, consumer electronics, household items, jewelry, pottery, food, and beverages for sale in quantities that support a business operation 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, artisan manufacturing, etc.), the Zoning Administrator shall consider the material, process, quantities, relation to any applicable laws such as the Michigan Cottage Food Law, revenue generated or forecast, and/or other similar factors. There are two levels of Light Manufacturing that are considered, differentiated by the expected impact level of the activity, as follows:

- (1) Manufacturing, Light - Low Impact:** Light Manufacturing operations that are completely enclosed (having no outdoor storage or operations, other than vehicular parking and loading and unloading of vehicles that is accomplished without the use of motorized loading equipment), and which do not have offsite impacts or utilize hazardous materials. In outward appearance, this type of business resembles a retail business or an office. This is a business that may be adjacent to residential uses in an urban area without creating nuisances for residential neighbors.
- (2) Manufacturing, Light - Medium Impact:** Light Manufacturing or fabrication operations with outdoor operations and offsite production impacts that may include noise, unpleasant odors, smoke, dust, vibrations, glare, visible storage and warehousing, and increase traffic on adjacent

**Quadplex:** A four-family house/building, with each dwelling unit physically separated from the other by a floor, a wall, or both.

**Remodel:** To alter a structure.

**Triplex:** A three-family house/building, with each dwelling unit physically separated from the other by a floor, a wall, or both.

**SECTION 2. Article 3 – Zoning Districts and Map**  
**Chapter 54 – LAND DEVELOPMENT CODE, Article 3 – Zoning Districts and Map is hereby amended as follows:**

**Article 3 Zoning Districts and Map**

**Section 54.306 Permitted Uses by District**

**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
<b>Residential Uses</b>														
Adult Foster Care, Family Home	P	P	P	P	P	P								
Adult Foster Care, Large Group Home			S											<a href="#">Section 54.602</a>
Adult Foster Care, Small Group Home	P	P	P		P									<a href="#">Section 54.602</a>
Child or Day Care, Family Home	P	P	P	P	P	P								
Child or Day Care, Group Home	PS	PS	PS		PS									<a href="#">Section 54.608</a>
Dwelling, Accessory Unit	P	P	P		P	P								<a href="#">Section 54.612</a>
Dwelling, Intentional Community	S	S	S		S	S								<a href="#">Section 54.614</a>
Dwelling, Live/Work					P	P								<a href="#">Section 54.615</a>
Dwelling, Multiple-Family, <b>5+ dwelling units</b>			P		P	P								<a href="#">Section 54.616</a>
Dwelling, Single-Family Attached			P		P	S								
Dwelling, Single-Family Detached	P	P	P		P	S								<a href="#">Section 54.617</a>
Dwelling, Two-Family (Duplex)	PS	PS	P		P	P								<a href="#">Section 54.613</a>
<b>Dwelling, Triplex</b>	S	P	P		P	P								
<b>Dwelling, Quadplex</b>	S	S	P		P	P								
Foster Family Group Home	S	S	S		S	S								
Foster Family Home	P	P	P		P	P								
Home Occupation	P	P	P		P	P								<a href="#">Section 54.621</a>
Home Office	P	P	P		P	P								<a href="#">Section 54.622</a>
Mobile Home Park				P										<a href="#">Section 54.631</a>
Nursing Home, Convalescent Home, Extended Care Facility, Assisted Living Facility			S		S	S								<a href="#">Section 54.633</a>
Residential Limited Animal Keeping	P	P												<a href="#">Section 54.643</a>
<b>Lodging Uses</b>														
Bed and Breakfast			S		S	S								<a href="#">Section 54.603</a>
Bed and Breakfast Inn					S	S								<a href="#">Section 54.604</a>
Domestic Violence Abuse Shelter			S		S	S								<a href="#">Section 54.610</a>
Fraternity or Sorority House			S		S	S								
Halfway House			S		S									<a href="#">Section 54.620</a>
Homeless Shelter					S	S								<a href="#">Section 54.623</a>
Homestays and Vacation Home Rentals	P	P	P		P	P								<a href="#">Section 54.624</a>
Hospital Hospitality House			S		S	S								<a href="#">Section 54.626</a>
Hostel			S		S	S	S							<a href="#">Section 54.644</a>
Hotel or Motel					S	S	P	P						

Land Use	LDR	MDR	MFR	MHP	MU	CBD	GC	RC	M	C	I-M	CR	BLP	Use Standards
Rooming House			S		S	S	S							<a href="#">Section 54.644</a>
Supportive Housing Facility, Transitional and/or Permanent	S	S	P		S	S								<a href="#">Section 54.6479</a>
<b>Medical Uses</b>														
Emergency Services					P	P	P	P						
Health Services					P	P	P	P						
Hospice					P	P	P	P						
Hospital			S		S	S	S	S						<a href="#">Section 54.625</a>
Medical Hospital Related Accessory Uses					P	P	P	P						<a href="#">Section 54.634</a>
Medical Hospital Related Office or Uses					P	P	P	P						
Office, Medical					P	P	P	P			P			<a href="#">Section 54.634</a>
Veterinary Clinic (Domestic Animals Only)					P	P	P	P			P			
<b>Public and Quasi-Public Uses</b>														
Cemetery	S	S	S						P	P				<a href="#">Section 54.606</a>
Public or Governmental Building	S	S	S		P	P	P	P	P	P	P	P	P	
Recreational Use, Land Intensive												S	S	<a href="#">Section 54.641</a>
Recreational Use, Public	S	S	S		S	S	S	S	P	P		P	P	
Religious Institution	S	S	S		P	S	P	P			P			<a href="#">Section 54.642</a>
School, Primary or Secondary	S	S	S		S	S			P	P				<a href="#">Section 54.645</a>
School, University			S	S	S	S			P	P				<a href="#">Section 54.607</a>
<b>Commercial and Retail Uses</b>														
Adult Entertainment Uses											S			<a href="#">Section 54.601</a>
Bar					S	P	P	P						
Child Care Center or Day Care Center	PS	PS			P	PS	P	P						<a href="#">Section 54.609</a>
Drive-Through Uses					P	P	P	P						<a href="#">Section 54.611</a>
Farmers' Markets					P	P	P	P	P	P				<a href="#">Section 54.618</a>
Gasoline Service Stations Fuel Dispensing Uses, including Service Stations					S	S	P	P	P	P	P		P	
Indoor Recreation					P	P	P	P	P	P	P			
Light Vehicle/Equipment Sales and Display						P	P	P						<a href="#">Section 54.628</a>
Office, Professional					P	P	P	P	P	P	P			<a href="#">Section 54.634</a>
Off-street Parking Lot			S		S	S	S	S	S	S	S		S	
Outdoor Entertainment and Community Events (Principal Use or Accessory Use)					S	P	S	S	P	P		P		<a href="#">Section 54.636 (C) or (D)</a>
Outdoor Entertainment and Community Events (Temporary Use)	P	P	P	P	P	P	P	P	P	P	P	P	P	<a href="#">Section 54.636(B)</a>
Outdoor Alcoholic Beverage Service					S	P	P	P				SP		<a href="#">Section 54.637</a>
Outdoor Food & Non-Alcoholic Beverage Service					P	P	P	P				P		<a href="#">Section 54.638</a>
Outdoor Recreation			S		P	P	P	P	P	P		P	P	
Pet Boarding Facility							S	S			S			
Restaurant, Indoor Service					P	P	P	P						
Restaurant with Outdoor Alcoholic Beverage Service					S	P	P	P				S		<a href="#">Section 54.637</a>
Restaurant with Outdoor Food & Non-Alcoholic Beverage Service					P	P	P	P				P		<a href="#">Section 54.638</a>
Retail Business, Indoor					P	P	P	P			P			
Retail Business, Outdoor Permanent							S	S			S			

Retail Sales, Outdoor Temporary						P	P	P	P								<a href="#">Section 54.639</a>
Service Establishment						P	P	P	P					P			
Shooting Range, Indoor									P	P				P			<a href="#">Section 54.646</a>
Storage, Open									P	P	P	P	P	P	P		<a href="#">Section 54.635</a>
Vehicle Repair and Service						S	S	PS	P					P			<a href="#">Section 54.627</a>

**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	
<b>Industrial Uses</b>															
Major Repair and Maintenance Operations												S		P	<a href="#">Section 54.627</a>
Manufacturing, Heavy												S		P	<a href="#">Section 54.627</a>
Manufacturing, Light					S	S	S	S				P			<a href="#">Section 54.627</a>
Manufacturing, Light – Low Impact					P	P	P	P	P	P	P			P	<a href="#">Section 54.627</a>
Manufacturing, Light – Medium Impact					S	S	S	S	P	S	P			P	<a href="#">Section 54.627</a>
Natural Resource Extraction Operations												S			<a href="#">Section 54.631</a>
Port Facilities and Docks									S	S		S	S		<a href="#">Section 54.640</a>
Railroad Facilities												P			
Storage, Bulk								S				S		P	<a href="#">Section 54.605</a>
Utility Electrical Power Generation														P	
Warehousing/Storage Facilities									S			P		P	
Wholesale Trade Establishment								P	P			P			
Wholesaling Operations									S			P			
<b>Other Uses</b>															
Accessory Building or Structure	P	P	P		P	P	P	P	P	P	P	P	P	P	<a href="#">Section 54.705</a>
Accessory Use, Non-Single Family Residential Lots	P	P	P		PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	
Accessory Use, Single-Family Residential Lots	P	P	P		P	S									
Agriculture-Like Operation, including Forestry									P	P			P	P	
Food Production, Minor	P	P	P	P	P	P	P	P	P	P	P	P	P	P	<a href="#">Section 54.619</a>
Marihuana Designated Consumption Establishment						S	S								<a href="#">Section 54.629</a>
Marihuana Educational Research						S	S	S			S	S			<a href="#">Section 54.629</a>
Marihuana Grower – Class A						S	S	S				S			<a href="#">Section 54.629</a>
Marihuana Grower – Class B							S	S				S			<a href="#">Section 54.629</a>
Marihuana Grower – Class C								S	S			S			<a href="#">Section 54.629</a>
Marihuana Grower _ Excess							S	S				S			<a href="#">Section 54.629</a>
Marihuana Microbusiness- Class A and Light Manufacturing						S	S	S				S			<a href="#">Section 54.629</a>
Marihuana Microbusiness- Heavy Manufacturing												S			<a href="#">Section 54.629</a>
Marihuana Processor- Light Manufacturing						S	S	S				S			<a href="#">Section 54.629</a>
Marihuana Processor – Heavy Manufacturing												S			<a href="#">Section 54.629</a>
Marihuana Retailer						S	S	S				S			<a href="#">Section 54.629</a>
Marihuana Safety Compliance Facilities					S	S	S	S				S			<a href="#">Section 54.629</a>
Marihuana Secure Transporters								S	S			S			<a href="#">Section 54.629</a>
Small Wind Energy Systems, Roof-Mounted	P	P	P	P	P	P	P	P	P	P	P	P	P	P	<a href="#">Section 54.648</a>
Small Wind Energy Systems, Tower-Mounted							S	S	S	S	S	S	S	S	<a href="#">Section 54.648</a>

Solar Energy Systems <20kw – Accessory Use	P	P	P	P	P	P	P	P	P	P	P	P	P	Section 54.647
Solar Energy Systems ≥20kw to 2 MW – Accessory Use	S	S	S	S	S	S	S	S	P	P	P	S	P	Section 54.647
Solar Energy Systems ≥20kw to 2 MW – Principal Use (Non-residential)				S	S	S	P	P	P	P	S	P		Section 54.647
Recycling Collection and Transfer Stations									S					
Structures between the shoreline of Lake Superior and the pavement of the nearest public street or highway.									S	S		S		
Wireless Telecommunications Facilities					S	S	S	P	P	P	S	P		Section 54.64850
Marquette Downtown Waterfront District Form-Based Code (see <a href="#">Section 54.321</a> )														
Third Street Corridor Form-Based Code (see <a href="#">Section 54.322</a> )														

### Section 54.307 LDR, Low Density Residential District

(A) Intent
The LDR district is intended to establish and preserve quiet, attractive neighborhoods of detached single-family dwellings with a low to medium density and compatible residential land uses. Some additional non-commercial, compatible uses may be allowed. It is also intended that developments in this district will be designed to preserve significant natural features, including woodlands, steep slopes, wetlands, and floodplains.

(B) Permitted Principal Uses	(C) Special Land Uses
<ul style="list-style-type: none"> <li>• Accessory Building or Structure</li> <li>• Accessory Use, Non-Single Family Residential Lots</li> <li>• Accessory Use, Single-Family Residential Lots</li> <li>• Adult Foster Care, Family Home</li> <li>• Adult Foster Care, Small Group Home</li> <li>• <b>Child Care Center or Day Care Center</b></li> <li>• Child or Day Care, Family Home</li> <li>• <b>Child or Day Care, Group Home</b></li> <li>• Dwelling, Accessory Unit</li> <li>• <b>Dwelling, Two-Family (Duplex)</b></li> <li>• Dwelling, Single-Family Detached</li> <li>• Food Production, Minor</li> <li>• Foster Family Home</li> <li>• Home Occupation</li> <li>• Home Office</li> <li>• Homestays and Vacation Home</li> <li>• Outdoor Entertainment and Community Events (Temporary)</li> <li>• Residential Limited Animal Keeping</li> <li>• <b>Small Wind Energy Systems, Roof-Mounted</b></li> <li>• <b>Solar Energy Systems, &lt;20kw- Accessory Use</b></li> </ul>	<ul style="list-style-type: none"> <li>• Cemetery</li> <li>• <del>Child Care Center or Day Care Center</del></li> <li>• <del>Child or Day Care, Group Home</del></li> <li>• Dwelling, Intentional Community</li> <li>• <del>Dwelling, Two-Family (Duplex)</del></li> <li>• <b>Dwelling, Quadplex</b></li> <li>• <b>Dwelling, Triplex</b></li> <li>• Foster Family Group Home</li> <li>• Public or Governmental Building</li> <li>• Recreational Use, Public</li> <li>• Religious Institution</li> <li>• School, Primary or Secondary</li> <li>• <b>Solar Energy Systems, ≥20kw to 2 MW - Accessory Use</b></li> <li>• Supportive Housing Facility, Transitional and/or Permanent</li> </ul>

Where there is a discrepancy between [Section 54.306](#) and this table, [Section 54.306](#) shall prevail.

(D) Dimensional Regulations for 1-2 Dwelling Units and other uses identified in Section 54.307			
Lot, Coverage, and Building Height Standards		Minimum Setbacks	
Min. Lot Area (sq. ft.)	8,100	Front Yard (ft.)	20 <a href="#">(B)</a>
Min. Lot Width (ft.)	60	Side Yard (one) (ft.)	10 <a href="#">(L)</a>
Max. Impervious Surface Coverage (%)	<a href="#">(S)</a>	Side Yard (total of 2) (ft.)	20 <a href="#">(L)</a>
Max. Building Height of Primary Building (ft.) <a href="#">(Q)</a>	31.5	Rear Yard (ft.)	30 <a href="#">(L)</a>
Max. Building Height of Accessory Building	<a href="#">(L)</a>		
Max. Building Height (stories)	-		

Where there is a discrepancy between [Article 4](#) and this table, [Article 4](#) shall prevail.

<b>(E) Dimensional Regulations for 3-4 Dwelling Units</b>			
<b>Lot, Coverage, and Building Height Standards</b>		<b>Minimum Setbacks</b>	
Min. Lot Area (sq. ft.)	9,000 (E)	Front Yard (ft.)	20 (B)
Min. Lot Width (ft.)	75 (E)	Side Yard (one) (ft.)	10 (H), (L)
Max. Impervious Surface Coverage (%)	(S)	Side Yard (total of 2) (ft.)	20 (H), (L)
Max. Building Height of Primary Building (ft.) (Q)	31.5	Rear Yard (ft.)	30 (H), (L)
Max. Building Height of Accessory Building	(L)		
Max. Building Height (stories)	1		
Max. Lot Coverage/ Ground Coverage	0.50		
Where there is a discrepancy between <a href="#">Article 4</a> and this table, <a href="#">Article 4</a> shall prevail.			

## Section 54.308 MDR, Medium Density Residential District

<b>(A) Intent</b>
The MDR district is intended to establish and preserve medium density residential neighborhoods that present an environment acceptable to a range of users, including families of all types. Some additional non-residential compatible uses may be allowed. It is important to the community to preserve and enhance the pedestrian-friendly, compact neighborhood types where homes and buildings are of similar scale and character.

<b>(B) Permitted Principal Uses</b>	<b>(C) Special Land Uses</b>
<ul style="list-style-type: none"> <li>• Accessory Building or Structure</li> <li>• Accessory Use, Non-Single Family Residential Lots</li> <li>• Accessory Use, Single-Family Residential Lots</li> <li>• Adult Foster Care, Family Home</li> <li>• Adult Foster Care, Small Group Home</li> <li>• Child or Day Care, Family Home</li> <li>• <b>Child or Day Care, Group Home</b></li> <li>• <b>Child Care Center or Day Care Center</b></li> <li>• Dwelling, Accessory Unit</li> <li>• <b>Dwelling, Two-Family (Duplex)</b></li> <li>• <b>Dwelling, Triplex</b></li> <li>• Dwelling, Single-Family Detached</li> <li>• Food Production, Minor</li> <li>• Foster Family Home</li> <li>• Home Occupation</li> <li>• Home Office</li> <li>• Homestays and Vacation Home</li> <li>• Outdoor Entertainment and Community Events (Temporary)</li> <li>• Residential Limited Animal Keeping</li> <li>• <b>Small Wind Energy Systems, Roof-Mounted</b></li> <li>• <b>Solar Energy Systems, &lt;20kw- Accessory Use</b></li> </ul>	<ul style="list-style-type: none"> <li>• Cemetery</li> <li>• <del>Child Care Center or Day Care Center</del></li> <li>• <del>Child or Day Care, Group Home</del></li> <li>• Dwelling, Intentional Community</li> <li>• <del>Dwelling, Two-Family (Duplex)</del></li> <li>• <b>Dwelling, Quadplex</b></li> <li>• Foster Family Group Home</li> <li>• Hospital Hospitality House</li> <li>• Public or Governmental Building</li> <li>• Recreational Use, Public</li> <li>• Religious Institution</li> <li>• School, Primary or Secondary</li> <li>• School, University</li> <li>• <b>Solar Energy Systems, ≥20kw to 2 MW - Accessory Use</b></li> <li>• Supportive Housing Facility, Transitional and/or Permanent</li> </ul>
Where there is a discrepancy between <a href="#">Section 54.306</a> and this table, <a href="#">Section 54.306</a> shall prevail.	

<b>(D) Dimensional Regulations for 1 Dwelling unit and other uses identified in Section 54.308</b>			
<b>Lot, Coverage, and Building Height Standards</b>		<b>Minimum Setbacks</b>	
Min. Lot Area (sq. ft.)	4,500	Front Yard (ft.)	15 (A), (B)
Min. Lot Width (ft.)	37.5	Side Yard (one) (ft.)	5 (L)
Max. Impervious Surface Coverage (%)	(S)	Side Yard (total of 2) (ft.)	13 (L)
Max. Building Height of Primary Building (ft.) (Q)	31.5	Rear Yard (ft.)	20 (L)



Max. Building Height of Accessory Building	<u>(L)</u>		
Max. Building Height (stories)	-		
Where there is a discrepancy between <a href="#">Article 4</a> and this table, <a href="#">Article 4</a> shall prevail.			

<b>(E) Dimensional Regulations for 2 Dwelling Units</b>			
<b>Lot, Coverage, and Building Height Standards</b>		<b>Minimum Setbacks</b>	
Min. Lot Area (sq. ft.)	6,000 <u>(C)</u>	Front Yard (ft.)	15 <u>(A),(B)</u>
Min. Lot Width (ft.)	50 <u>(D)</u>	Side Yard (one) (ft.)	10 <u>(L)</u>
Max. Impervious Surface Coverage (%)	<u>(S)</u>	Side Yard (total of 2) (ft.)	20 <u>(L)</u>
Max. Building Height of Primary Building (ft.) <u>(Q)</u>	31.5	Rear Yard (ft.)	20 <u>(L)</u>
Max. Building Height of Accessory Building	<u>(L)</u>		
Max. Building Height (stories)	!		

Where there is a discrepancy between [Article 4](#) and this table, [Article 4](#) shall prevail.

<b>(F) Dimensional Regulations for 3-4 Dwelling Units</b>			
<b>Lot, Coverage, and Building Height Standards</b>		<b>Minimum Setbacks</b>	
Min. Lot Area (sq. ft.)	9,000 <u>(E)</u>	Front Yard (ft.)	15 <u>(A)</u>
Min. Lot Width (ft.)	75 <u>(E)</u>	Side Yard (one) (ft.)	10 <u>(H), (L)</u>
Max. Impervious Surface Coverage (%)	<u>(S)</u>	Side Yard (total of 2) (ft.)	20 <u>(H), (L)</u>
Max. Building Height of Primary Building (ft.) <u>(Q)</u>	31.5	Rear Yard (ft.)	30 <u>(H), (L)</u>
Max. Building Height of Accessory Building	<u>(L)</u>		
Max. Building Height (stories)	!		
Max. Lot Coverage/ Ground Coverage	0.50		

Where there is a discrepancy between [Article 4](#) and this table, [Article 4](#) shall prevail.

**Section 54.309 MFR, Multiple Family Residential District**

<b>(B) Permitted Principal Uses</b>	<b>(C) Special Land Uses</b>
<ul style="list-style-type: none"> <li>Accessory Building or Structure</li> <li>Accessory Use, Non-Single Family Residential Lots</li> <li>Accessory Use, Single-Family Residential Lots</li> <li>Adult Foster Care, Family Home</li> <li>Adult Foster Care, Small Group Home</li> <li>Child or Day Care, Family Home</li> <li><u>Child or Day Care, Group Home</u></li> <li>Dwelling, Accessory Unit</li> <li>Dwelling, Multiple-Family <u>5+ dwelling units</u></li> <li><u>Dwelling, Quadplex</u></li> <li>Dwelling, Single-Family Attached</li> <li>Dwelling, Single-Family Detached</li> <li><u>Dwelling, Triplex</u></li> <li>Dwelling, Two-Family (Duplex)</li> <li>Food Production, Minor</li> <li>Foster Family Home</li> <li>Home Occupation</li> <li>Home Office</li> <li>Homestays and Vacation Home</li> <li>Outdoor Entertainment and Community Events (Temporary)</li> <li><u>Small Wind Energy Systems, Roof-Mounted</u></li> <li><u>Solar Energy Systems, &lt;20kw- Accessory Use</u></li> <li>Supportive Housing Facility, Transitional and/or</li> </ul>	<ul style="list-style-type: none"> <li>Adult Foster Care, Large Group Home</li> <li>Bed and Breakfast</li> <li>Cemetery</li> <li><del>Child or Day Care, Group Home</del></li> <li>Domestic Violence Abuse Shelter</li> <li>Dwelling, Intentional Community</li> <li>Foster Family Group Home</li> <li>Fraternity or Sorority House</li> <li>Halfway House</li> <li>Hospital</li> <li>Hostel</li> <li>Nursing Home, Convalescent Home, Extended Care Facility, Assisted Living Facility</li> <li><u>Off-street Parking Lot</u></li> <li>Outdoor Recreation</li> <li>Public or Governmental Building</li> <li>Recreational Use, Public</li> <li>Religious Institution</li> <li>Rooming House</li> <li>School, Primary or Secondary</li> <li>School, University</li> <li><u>Solar Energy Systems, ≥20kw to 2 MW - Accessory Use</u></li> </ul>

Permanent	
Where there is a discrepancy between <a href="#">Section 54.306</a> and this table, <a href="#">Section 54.306</a> shall prevail.	

<b>(D) Dimensional Regulations 5+ Multiple Family Units</b>			
<b>Lot, Coverage, and Building Height Standards</b>		<b>Minimum Setbacks</b>	
Min. Lot Area (sq. ft.)	15,000	Front Yard (ft.)	15 <a href="#">(A)</a>
Min. Lot Width (ft.)	100	Side Yard (one) (ft.)	15 <a href="#">(H)</a> , <a href="#">(L)</a> , <a href="#">(M)</a>
Max. Impervious Surface Coverage (%)	<a href="#">(T)</a>	Side Yard (total of 2) (ft.)	30 <a href="#">(H)</a> , <a href="#">(L)</a> , <a href="#">(M)</a>
Max. Building Height of Primary Building (ft.) <a href="#">(Q)</a>	36.5 <a href="#">(M)</a> , <a href="#">(N)</a>	Rear Yard (ft.)	30 <a href="#">(H)</a> , <a href="#">(L)</a> , <a href="#">(M)</a>
Max. Building Height of Accessory Building	<a href="#">Sec 54.616(C)</a>	Required Buffer & Greenbelt	<a href="#">(U)</a>
Max. Building Height (stories)	-		
Max. Lot Coverage/ Ground Coverage	<del>0.20</del> <b>0.50</b>		
Where there is a discrepancy between <a href="#">Article 4</a> and this table, <a href="#">Article 4</a> shall prevail.			

<b>(E) Dimensional Regulations for 3-4 Dwelling Units and other uses identified in Section 54.309</b>			
<b>Lot, Coverage, and Building Height Standards</b>		<b>Minimum Setbacks</b>	
Min. Lot Area (sq. ft.)	9,000 <a href="#">(E)</a>	Front Yard (ft.)	15 <a href="#">(A)</a>
Min. Lot Width (ft.)	75 <a href="#">(E)</a>	Side Yard (one) (ft.)	10 <a href="#">(H)</a> , <a href="#">(L)</a> , <a href="#">(M)</a>
Max. Impervious Surface Coverage (%)	<a href="#">(S or T)</a>	Side Yard (total of 2) (ft.)	20 <a href="#">(H)</a> , <a href="#">(L)</a> , <a href="#">(M)</a>
Max. Building Height of Primary Building (ft.) <a href="#">(Q)</a>	36.5 <a href="#">(M)</a> , <a href="#">(N)</a>	Rear Yard (ft.)	30 <a href="#">(H)</a> , <a href="#">(L)</a> , <a href="#">(M)</a>
Max. Building Height of Accessory Building	<a href="#">(L)</a> & <a href="#">Sec 64.616(C)</a>	Required Buffer & Greenbelt	<a href="#">(U)</a>
Max. Building Height (stories)	-		
Max. Lot Coverage/ Ground Coverage	<del>0.20</del> <b>0.50</b>		
Where there is a discrepancy between <a href="#">Article 4</a> and this table, <a href="#">Article 4</a> shall prevail.			

**Section 54.310 MHP, Mobile Home Park District**

<b>(B) Permitted Principal Uses</b>	<b>(C) Special Land Uses</b>
<ul style="list-style-type: none"> <li>Adult Foster Care, Family Home</li> <li>Child or Day Care, Family Home</li> <li>Food Production, Minor</li> <li>Mobile Home Park</li> <li>Outdoor Entertainment and Community Events (Temporary)</li> <li><b>Small Wind Energy Systems, Roof-Mounted</b></li> <li><b>Solar Energy Systems, &lt;20kw- Accessory Use</b></li> </ul>	<ul style="list-style-type: none"> <li><b>Solar Energy Systems, ≥20kw to 2 MW - Accessory Use</b></li> </ul>
Where there is a discrepancy between <a href="#">Section 54.306</a> and this table, <a href="#">Section 54.306</a> shall prevail.	

**Section 54.311 M-U, Mixed-Use District**

<b>(B) Permitted Principal Uses</b>	<b>(C) Special Land Uses</b>
<ul style="list-style-type: none"> <li>• Accessory Building or Structure</li> <li>• <b>Accessory Use, Non-Single Family Residential Lots</b></li> <li>• Accessory Use, Single-Family Residential Lots</li> <li>• Adult Foster Care, Family Home</li> <li>• Adult Foster Care, Small Group Home</li> <li>• Child Care Center or Day Care Center</li> <li>• Child or Day Care, Family Home</li> <li>• <b>Child or Day Care, Group Home</b></li> <li>• Drive-Through Uses</li> <li>• Dwelling, Accessory Unit</li> <li>• Dwelling, Live/Work</li> <li>• Dwelling, Multiple-Family <b>5+ dwelling units</b></li> <li>• <b>Dwelling, Quadplex</b></li> <li>• Dwelling, Single-Family Attached</li> <li>• Dwelling, Single-Family Detached</li> <li>• <b>Dwelling, Triplex</b></li> <li>• Dwelling, Two-Family (Duplex)</li> <li>• Emergency Services</li> <li>• Farmers' Markets</li> <li>• Food Production, Minor</li> <li>• Foster Family Home</li> <li>• Health Services</li> <li>• Home Occupation</li> <li>• Home Office</li> <li>• Homestays and Vacation Home</li> <li>• Hospice</li> <li>• Indoor Recreation</li> <li>• <b>Manufacturing, Light – Low Impact</b></li> <li>• Medical Hospital Related Accessory Uses</li> <li>• Medical Hospital Related Office or Uses</li> <li>• Office, Medical</li> <li>• Office, Professional</li> <li>• Outdoor Entertainment and Community Events (Temporary)</li> <li>• Outdoor Food and Non-Alcoholic Beverage Service</li> <li>• Outdoor Recreation</li> <li>• Public or Governmental Building</li> <li>• Religious Institution</li> <li>• Restaurant, Indoor Service</li> <li>• <b>Restaurant with Outdoor Food &amp; Non-Alcoholic Beverage Service</b></li> <li>• Retail Business, Indoor</li> <li>• Retail Sales, Outdoor Temporary</li> <li>• Service Establishment</li> <li>• <b>Small Wind Energy Systems, Roof-Mounted</b></li> <li>• <b>Solar Energy Systems, &lt;20kw- Accessory Use</b></li> <li>• Veterinary Clinic (Domestic Animals Only)</li> </ul>	<ul style="list-style-type: none"> <li>• <del>Accessory Use, Non-Single Family Residential Lots</del></li> <li>• Bar</li> <li>• Bed and Breakfast</li> <li>• Bed and Breakfast Inn</li> <li>• <del>Child or Day Care, Group Home</del></li> <li>• Domestic Violence Abuse Shelter</li> <li>• Dwelling, Intentional Community</li> <li>• Foster Family Group Home</li> <li>• Fraternity or Sorority House</li> <li>• <b>Fuel Dispensing Uses, including Service Stations</b></li> <li>• Halfway House</li> <li>• Homeless Shelter</li> <li>• Hospital</li> <li>• Hospital Hospitality House</li> <li>• Hostel</li> <li>• Hotel or Motel</li> <li>• Manufacturing, Light <b>– Medium Impact</b></li> <li>• Marihuana Safety Compliance Facility</li> <li>• Nursing Home, Convalescent Home, Extended Care Facility, Assisted Living Facility</li> <li>• <b>Off-street Parking Lot</b></li> <li>• Outdoor Entertainment and Community Events (Principal or Accessory Use)</li> <li>• Outdoor Alcoholic Beverage Service</li> <li>• Recreational Use, Public</li> <li>• <b>Restaurant with Outdoor Alcoholic Beverage Service</b></li> <li>• Rooming House</li> <li>• School, Primary or Secondary</li> <li>• School, University</li> <li>• <b>Solar Energy Systems, ≥20kw to 2 MW - Accessory Use</b></li> <li>• <b>Solar Energy Systems, ≥20kw to 2 MW - Principal Use (Non-residential)</b></li> <li>• Supportive Housing Facility, Transitional and/or Permanent</li> <li>• Vehicle Repair and Service</li> </ul>
<p>Where there is a discrepancy between <a href="#">Section 54.306</a> and this table, <a href="#">Section 54.306</a> shall prevail.</p>	

**Section 54.312 CBD, Central Business District**

<b>(B) Permitted Principal Uses</b>	<b>(C) Special Land Uses</b>
<ul style="list-style-type: none"> <li>• Accessory Building or Structure</li> <li>• <u>Accessory Use, Non-Single Family Residential Lots</u></li> <li>• Adult Foster Care, Family Home</li> <li>• Bar</li> <li>• Child or Day Care, Family Home</li> <li>• <u>Child Care Center or Day Care Center</u></li> <li>• Drive-Through Uses</li> <li>• Dwelling, Live/Work</li> <li>• Dwelling, Accessory Unit</li> <li>• Dwelling, Multiple Family <u>5+ dwelling units</u></li> <li>• <u>Dwelling, Quadplex</u></li> <li>• Dwelling, Two-Family (Duplex)</li> <li>• <u>Dwelling, Triplex</u></li> <li>• Emergency Services</li> <li>• Farmers’ Markets</li> <li>• Food Production, Minor</li> <li>• Foster Family Home</li> <li>• Health Services</li> <li>• Home Occupation</li> <li>• Home Office</li> <li>• Homestays and Vacation Home</li> <li>• Hospice</li> <li>• Indoor Recreation</li> <li>• <u>Manufacturing, Light- Low Impact</u></li> <li>• Light Vehicle/Equipment Sales and Display</li> <li>• Medical Hospital Related Accessory Uses</li> <li>• Medical Hospital Related Office or Uses</li> <li>• Office, Medical</li> <li>• Office, Professional</li> <li>• Outdoor Alcoholic Food and Beverage Service</li> <li>• Outdoor Entertainment and Community Events (Principal, Temporary, or Accessory Use)</li> <li>• Outdoor Food and Non-Alcoholic Beverage Service</li> <li>• Outdoor Recreation</li> <li>• Public or Governmental Building</li> <li>• Restaurant, Indoor Service</li> <li>• Retail Business, Indoor</li> <li>• <u>Restaurant with Outdoor Food &amp; Non-Alcoholic Beverage Service</u></li> <li>• <u>Restaurant with Outdoor Alcoholic Beverage Service</u></li> <li>• Retail Sales, Outdoor Temporary</li> <li>• Service Establishment</li> <li>• <u>Small Wind Energy Systems, Roof-Mounted</u></li> <li>• <u>Solar Energy Systems, &lt;20kw- Accessory Use</u></li> <li>• Veterinary Clinic (Domestic Animals Only)</li> </ul>	<ul style="list-style-type: none"> <li>• <del>Accessory Use, Non-Single Family Residential Lots</del></li> <li>• Accessory Use, Single-Family Residential Lots</li> <li>• Bed and Breakfast</li> <li>• Bed and Breakfast Inn</li> <li>• <del>Child Care Center or Day Care Center</del></li> <li>• Domestic Violence Abuse Shelter</li> <li>• Dwelling, Intentional Community</li> <li>• Dwelling, Single-Family Attached</li> <li>• Dwelling, Single-Family Detached</li> <li>• Foster Family Group Home</li> <li>• Fraternity or Sorority House</li> <li>• <u>Gasoline Service Stations Fuel Dispensing Uses, including Service Stations</u></li> <li>• Homeless Shelter</li> <li>• Hospital</li> <li>• Hospital Hospitality House</li> <li>• Hostel</li> <li>• Hotel or Motel</li> <li>• Manufacturing, Light <u>– Medium Impact</u></li> <li>• Marihuana Designated Consumption Establishment</li> <li>• Marihuana Educational Research</li> <li>• Marihuana Grower – Class A</li> <li>• Marihuana Microbusiness – Light Manufacturing</li> <li>• Marihuana Processor – Light Manufacturing</li> <li>• Marihuana Retailer</li> <li>• Marihuana Safety Compliance Facility</li> <li>• Nursing Home, Convalescent Home, Extended Care Facility, Assisted Living Facility</li> <li>• <u>Off-street Parking Lot</u></li> <li>• Recreational Use, Public</li> <li>• Religious Institution</li> <li>• Rooming House</li> <li>• School, Primary or Secondary</li> <li>• School, University</li> <li>• <u>Solar Energy Systems, ≥20kw to 2 MW - Accessory Use</u></li> <li>• <u>Solar Energy Systems, ≥20kw to 2 MW - Principal Use (Non-residential)</u></li> <li>• Supportive Housing Facility, Transitional and/or Permanent</li> <li>• Vehicle Repair and Service</li> <li>• Wireless Telecommunications Facilities</li> </ul>
<p>Where there is a discrepancy between <a href="#">Section 54.306</a> and this table, <a href="#">Section 54.306</a> shall prevail.</p>	

**(D) Dimensional Regulations**

<b>Lot, Coverage, and Building Height Standards</b>		<b>Minimum Setbacks</b>	
Min. Lot Area (sq. ft.)	None	Front Yard (ft.)	0
Min. Lot Width (ft.)	24	<b>Front Yard (ft.) Maximum Setback</b>	<b>10</b>
Max. Impervious Surface Coverage (%)	<u>(S or T)</u>	Side Yard (one) (ft.)	5 <u>(J)</u>
Max. Building Height of Primary Building (ft.) <u>(Q)</u>	74	Side Yard (total of 2) (ft.)	10 <u>(J)</u>
Max. Building Height of Accessory Building <u>(L)</u>	18	Rear Yard (ft.)	10 <u>(J)</u>
Max. Building Height (stories)	-	Required Buffer & Greenbelt	<u>(U)</u>

Where there is a discrepancy between [Article 4](#) and this table, [Article 4](#) shall prevail.

## Section 54.313 GC, General Commercial District

<b>(B) Permitted Principal Uses</b>	<b>(C) Special Land Uses</b>
<ul style="list-style-type: none"> <li>• Accessory Building or Structure</li> <li>• <b>Accessory Use, Non-Single Family Residential Lots</b></li> <li>• Bar</li> <li>• Child Care Center or Day Care Center</li> <li>• Drive-Through Uses</li> <li>• Emergency Services</li> <li>• Farmers' Markets</li> <li>• Food Production, Minor</li> <li>• <b>Gasoline Service Stations Fuel Dispensing Uses, including Service Stations</b></li> <li>• Health Services</li> <li>• Hospice</li> <li>• Hotel or Motel</li> <li>• Indoor Recreation</li> <li>• <b>Manufacturing, Light – Low Impact</b></li> <li>• Light Vehicle/Equipment Sales and Display</li> <li>• Medical Hospital Related Accessory Uses</li> <li>• Medical Hospital Related Office or Uses</li> <li>• Office, Medical</li> <li>• Office, Professional</li> <li>• Outdoor Alcoholic Beverage Service</li> <li>• Outdoor Entertainment and Community Events (Temporary Use)</li> <li>• Outdoor Food and Non-Alcoholic Beverage Service</li> <li>• Outdoor Recreation</li> <li>• Public or Governmental Building</li> <li>• Religious Institution</li> <li>• Restaurant, Indoor Service</li> <li>• <b>Restaurant with Outdoor Food &amp; Non-Alcoholic Beverage Service</b></li> <li>• <b>Restaurant with Outdoor Alcoholic Beverage Service</b></li> <li>• Retail Business, Indoor</li> <li>• Retail Sales, Outdoor Temporary</li> <li>• Service Establishment</li> <li>• Shooting Range, Indoor</li> <li>• <b>Small Wind Energy Systems, Roof-Mounted</b></li> <li>• <b>Solar Energy Systems, &lt;20kw- Accessory Use</b></li> <li>• Storage, Open</li> </ul>	<ul style="list-style-type: none"> <li>• <del>Accessory Use, Non-Single Family Residential Lots</del></li> <li>• Hospital</li> <li>• Hostel</li> <li>• Manufacturing, Light – <b>Medium Impact</b></li> <li>• Marihuana Designated Consumption Establishment</li> <li>• Marihuana Educational Research</li> <li>• Marihuana Grower – Class A</li> <li>• Marihuana Grower – Class B</li> <li>• Marihuana Grower – Class C</li> <li>• Marihuana Grower – Excess</li> <li>• Marihuana Microbusiness Class A and Light Manufacturing</li> <li>• Marihuana Processor – Light Manufacturing</li> <li>• Marihuana Retailer</li> <li>• Marihuana Safety Compliance Facility</li> <li>• Marihuana Secure Transporters</li> <li>• <b>Off-street Parking Lot</b></li> <li>• Outdoor Entertainment and Community Events (Principal &amp; Accessory Use)</li> <li>• Pet Boarding Facility</li> <li>• Recreational Use, Public</li> <li>• Retail Business, Outdoor Permanent</li> <li>• Rooming House</li> <li>• <b>Small Wind Energy Systems, Tower-Mounted</b></li> <li>• <b>Solar Energy Systems, ≥20kw to 2 MW - Accessory Use</b></li> <li>• <b>Solar Energy Systems, ≥20kw to 2 MW - Principal Use (Non-residential)</b></li> <li>• <del>Vehicle Repair and Service</del></li> <li>• Wireless Telecommunications Facilities</li> </ul>

<ul style="list-style-type: none"> <li>• <b>Vehicle Repair and Service</b></li> <li>• Veterinary Clinic (Domestic Animals Only)</li> <li>• Wholesale Trade Establishment</li> </ul>	
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Where there is a discrepancy between [Section 54.306](#) and this table, [Section 54.306](#) shall prevail.

### Section 54.314 RC, Regional Commercial District

(B) Permitted Principal Uses	(C) Special Land Uses
<ul style="list-style-type: none"> <li>• Accessory Building or Structure</li> <li>• <b>Accessory Use, Non-Single Family Residential Lots</b></li> <li>• Bar</li> <li>• Child Care Center or Day Care Center</li> <li>• Drive-Through Uses</li> <li>• Emergency Services</li> <li>• Farmers’ Markets</li> <li>• Food Production, Minor</li> <li>• <b>Gasoline Service Stations Fuel Dispensing Uses, including Service Stations</b></li> <li>• Health Services</li> <li>• Hospice</li> <li>• Hotel or Motel</li> <li>• Indoor Recreation</li> <li>• <b>Manufacturing, Light – Low Impact</b></li> <li>• Light Vehicle/Equipment Sales and Display</li> <li>• Medical Hospital Related Accessory Uses</li> <li>• Medical Hospital Related Office or Uses</li> <li>• Office, Medical</li> <li>• Office, Professional</li> <li>• Outdoor Alcoholic Beverage Service</li> <li>• Outdoor Entertainment and Community Events (Temporary Use)</li> <li>• Outdoor Food and Non-Alcoholic Beverage Service</li> <li>• Outdoor Recreation</li> <li>• Public or Governmental Building</li> <li>• Religious Institution</li> <li>• Restaurant, Indoor Service</li> <li>• <b>Restaurant with Outdoor Food &amp; Non-Alcoholic Beverage Service</b></li> <li>• <b>Restaurant with Outdoor Alcoholic Beverage Service</b></li> <li>• Retail Business, Indoor</li> <li>• Retail Sales, Outdoor Temporary</li> <li>• Service Establishment</li> <li>• Shooting Range, Indoor</li> <li>• <b>Small Wind Energy Systems, Roof-Mounted</b></li> <li>• <b>Solar Energy Systems, &lt;20kw- Accessory Use</b></li> <li>• <b>Solar Energy Systems, ≥20kw to 2 MW - Principal Use (Non-residential)</b></li> <li>• Storage, Open</li> <li>• Vehicle Repair and Service</li> <li>• Veterinary Clinic (Domestic Animals Only)</li> <li>• Wholesale Trade Establishment</li> </ul>	<ul style="list-style-type: none"> <li>• <del>Accessory Use, Non-Single Family Residential Lots</del></li> <li>• Hospital</li> <li>• Manufacturing, Light – <b>Medium Impact</b></li> <li>• Marihuana Educational Research</li> <li>• Marihuana Grower – Class A</li> <li>• Marihuana Grower – Class B</li> <li>• Marihuana Grower – Class C</li> <li>• Marihuana Grower – Excess</li> <li>• Marihuana Microbusiness – Class A and Light Manufacturing</li> <li>• Marihuana Processor – Light Manufacturing</li> <li>• Marihuana Retailer</li> <li>• Marihuana Safety Compliance Facility</li> <li>• Marihuana Secure Transporters</li> <li>• <b>Off-street Parking Lot</b></li> <li>• Outdoor Entertainment and Community Events (Principal &amp; Accessory Use)</li> <li>• Pet Boarding Facility</li> <li>• Recreational Use, Public</li> <li>• Retail Business, Outdoor Permanent</li> <li>• <b>Small Wind Energy Systems, Tower-Mounted</b></li> <li>• <b>Solar Energy Systems, ≥20kw to 2 MW - Accessory Use</b></li> <li>• Storage, Bulk</li> <li>• Warehousing/Storage Facilities</li> <li>• Wholesaling Operations</li> <li>• Wireless Telecommunications Facilities</li> </ul>

Where there is a discrepancy between [Section 54.306](#) and this table, [Section 54.306](#) shall prevail.

**Section 54.315 M, Municipal District**

<b>(B) Permitted Principal Uses</b>	<b>(C) Special Land Uses</b>
<ul style="list-style-type: none"> <li>• Accessory Building or Structure</li> <li>• <b>Accessory Use, Non-Single Family Residential Lots</b></li> <li>• Agriculture-Like Operation, including Forestry</li> <li>• Cemetery</li> <li>• Farmers' Markets</li> <li>• Food Production, Minor</li> <li>• <b>Fuel Dispensing Uses, including Service Stations</b></li> <li>• Indoor Recreation</li> <li>• <b>Manufacturing, Light – Low Impact</b></li> <li>• <b>Manufacturing, Light – Medium Impact</b></li> <li>• Office, Professional</li> <li>• Outdoor Entertainment and Community Events (Principal, Temporary, or Accessory Use)</li> <li>• Outdoor Recreation</li> <li>• Public or Governmental Building</li> <li>• Recreational Use, Public</li> <li>• School, Primary or Secondary</li> <li>• School, University</li> <li>• <b>Small Wind Energy Systems, Roof-Mounted</b></li> <li>• <b>Solar Energy Systems, &lt;20kw- Accessory Use</b></li> <li>• <b>Solar Energy Systems, ≥20kw to 2 MW - Accessory Use</b></li> <li>• <b>Solar Energy Systems, ≥20kw to 2 MW - Principal Use (Non-residential)</b></li> <li>• Storage, Open</li> <li>• Wireless Telecommunications Facilities</li> </ul>	<ul style="list-style-type: none"> <li>• <del>Accessory Use, Non-Single Family Residential Lots</del></li> <li>• <b>Off-street Parking Lot</b></li> <li>• Port Facilities and Docks</li> <li>• Recycling Collection and Transfer Stations</li> <li>• <b>Small Wind Energy Systems, Tower-Mounted</b></li> <li>• Structures between the shoreline of Lake Superior and the pavement of the nearest public street or highway.</li> </ul>
<p>Where there is a discrepancy between <a href="#">Section 54.306</a> and this table, <a href="#">Section 54.306</a> shall prevail.</p>	

**Section 54.316 C, Civic District**

<b>(B) Permitted Principal Uses</b>	<b>(C) Special Land Uses</b>
<ul style="list-style-type: none"> <li>• Accessory Building or Structure</li> <li>• <b>Accessory Use, Non-Single Family Residential Lots</b></li> <li>• Agriculture-Like Operation, including Forestry</li> <li>• Cemetery</li> <li>• Farmers' Markets</li> <li>• Food Production, Minor</li> <li>• <b>Fuel Dispensing Uses, including Service Stations</b></li> <li>• Indoor Recreation</li> <li>• <b>Manufacturing, Light – Low Impact</b></li> <li>• Office, Professional</li> <li>• Outdoor Entertainment and Community Events (Principal, Temporary, or Accessory Use)</li> <li>• Outdoor Recreation</li> <li>• Public or Governmental Building</li> <li>• Recreational Use, Public</li> <li>• School, Primary or Secondary</li> <li>• School, University</li> <li>• <b>Small Wind Energy Systems, Roof-Mounted</b></li> </ul>	<ul style="list-style-type: none"> <li>• <del>Accessory Use, Non-Single Family Residential Lots</del></li> <li>• <b>Manufacturing, Light – Medium Impact</b></li> <li>• Marihuana Educational Research</li> <li>• <b>Off-street Parking Lot</b></li> <li>• Port Facilities and Docks</li> <li>• <b>Small Wind Energy Systems, Tower-Mounted</b></li> <li>• Structures between the shoreline of Lake Superior and the pavement of the nearest public street or highway.</li> </ul>



<ul style="list-style-type: none"> <li>• <u>Solar Energy Systems, &lt;20kw- Accessory Use</u></li> <li>• <u>Solar Energy Systems, ≥20kw to 2 MW - Accessory Use</u></li> <li>• <u>Solar Energy Systems, ≥20kw to 2 MW - Principal Use (Non-residential)</u></li> <li>• Storage, Open</li> <li>• Wireless Telecommunications Facilities</li> </ul>	
Where there is a discrepancy between <a href="#">Section 54.306</a> and this table, <a href="#">Section 54.306</a> shall prevail.	

**Section 54.317 IM, Industrial/Manufacturing District**

<b>(B) Permitted Principal Uses</b>	<b>(C) Special Land Uses</b>
<ul style="list-style-type: none"> <li>• Accessory Building or Structure</li> <li>• <u>Accessory Use, Non-Single Family Residential Lots</u></li> <li>• Food Production, Minor</li> <li>• <del>Gasoline Service Stations</del> <u>Fuel Dispensing Uses, including Service Stations</u></li> <li>• Indoor Recreation</li> <li>• <u>Manufacturing, Light – Low Impact</u></li> <li>• <u>Manufacturing, Light – Medium Impact</u></li> <li>• Office, Medical</li> <li>• Office, Professional</li> <li>• Outdoor Entertainment and Community Events (Temporary)</li> <li>• Public or Governmental Building</li> <li>• Railroad Facilities</li> <li>• Religious Institution</li> <li>• Retail Business, Indoor</li> <li>• Service Establishment</li> <li>• Shooting Range, Indoor</li> <li>• <u>Small Wind Energy Systems, Roof-Mounted</u></li> <li>• <u>Solar Energy Systems, &lt;20kw- Accessory Use</u></li> <li>• <u>Solar Energy Systems, ≥20kw to 2 MW - Accessory Use</u></li> <li>• <u>Solar Energy Systems, ≥20kw to 2 MW - Principal Use (Non-residential)</u></li> <li>• Storage, Open</li> <li>• Vehicle Repair and Service</li> <li>• Veterinary Clinic (Domestic Animals Only)</li> <li>• Warehousing/Storage Facilities</li> <li>• Wholesale Trade Establishment</li> <li>• Wholesaling Operations</li> <li>• Wireless Telecommunications Facilities</li> </ul>	<ul style="list-style-type: none"> <li>• <del>Accessory Use, Non-Single Family Residential Lots</del></li> <li>• Adult Entertainment Uses</li> <li>• Major Repair and Maintenance Operations</li> <li>• Marihuana Educational Research</li> <li>• Marihuana Grower – Class A</li> <li>• Marihuana Grower – Class B</li> <li>• Marihuana Grower – Class C</li> <li>• Marihuana Grower – Excess</li> <li>• Marihuana Microbusiness – Class A and Light Manufacturing</li> <li>• Marihuana Microbusiness – Heavy Manufacturing</li> <li>• Marihuana Processor – Light Manufacturing</li> <li>• Marihuana Processor – Heavy Manufacturing</li> <li>• Marihuana Retailer</li> <li>• Marihuana Safety Compliance Facility</li> <li>• Marihuana Secure Transporters</li> <li>• Manufacturing, Heavy</li> <li>• <u>Off-street Parking Lot</u></li> <li>• Pet Boarding Facility</li> <li>• Retail Business, Outdoor Permanent</li> <li>• <u>Small Wind Energy Systems, Tower-Mounted</u></li> <li>• Storage, Bulk</li> </ul>
Where there is a discrepancy between <a href="#">Section 54.306</a> and this table, <a href="#">Section 54.306</a> shall prevail.	

**Section 54.318 CR, Conservation and Recreation District**

<b>(B) Permitted Principal Uses</b>	<b>(C) Special Land Uses</b>
<ul style="list-style-type: none"> <li>• Accessory Building or Structure</li> <li>• <u>Accessory Use, Non-Single Family Residential Lots</u></li> <li>• Agriculture-Like Operation, including Forestry</li> <li>• Food Production, Minor</li> <li>• Outdoor Entertainment and Community Events (Accessory, Temporary, and Principal)</li> <li>• <del>Outdoor Alcoholic Beverage Service</del></li> <li>• Outdoor Food and Non-Alcoholic Beverage Service</li> <li>• Outdoor Recreation</li> <li>• Public or Governmental Building</li> </ul>	<ul style="list-style-type: none"> <li>• <del>Accessory Use, Non-Single Family Residential Lots</del></li> <li>• Natural Resource Extraction Operations</li> <li>• <u>Outdoor Alcoholic Beverage Service</u></li> <li>• Port Facilities and Docks</li> <li>• Recreational Use, Land Intensive</li> <li>• <u>Restaurant with Outdoor Alcoholic Beverage Service</u></li> <li>• <u>Small Wind Energy Systems, Tower-Mounted</u></li> <li>• <u>Solar Energy Systems, ≥20kw to 2 MW - Accessory Use</u></li> <li>• <u>Solar Energy Systems, ≥20kw to 2 MW - Principal Use</u></li> </ul>



<ul style="list-style-type: none"> <li>Recreational Use, Public</li> <li>Restaurant with Outdoor Food &amp; Non-Alcoholic Beverage Service</li> <li>Small Wind Energy Systems, Roof-Mounted</li> <li>Solar Energy Systems, &lt;20kw- Accessory Use</li> <li>Storage, Open</li> </ul>	<p>(Non-residential)</p> <ul style="list-style-type: none"> <li>Structures between the shoreline of Lake Superior and the pavement of the nearest public street or highway.</li> <li>Wireless Telecommunications Facilities</li> </ul>
<p>Where there is a discrepancy between <a href="#">Section 54.306</a> and this table, <a href="#">Section 54.306</a> shall prevail.</p>	

**Section 54.319 BLP, Board of Light and Power District**

<b>(B) Permitted Principal Uses</b>	<b>(C) Special Land Uses</b>
<ul style="list-style-type: none"> <li>Accessory Building or Structure</li> <li>Accessory Use, Non-Single Family Residential Lots</li> <li>Agriculture-Like Operation, including Forestry</li> <li>Food Production, Minor</li> <li>Fuel Dispensing Uses, including Service Stations</li> <li>Major Repair and Maintenance Operations</li> <li>Manufacturing, Light – Low Impact</li> <li>Manufacturing, Light – Medium Impact</li> <li>Manufacturing, Heavy</li> <li>Outdoor Entertainment and Community Events (Temporary)</li> <li>Outdoor Recreation</li> <li>Public or Governmental Building</li> <li>Recreational Use, Public</li> <li>Small Wind Energy Systems, Roof-Mounted</li> <li>Solar Energy Systems, &lt;20kw- Accessory Use</li> <li>Solar Energy Systems, ≥20kw to 2 MW - Accessory Use</li> <li>Solar Energy Systems, ≥20kw to 2 MW - Principal Use</li> <li>(Non-residential)</li> <li>Storage, Bulk</li> <li>Storage, Open</li> <li>Utility Electrical Power Generation</li> <li>Warehousing</li> <li>Wireless Telecommunications Facilities</li> </ul>	<ul style="list-style-type: none"> <li>Accessory Use, Non-Single Family Residential Lots</li> <li>Off-street Parking Lot</li> <li>Port Facilities and Docks</li> <li>Recreational Use, Land Intensive</li> <li>Small Wind Energy Systems, Tower-Mounted</li> </ul>
<p>Where there is a discrepancy between <a href="#">Section 54.306</a> and this table, <a href="#">Section 54.306</a> shall prevail.</p>	

**Section 54.320 RO, Riparian Overlay District**

(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, Lake Superior shoreline Coastal High Hazard Areas as depicted on the current Flood Insurance Rate Map published by the Federal Emergency Management Agency and designated as AE flood zones defined by the Federal Emergency Management Agency, 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:

**(K) Definitions**

**(ss) USE, COMMERCE:** For the purpose of the Waterfront District, COMMERCE uses shall be considered to encompass all of the following (see [Article 6](#) for applicable standards for specific uses):

- (i)** Executive, Administrative, and Professional Offices (See [Section 54.634](#))
- (ii)** Medical and Dental Offices, and Clinics (See [Section 54.634](#))
- (iii)** Day Care Centers (See [Section 54.609](#))
- (iv)** On-premise Alcohol Sales
- (v)** Outdoor Food and Beverage Service (See [Section 54.638](#))
- (vi)** All of the Civic Use Categories Except Passenger Terminals
- (vii)** All of the Retail Use Categories
- (viii)** Parking **Lot**, Facilities and Structures, including a parking lot attendant shelter.
- (ix)** Outdoor Recreation.

Figure 10. Downtown Marquette Waterfront District Table of Permitted and Special Uses

USE	G3	G5	NL	WWZ	WF	F5
<b>A. RESIDENTIAL</b>						
Dwelling Units (see <a href="#">Article 6</a> )	P	P	P	P	P	P
Bed and Breakfasts (see <a href="#">Section 54.603</a> )	P	P	P	P	P	P
Bed and Breakfast Inns (see <a href="#">Section 54.604</a> )	P	P	P	P	P	P
Adult Foster Care Family Home	P	P	P	P	P	P
Family Day Care Homes	P	P	P	P	P	P
Foster Family Homes	P	P	P	P	P	P
Domestic Violence Shelter (see <a href="#">Section 54.610</a> )	P	P	P	P	P	P
Homestays (see <a href="#">Section 54.624</a> )	P	P	P	P	P	P
Vacation Home Rentals (see <a href="#">Section 54.624</a> )	P	P	P	P	P	P
Home Office (see <a href="#">Section 54.622</a> )	P	P	P	P	P	P
Home Occupation (see <a href="#">Section 54.621</a> )	P	P	P	P	P	P
Group Day Care Home ( <a href="#">Section 54.608</a> )	PS	PS	PS	PS	PS	PS
Foster Family Group Home	S	S	S	S	S	S
Halfway House ( <a href="#">Section 54.620</a> )	S	S	S	S	S	S
Homeless Shelter ( <a href="#">Section 54.623</a> )	S	S	S	S	S	S
<b>B. RETAIL</b>						
Retail Service	P	P		P	P	P
Retail Specialty	P	P		P	P	P
Retail Trade	P	P		P	P	P
<b>C. CIVIC</b>						
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; and government functions open to the public.	P	P		P	P	P
<b>D. COMMERCE</b>						
Executive, Administrative, and Professional Offices (See <a href="#">Section 54.634</a> )	P	P		P	P	P
Medical and Dental Offices, and Clinics (See <a href="#">Section 54.634</a> )	P	P		P	P	P
Day Care Centers (See <a href="#">Section 54.609</a> )	P	P		P	P	P
On-premise Alcohol Sales	P	P		P	P	P
Outdoor Alcoholic Beverage Service (See <a href="#">Section 54.637</a> )	P	P		P	P	P
Outdoor Food and Non-Alcoholic Beverage Service (See <a href="#">Section 54.638</a> )	P	P		P	P	P
All of the Civic Use Categories Except Passenger Terminals	P	P		P	P	P
All of the Retail Use Categories	P	P		P	P	P
Parking Lot, Facilities and Structures, including a parking lot attendant shelter.	SP	SP		SP	SP	SP
Outdoor Recreation.	P	P		P	P	P
<b>E. LIGHT INDUSTRIAL</b>						
Light Manufacturing (See <a href="#">Section 54.627</a> )	P	P		P	P	P
Waterfront Related Repair and Maintenance	P	P		P	P	P
Mooring and Docking of Boats	P	P		P	P	P
Winter Storage of Watercraft Between the Dates of October 1st and May 30th	P	P		P	P	P
<b>F. OTHER</b>						
Wireless Telecommunications Facilities (See <a href="#">Section 54.648</a> )	S	S		S	S	S
Outdoor Entertainment and Community Events (See <a href="#">Section 54.636</a> )	P	P		S	S	S
Recreation Use, Public	S	S		S	S	S
Marihuana Educational Research (See <a href="#">Section 54.629</a> )	S	S		S	S	S
Marihuana Microbusiness – Class A and Light Manufacturing (See <a href="#">Section 54.629</a> )	S	S		S	S	S
Marihuana Retailer (See <a href="#">Section 54.629</a> )	S	S		S	S	S
Marihuana Processor – Light Manufacturing (See <a href="#">Section 54.629</a> )	S	S		S	S	S
Marihuana Safety Compliance Facility (See <a href="#">Section 54.629</a> )	S	S		S	S	S
Marihuana Designated Consumption Establishment (See <a href="#">Section 54.629</a> )	S	S				
Accessory Use, Non-Single Family Residential Lots	P	P		P	P	P
Solar Energy Systems <20kw – Accessory Use	P	P	P	P	P	P

## Section 54.322 Third Street Corridor District Form-Based Code

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

Figure 14. T4 Standards

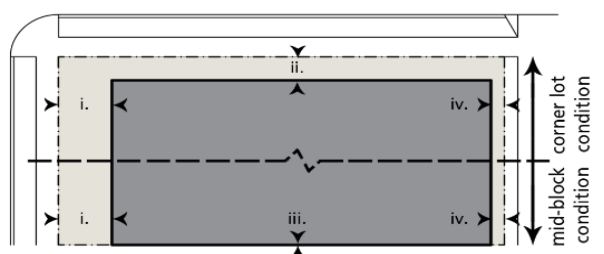
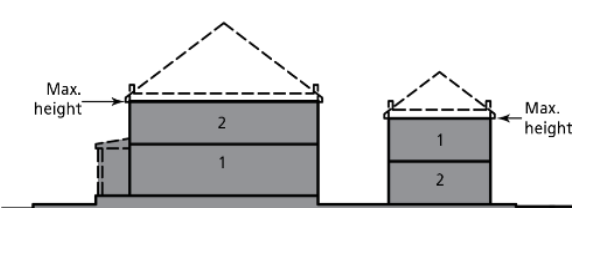
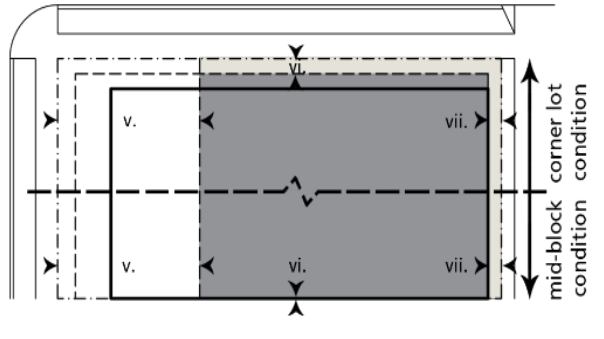
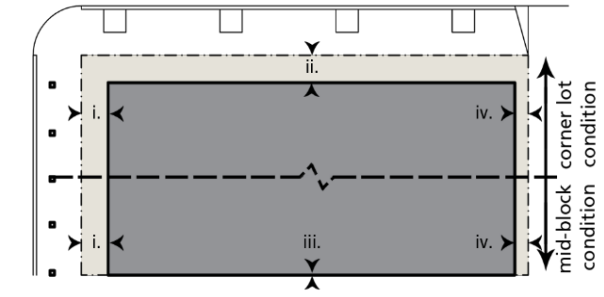
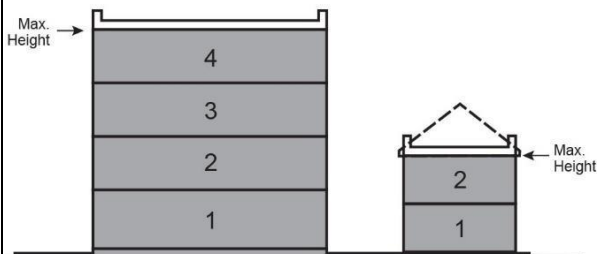
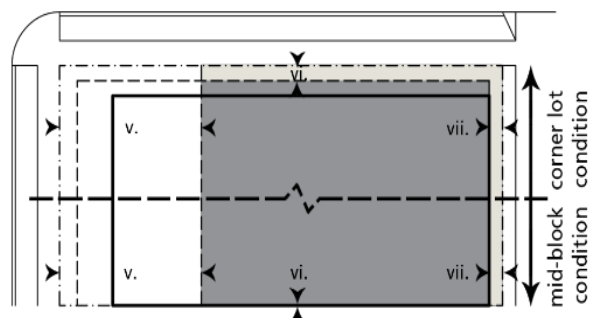
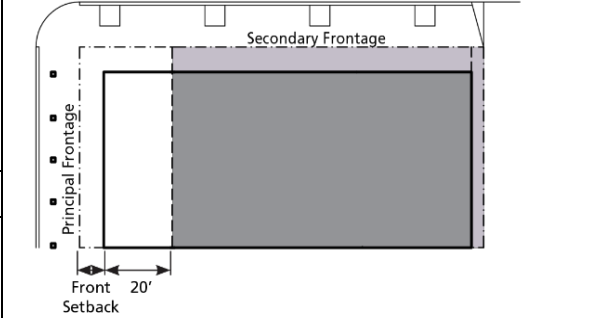
A. BUILDING PLACEMENT		B. BUILDING FORM	
PRINCIPAL BUILDING		HEIGHT	
			
i. Front Setback (Principal)	5 ft. – 18 ft.	PRINCIPAL BUILDING	
ii. Front Setback (Secondary)	5 ft. – 10 ft.	Stories	2
iii. Side Setback	0 ft. if attached to a neighboring structure; otherwise 3 ft.	To eave / parapet	30 ft. max.
iv. Rear Setback	3 ft. min.	OUTBUILDING	
Abutting MDR Zoning District property line	10 ft.	Stories	2
OUTBUILDING		To eave / parapet	30 ft. max.
		MASS	
		Lot width	14 ft. min. ( <a href="#">Sec 54.403(D) &amp; (E)</a> )
		Lot coverage	70% max.
		Facade buildout at setback	60-30% min.
ENCROACHMENTS		PARKING AND STORAGE LOCATION	
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 15. 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)	0 ft. – 12 ft.	Stories	4 max.
iii. Side Setback	0 ft. – 6 ft.	To eave / parapet	48 ft. max.
iv. Rear Setback	3 ft. min.	OUTBUILDING	
Abutting MDR Zoning District property line	10 ft.	Stories	2
OUTBUILDING		To eave / parapet	30 ft. max.
		MASS	
v. Front Setback (Principal)	20 ft. min.	Lot width	20 ft. min. . (Sec 54.403(D) & (E))
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 40% min.
Abutting MDR Outbuilding	10 ft. min.	PARKING AND STORAGE LOCATION	
		ENCROACHMENTS	
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
ii. Sidewalk encroachments		Rear of lot	Permitted
Awning	Determined by City process for use of right-of-way	*Exception – Single-family and Two-family dwellings are permitted to park in the 20-ft setback	
Rooftop Patio		TRASH & STORAGE* LOCATION	
		Front setback	Not permitted
		20 ft. behind front setback	Not permitted
		Rear of lot	Permitted
		* Storage includes boats and recreational vehicles.	

**Figure 24. TSC Table of Permitted Land Uses and Special Land Uses in the TSC District**

USE	T4	T5	USE	T4	T5
<b>A. RESIDENTIAL</b>			<b>E. INSTITUTIONAL</b>		
Mixed-use building	P	P	Conference center		P
Multi-family dwelling ( <a href="#">Section 54.616 &amp; 54.403(E)</a> )	P	P	Live theater	S	P
Live-work unit ( <a href="#">Section 54.615</a> )	P	P	Movie theater	S	P
Two-family dwelling ( <a href="#">Sections 54.613 &amp; 54.403 (C &amp; D)</a> )	P	P	Museum	P	P
Townhouse	P	P	Religious assembly ( <a href="#">Section 54.642</a> )	P	P
Single-family dwelling ( <a href="#">Section 54.617</a> )	P	P	<b>F. AUTOMOTIVE</b>		
Group day care home ( <a href="#">Section 54.608</a> )	PS	PS	Gasoline	P	P
Foster family home	S	S	Service	P	P
Halfway house ( <a href="#">Section 54.620</a> )	S	S	Sales	P	P
Home occupation ( <a href="#">Section 54.621</a> )	P	P	Truck maintenance ( <a href="#">Section 54.627</a> )		
Home office ( <a href="#">Section 54.622</a> )	P	P	Drive-through facility ( <a href="#">Section 54.611</a> )	P	P
Dwelling, Intentional Community ( <a href="#">Section 54.614</a> )	S	S	<b>G. CIVIL SUPPORT</b>		
Family Day Care Home	P	P	Funeral home	P	P
Adult Foster Care Family Home	P	P	Hospital ( <a href="#">Section 54.625</a> )		S
Domestic Violence Shelter ( <a href="#">Section 54.610</a> )	S	S	Medical clinic	P	P
<b>B. LODGING</b>			Veterinary clinic	P	P
Hotel or Motel	S	P	Pet boarding facility	S	S
Bed & Breakfast Inn (up to 12 rooms) ( <a href="#">Section 54.604</a> )	P	P	Cemetery ( <a href="#">Section 54.606</a> )	S	S
Bed & Breakfast (up to 6 rooms) ( <a href="#">Section 54.603</a> )	P	P	Public or Governmental Building	P	P
Rooming Houses and Hostels ( <a href="#">Section 54.644</a> )	S	S	Recreational Use, Public	S	S
Hospital Hospitality Houses ( <a href="#">Section 54.626</a> )	S	S	<b>H. EDUCATION</b>		
Homestays and Vacation Home Rentals ( <a href="#">Section 54.624</a> )	P	P	High school	S	S
<b>C. OFFICE</b>			Elementary school	P	P
Office building ( <a href="#">Section 54.634</a> )	P	P	Day care center ( <a href="#">Section 54.609</a> )	P	P
Mixed-use building	P	P	<b>I. INDUSTRIAL</b>		
Live-work unit ( <a href="#">Section 54.615</a> )	P	P	Heavy industrial facility ( <a href="#">Section 54.627</a> )		
<b>D. RETAIL</b>			Light industrial facility ( <a href="#">Section 54.627</a> )	S	S
Outdoor Entertainment and Community Events (Temporary Use Use) ( <a href="#">Section 54.635(B)</a> )	P	P	Laboratory facility	S	S
Outdoor Entertainment and Community Events (Accessory or Principal Use) ( <a href="#">Section 54.636(C) or (D)</a> )	S	S	Mini-storage		S
Gallery	P	P	Marihuana Safety Compliance Facility ( <a href="#">Section 54.629</a> )	S	S
Restaurant, Indoor Service and with or without Outdoor Food and Non-Alcoholic Beverage Service ( <a href="#">Section 54.638</a> )	P	P	Warehouse	S	S
Restaurant, with Outdoor Alcoholic Beverage Service ( <a href="#">Section 54.637</a> )	PS	PS	<b>J. OTHER USES</b>		
Outdoor Alcoholic Beverage Service ( <a href="#">Section 54.637</a> )	S	S	Accessory Building or Structure (See <a href="#">Figure 14</a> , <a href="#">Figure 15</a> , and, as applicable, <a href="#">Section 54.705</a> )	P	P
Outdoor Food & Non-Alcoholic Beverage Service ( <a href="#">Section 54.638</a> )	P	P	Accessory Use, Non-Single Family Residential Lots	PS	PS
Retail building	P	P	Accessory Use, Single-Family Residential Lots	P	P
Mixed-use building	P	P	Commercial Service Establishment	P	P
Open/outdoor market building	P	P	Food Production, Minor	P	P
Retail Sales, Outdoor Temporary ( <a href="#">Section 54.639</a> )	P	P	Marihuana Education Research ( <a href="#">Section 54.629</a> )	S	S
Indoor Recreation	P	P	Off-street Parking Lot	S	S
Farmers' Markets ( <a href="#">Section 54.618</a> )	P	P	Outdoor Recreation	S	S
Kiosk	P	P	Solar Energy Systems <20kw – Accessory Use	P	P
Push cart	P	P	Wireless Telecommunications Facilities	S	S
Marihuana Retailer ( <a href="#">Section 54.629</a> )		S	( <a href="#">Section 54.648</a> )		
			Permitted Use		P
			Special Land Use		S

#### (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 21](#)), 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 side yard shall not exceed 48 inches in height; in a rear yard private lot line fences shall be between 48 and 72 inches in height and may be of open or closed construction. See [Figure 23. Fence Locations](#).
  - (iii) A fence and/or wall in the side or rear yard for an approved commercial Outdoor Alcoholic 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.
  - (iv) A solid/screening fence is allowed along the lot line that has a commercial off-street parking lot abutting a residential use, and may be up to six (6) feet in height in the side yard.
- (e) **Dog Pens and Runs.** Section 10-42 of the City Code states, “Dog pens and runs shall not be placed in front yards. Such pens shall be located not less than ten feet from adjacent properties unless a six-foot solid screen obscuring fence is constructed to separate the pen and run from adjacent property. For purposes of this article, any enclosed area used exclusively to contain a dog shall be considered a dog pen or dog run”.

#### (8) Parking Location and Access.

- (a) Parking shall not be located within 20 feet of the primary *frontage*.
  - (i) Exception – Single-family and Two-family dwellings are permitted to park within 20 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 2,000 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.

**SECTION 3. Article 4 Schedule of Regulations**

Chapter 54 – LAND DEVELOPMENT CODE, Article 4 – Schedule of Regulations is hereby amended as follows:

**Article 4 Schedule of Regulations**

**Section 54.402 Schedule of Regulations**

Zoning District	Minimum Lot Dimensions		Minimum Setback Requirements <i>(U)</i>				Maximum Height of Structures <i>(Q)</i>		Maximum Impervious Surface Coverage of the Lot
	Size (sq. ft.)	Width (feet)	Front Yard (feet)	Side Yards (feet)		Rear Yard (feet)	Primary Building (feet)	Accessory Building (feet)	
				Smallest Side	Total of Two Sides				
LDR, Low Density Residential 1-2 Units and other uses identified in 54.307	8,100	60	20 <i>(B)</i>	10 <i>(L)</i>	20 <i>(L)</i>	30 <i>(L)</i>	31.5	<i>(L)</i>	<i>(S)</i>
LDR, Low Density Residential 3-4 Dwelling Units	9,000 <i>(E)</i>	75 <i>(E)</i>	20 <i>(B)</i>	10 <i>(H), (L)</i>	20 <i>(H), (L)</i>	30 <i>(H), (L)</i>	31.5	<i>(L)</i>	<i>(S)</i>
MDR, Medium Density Residential 1 Unit and other uses identified in 54.308	4,500 <del><i>(E)</i></del>	37.5 <del><i>(D)</i></del>	15 <del><i>(A)</i></del> , <i>(B)</i>	5 <i>(L)</i>	13 <i>(L)</i>	20 <i>(L)</i>	31.5	<i>(L)</i>	<i>(S)</i>
MDR, Medium Density Residential 2 Dwelling Units	6,000 <i>(C)</i>	50 <i>(D)</i>	15 <del><i>(A)</i></del> , <i>(B)</i>	10 <i>(L)</i>	20 <i>(L)</i>	20 <i>(L)</i>	31.5	<i>(L)</i>	<i>(S)</i>
MDR, Medium Density Residential 3-4 Dwelling Units	9,000 <i>(E)</i>	75 <i>(E)</i>	15 <i>(A)</i>	10 <i>(H), (L)</i>	20 <i>(H), (L)</i>	30 <i>(H), (L)</i>	31.5	<i>(L)</i>	<i>(S)</i>
MFR, Multi-Family Residential 1-2 Units	6,000 <i>(C)</i>	50 <i>(D)</i>	15	10 <i>(L)</i>	20 <i>(L)</i>	30 <i>(L)</i>	31.5	<i>(L)</i>	<i>(S)</i>
MFR, Multi-Family Residential 3-4 Units and other uses identified in 54.309 <i>(K)</i>	9,000 <i>(E)</i>	75 <i>(E)</i>	15 <i>(A)</i>	10 <i>(H), (L), (M)</i>	20 <i>(H), (L), (M)</i>	30 <i>(H), (L), (M)</i>	36.5 <i>(M), (N)</i>	<i>(L)</i>	<i>(S) or (T)</i>
MFR, Multi-Family Residential 5+ Multiple Family Units <i>(K)</i>	15,000	100	15 <i>(A)</i>	15 <i>(H), (L), (M)</i>	30 <i>(H), (L), (M)</i>	30 <i>(H), (L), (M)</i>	36.5 <i>(M), (N)</i>	<i>(L)</i>	<i>(T)</i>
MHP, Mobile Home District	See <a href="#">Section 54.631</a>								
M-U, Mixed-Use	4,800 <del><i>(C)</i></del> , <i>(E)</i>	40 <del><i>(D)</i></del> , <i>(E)</i>	0 <del><i>(E), (F)</i></del> , <i>(G)</i>	5 <del><i>(L)</i></del> , <i>(N)</i>	13 <del><i>(L)</i></del> , <i>(N)</i>	20 <del><i>(L)</i></del> , <i>(N)</i>	44 <i>(N)</i>	<i>(L)</i>	<i>(S) or (T)</i>
CBD, Central Business District	None	24	0	5 <i>(L)</i>	10 <i>(L)</i>	10 <i>(L)</i>	74 <i>(O)</i>	<i>(L)</i>	<i>(S) or (T)</i>
GC, General Commercial	None	24	0 <del><i>(F)</i></del> , <i>(G)</i>	15 <i>(L)</i>	30 <i>(L)</i>	20	40	<i>(L)</i>	<i>(T)</i>
RC, Regional Commercial	None	24	30	15	30	20	40	<i>(L)</i>	<i>(T)</i>
M, Municipal	None	24	None	None	None	None	None	<i>(L)</i>	<i>(T)</i>
C, Civic	None	24	None	5	10	20	60	<i>(L)</i>	<i>(T)</i>
IM, Industrial/Manufacturing	None	24	40	20	40	40	80 <i>(P)</i>	<del><i>(L)</i></del> , <i>(P)</i>	<i>(T)</i>
CR, Conservation/Recreation	None	24	15	50	100	20 <i>(R)</i>	36.5	<i>(L)</i>	<i>(T)</i>
BLP, Board of Light and Power	None	24	40	20	40	40	None	<i>(L)</i>	<i>(T)</i>
Marquette Downtown Waterfront District Form-Based Code (see <a href="#">Section 54.321</a> )									
Third Street Corridor Form-Based Code (see <a href="#">Section 54.322</a> )									



### Section 54.403 Footnotes to Schedule of Regulations

**(H) 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). **The proposed separation distance between buildings must be determined to comply with the Michigan Building Codes and meet all other requirements for fire safety and maintenance of structures. These requirements must be established before submitting preliminary or final site plans for City approval.**

**(K) Each parcel in the MFR district that contains a multiple-family residential use shall have:**

- (1) A maximum lot coverage ratio of ~~0.20~~ **0.50**.
- (2) Minimum outdoor livability space of ~~0.40~~ **0.30**.

**(M) Height Exceptions and Increased Setbacks for Multiple-Family **5+** Dwelling Buildings in the MFR District.**

For multiple-family buildings in the MFR District, the height may be increased above 36.5 feet to a maximum of 44 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.

**(S) 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

## **SECTION 4. Article 5 – Supplemental Zoning District Standards**

**Chapter 54 – LAND DEVELOPMENT CODE, Article 5 – Supplemental Zoning District Standards is hereby amended as follows:**

### **Section 54.501 Subdivision Developments**

**(E) Design Standards.** The subdivision design standards set forth under this section are development guides for the assistance of the developer. The City of Marquette Engineering Department standards also apply. All final plans must be reviewed and meet the approval of the City Commission.

**(1) Streets.** Streets shall conform to at least all minimum requirements, general specifications, typical cross sections, and other conditions set forth in the improvement section of this regulation and by the City Commission.

**(b) Design Standards.**

- (i)** Major and secondary street right-of-way widths shall conform to the major thoroughfare plan of the Master Plan of the City of Marquette
- (ii)** Minor streets shall have a right-of-way width of not less than 66 feet.
- (iii)** Marginal access streets shall have a right-of-way width of not less than ~~66~~ 50 feet, ~~unless, approved by the City Commission.~~ An additional 8 ft wide snow storage easement must be provided on each side of the right of way in all cases where the right of way is less than 66' feet.

**SECTION 5.** Article 6 – Standards Applicable to Specific Land Uses

**Chapter 54 – LAND DEVELOPMENT CODE, Article 6 – Standards Applicable to Specific Land Uses is hereby amended as follows:**

**Article 6 Standards Applicable to Specific Land Uses**

**Section 54.608 Day Care, Group Home**

- (A) **State License.** Group Day Care Homes shall be licensed as a group day care home by the State of Michigan prior to commencement of the use.
- (B) **Permit.** No person shall commence to add this use to an existing building or construct a new building without first obtaining Zoning Compliance and approval of the plans.
- (C) **Caregiver Parking.** One (1) off-street parking space must be provided for each caregiver not living in the dwelling.
- (D) **Drop-off and Pick-up Parking.** Two (2) parking spaces must be available for drop-off and pick-up within 250 feet of the home. Drop-off and pick-up areas shall be located in a manner which protects the safety of children, do not create traffic congestion on the site for which they are located or within a public roadway and are not disruptive to neighboring uses.
- (E) **Noise.** Caregivers shall maintain control of noise in the outside play area to protect the surrounding neighborhood.
- (F) **Signage.** A Group Home Day Care shall not have signage unless permitted in accordance with the provisions of [Article 11](#) of this Ordinance.

**Section 54.609 Day Care Centers**

- (A) **State License.** Day Care Centers shall be licensed as a day care center by the State of Michigan prior to commencement of the use.
- (B) **Permit.** No person shall commence to add this use to an existing building or construct a new building without first obtaining Zoning Compliance and approval of the plans. For new buildings, please refer to [Figure 51](#) to see if Site Plan Review is also required.
- (C) **Parking.** See [Section 54.903\(H\)](#) for parking requirements.
- (D) **Drop-off and Pick-up Parking.** The stacking spaces that are required in [Section 54.903\(H\)](#) for the drop-off and pick-up parking, areas shall be located in a manner which protects the safety of children, do not create traffic congestion on the site or within a public roadway and are not disruptive to neighboring uses.
  - (1) When there is no Buffer and Greenbelt Requirement per [Figure 50](#), then stacking areas shall not be placed within fifteen (15) feet of the lot line of any adjacent residential use unless screened by a 6-ft high 100% closed construction fence or landscaping that shall include a landscaped yard containing an opaque screen of landscaping (evergreen or deciduous hedge) at least three (3) feet in height. The landscaping shall be planted in a manner where the landscaping can be expected to provide an unbroken visual screen within three (3) years. The landscaping shall be located at least two (2) feet from the front of a parking space curb so as to account for vehicle overhang. Existing landscaping may be used to fulfill or supplement the parking lot screening landscaping requirement.
- (E) **Noise.** Caregivers shall maintain control of noise in the outside play area to protect the surrounding neighborhood.

(F) **Signage.** A Day Care Center shall not have signage unless permitted in accordance with the provisions of [Article 11](#) of this Ordinance.

(G) **Accessory to Institutional Use.** A child care center may be permitted as an accessory use to an institutional use, such as a religious institution, subject to satisfying all of the applicable necessary requirements of this [Article](#).

## 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 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 zoning compliance permit.
- (F) **Inspection Certification.** Conformance with the occupancy conditions of the ADU zoning compliance permit shall be certified 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.

- (G) **Maximum Floor Area of ADU.** The floor area of the ADU shall not exceed **768** 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 within the interior of the single family dwelling and constructed on any story of a conforming detached accessory building on the site, including the basement level. 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) Exterior stairs leading to a second story entrance are restricted to the side or rear façade of the building to which it is attached.
- (J) **Parking.** One (1) off-street parking space shall be provided for the ADU in a driveway. 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\(A\)\(92\)](#)). 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 54.616 Dwelling, Multiple Family and Apartments

- (A) **Separation Distances in the MFR District.** Multiple Family Dwellings and Apartment Buildings in the MFR District must meet the separation distance requirements of [Section 54.403\(G\)](#).
- (B) **Minimum Setbacks and Maximum Height in the MFR District.** In addition to the setback and height requirements of [Section 54.402](#), multiple-family buildings in the MFR District must also meet the setback and height requirements of [Section 54.403\(M\)](#), if required.
- (C) **Accessory Structures and Uses in the MFR District:** In the MFR District, the following requirements apply to multiple-family buildings and apartments **with 5+ dwelling units:**
  - (1) **Detached Accessory Buildings.** No detached accessory building may exceed 20 feet in height. Detached accessory building shall be located at least five (5) feet from the side and rear property lines and at least five (5) feet from a principal building. No detached accessory building shall be located in a front yard.
  - (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](#).
- (D) **Maximum Lot Coverage and Minimum Outdoor Livability Space in the MFR District.** See [Section 54.403\(K\)](#).
- (E) **Parking.** Parking, other than in structures, shall not occupy more than 40% of the lot area

## Section 54.628 Light Vehicle/Equipment Sales and Display

- (A) **Minimum Lot Size.** The site shall be a minimum of one-half acre when vehicles are displayed outdoors.
- (B) **Licensing.**
  - (1) For vehicle sales, the proprietor must be a licensed dealer in the State of Michigan.
  - (2) Vehicle licensing requirements of the State of Michigan shall be followed in the review and approval of vehicle sales requests.
- (C) **Open Drive Aisles.** Outdoor display and storage areas of vehicles shall maintain open drive aisles to allow free movement of vehicles.
- (D) **Parking.**
  - (1) All vehicles waiting to be picked up by the vehicle driver shall be kept in approved parking spaces on site.
  - (2) Vehicles being displayed cannot be parked in required parking spaces, however, they must only be parked in the excess [approved hard surface \(see definition of “Hard Parking Surface” in Section 54.202\(A\)\(92\)\)](#) parking spaces on the site [and the location must still meet the maneuvering lane requirements](#).
- (E) **Flag or Pennant Displays.** One (1) flag or pennant may be displayed on each vehicle for sale or lease. The maximum size of each flag or pennant shall not exceed twelve (12) inches × eighteen (18) inches. All other signage for the site must comply with [Article 11](#)
- (F) **Power Equipment and Vehicle Accessories.** Display areas may include those approved per Article 6, [Section 54.639](#) or must be in other areas on the private property (out of any right-of-way) that are not within a clear vision triangle or required side and rear yards and are outside of pedestrian paths or required parking spaces. The display of qualifying merchandise may encroach to within five (5) feet of the public sidewalk provided items are on a hard surface.

## [Section 54.647 Solar Energy Systems](#)

- (A) **Purpose.** [The purpose of this section is to reasonably allow Solar Energy Systems \(SES\) as either the principal use, accessory use, or special land use of the property where allowable per Section 54.306.](#)
- (B) **Definitions.**
  - (1) **Accessory Ground-Mounted Solar Energy System:** [A ground-mounted solar energy system with the purpose primarily of generating electricity for the principal use on the site.](#)
  - (2) **Building-Integrated Solar Energy System:** [A solar energy system that is an integral part of a primary or accessory building or structure \(rather than a separate mechanical device\), replacing or substituting for an architectural or structural component of the building or structure. Building-integrated systems include, but are not limited to, photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.](#)

- (3) **Ground-Mounted Solar Energy System:** A solar energy system mounted on support posts, like a rack or pole, that are attached to or rest on the ground.
- (4) **Maximum Tilt:** The maximum angle of a solar array (i.e., most vertical position) for capturing solar radiation as compared to the horizon line.
- (5) **Minimum Tilt:** The minimal angle of a solar array (i.e., most horizontal position) for capturing solar radiation as compared to the horizon line.
- (6) **Non-Participating Lot(s):** One or more lots for which there is not a signed lease or easement for development of a principal-use SES associated with the applicant project.
- (7) **Participating Lot(s):** One or more lots under a signed lease or easement for development of a principal-use SES associated with the applicant project.
- (8) **Principal-Use Solar Energy System:** A commercial or industrial, ground-mounted solar energy system that converts sunlight into electricity for the primary purpose of off-site use through the electrical grid or export to the wholesale market.
- (9) **Repowering:** Reconfiguring, renovating, or replacing an SES to maintain or increase the power rating of the SES within the existing project footprint.
- (10) **Roof-Mounted Solar Energy System:** A solar energy system mounted on racking that is attached to or ballasted on the roof of a building or structure.
- (11) **Solar Array:** A photovoltaic panel, solar thermal collector, or collection of panels or collectors in a solar energy system that collects solar radiation.
- (12) **Solar Carport:** A solar energy system of any size that is installed on a structure that is accessory to a parking area, and which may include electric vehicle supply equipment or energy storage facilities. Solar panels affixed on the roof of an existing carport structure are considered a Roof-Mounted SES.
- (13) **Solar Energy System (SES):** A photovoltaic system or solar thermal system for generating and/or storing electricity or heat, including all above and below ground equipment or components required for the system to operate properly and to be secured to a roof surface or the ground. This includes any necessary operations and maintenance building(s), but does not include any temporary construction offices, substation(s) or other transmission facilities between the SES and the point of interconnection to the electric grid.

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

- (1) **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](#).

- (2) 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.
- (3) 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. Light fixtures shall be shielded and downcast and otherwise comply with Article 8. The solar panels shall be composed of anti-reflective material and/or treated with anti-reflective coating.
- (4) Removal.** If a solar energy system that is not subject to a decommissioning plan 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.
- (5) 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.
- (6) Non-conformities:** A Roof-mounted, Ground-mounted, or Building-integrated SES installed on a non-conforming building shall not be considered an expansion of the structural or use nonconformity.
- (7) 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. They are also not subject to the accessory structure maximum rear yard coverage standards of the zoning district.
- (8) Power Lines.** All power lines between solar panels and inverters must be placed underground. This requirement may be waived by the Zoning Administrator or Planning Commission (depending on level of review per [Figure 51](#)) if the wiring cannot be buried.

#### **(D) Systems (SES) <20 kW (0.02 MW) – Accessory Use**

- (1) Roof-Mounted, Wall-mounted, and Building-integrated SES.**
  - (a) Permit.** A zoning compliance permit shall be required for any roof-mounted, wall-mounted solar energy accessory use system. Applications for roof-mounted and wall-mounted SES must include horizontal and vertical elevation drawings that show the location and height of the SES on the building and dimensions of the SES. A building permit may be required for these facilities. Building integrated systems will only require permitting when alterations to the structure require site plan review or a zoning compliance permit.
  - (b) 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.
  - (c) Location and setbacks.** 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. 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) Building-integrated SES.** Building-integrated SES, such as solar collectors/panels that are built into roof shingles, are subject only to Land Development Code regulations applicable to the structure or building and not to accessory ground-mounted or roof-mounted SES permits, provided there are no roof or ground-mounted solar panels/arrays as part of the building-integrated SES.

**(i) Exemption:** If a solar panel functions as a roof element, such as shingles that incorporate solar panels on an awning or carport, which do not require brackets and thus do not protrude from the roof, then a permit or site plan review is not required.

## **(2) Ground-Mounted SES.**

**(a) Permit.** A zoning compliance permit shall be required for any ground-mounted solar energy accessory use system. A building permit may be required for these facilities. Applications for Ground-Mounted SES must include drawings that show the location of the system on the property, height, tilt features (if applicable), the primary structure, accessory structures, and setbacks to property lines.

**(i) Exemption.** A SES used to power a single device or specific piece of equipment such as lights, a weather station, a vehicle charger, thermometer, well pump, or other similar device may qualify as a structural amenity and be administratively exempted from the requirements above, but shall meet all standards of [Section 54.702 \(H\)](#).

**(b) Height.** Ground-Mounted SES systems shall meet the following:

**(i) Residential use, residential or mixed-use zoning district.** If the SES is within ten (10) feet of a residential lot line or residential use, then the SES and any mounts shall not exceed ten (10) feet when oriented at maximum tilt. The maximum height of the SES and any mounts when oriented at maximum tilt is sixteen (16) feet.

**(ii) Commercial and industrial uses.** If the SES is within ten (10) feet of a residential lot line or residential use, then the SES and any mounts shall not exceed ten (10) feet when oriented at maximum tilt. If the SES is within twenty (20) feet of a residential lot line or residential use, then the SES and any mounts shall not exceed ten (16) feet when oriented at maximum tilt. The maximum height of the SES and any mounts when oriented at maximum tilt is twenty (20) feet.

**(c) 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 areas or locations that are subject to annual flooding.

**(i) Exception.** The SES may be placed in a front yard with administrative approval by the Zoning Administrator, where the applicant can demonstrate that placement of the SES in the rear or side yard will:

- a. Substantially decrease the efficiency of the SES to the point of making the investment unreasonable, due to topography, accessory structures, or vegetative shading from the subject lot or adjoining lots, or for other demonstrable reasons;
- b. Interfere with underground utilities, accessory uses; or
- c. Require the SES to be placed on a waterfront side of the building housing the primary use (where applicable).
- d. If nuisance and/or safety concerns (such as glare) can be adequately mitigated.

**(E) Systems (SES)  $\geq$ 20 kW (0.02 MW) to < 2MW – Accessory Use**

**(1) Roof-mounted, Wall-mounted, and Building-integrated SES (SES  $\geq$ 20 kW (0.02 MW) to < 2MW) – Permitted Use and Special Land Use.**

**(a) Application.** Application proposals must include a site plan in accordance with [Figure 51](#) and applications for roof-mounted or wall-mounted SES must include horizontal and vertical elevation drawings that show the location and height of the SES on the building and dimensions of the SES. Please also refer to [Section 54.1403](#) for Special Land Use if your zoning district requires it. A building permit may be required for these facilities. Building integrated systems will only require permitting when alterations to the structure require site plan review or a zoning compliance permit.

**(i) Exemption:** If a solar panel functions as a roof element, such as shingles that incorporate solar panels on an awning or carport, which do not require brackets and thus do not protrude from the roof, then a permit and site plan review is not required.

**(b) Height.** Roof-mounted SES shall not exceed 5 feet above the finished roof and are exempt from any rooftop equipment or mechanical system screening requirements and shall be allowed to exceed building height requirements provided that the building itself conforms with height standards.

**(c) Location and Setbacks.** 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. 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) Building-integrated SES.** Building-integrated SES, such as solar collectors/panels that are built into roof shingles, are subject only to Land Development Code regulations applicable to the structure or building provided there are no roof or ground-mounted solar panels/arrays as part of the building-integrated SES.

**(2) Ground-mounted SES (SES  $\geq$ 20 kW (0.02 MW) to < 2MW) - Permitted Use and Special Land Use.**

**(a) Application.** Application proposals must include a site plan in accordance with [Figure 51](#) and must include drawings that show the location of the system on the property, height, tilt features (if applicable), the primary structure, accessory structures, and setbacks to

property lines. Please also refer to [Section 54.1403](#) for Special Land Use if your zoning district requires it. A building permit may be required for these facilities.

**(b) Height.** A Ground-mounted SES shall not exceed 20 feet measured from the average grade across the supports to the top of the system when oriented at maximum tilt (tallest, most vertical position of a solar array).

**(c) Location and Setbacks.** In commercial, industrial, or mixed-use zoning districts the ground-mounted SES shall be located to the side or rear of the principal building. In residential districts the ground-mounted SES shall be located in the side or rear yard. 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 areas or locations that are subject to annual flooding.

**(i) Exception.** The SES may be placed in a front yard with administrative approval by the Zoning Administrator, where the applicant can demonstrate that placement of the SES in the rear or side yard will:

- a. Substantially decrease the efficiency of the SES to the point of making the investment unreasonable, due to topography, accessory structures, or vegetative shading from the subject lot or adjoining lots, or for other demonstrable reasons;
- b. Interfere with underground utilities, accessory uses; or
- c. Require the SES to be placed on a waterfront side of the building housing the primary use (where applicable).
- d. If nuisance and/or safety concerns (such as glare) can be adequately mitigated.

**(d) Fencing.** The SES may be secured with perimeter fencing to restrict unauthorized access. If installed, perimeter fencing shall meet the Zoning District requirements per [Section 54.706](#) and require a fence permit. Wildlife-friendly fencing materials and with openings to allow passage for small animals should be used where appropriate. Barbed wire is prohibited. Fencing is not subject to setbacks but shall not encroach past the property lines.

**(e) Landscaping/Screening.**

**(i) Residential Uses.** Shall be screened to minimize visual impacts from the public right-of-way(s).

- a. Screening of the SES from the view of surrounding streets shall be accomplished to the maximum extent feasible without compromising the ability to effectively use solar collectors, by use of vegetation, fences and or walls as permitted in the zoning district.
- b. Landscaping consisting of trees and shrubs as approved in [Section 54.1004](#), and existing vegetation may be used for screening. Berms of natural material, up to three (3) feet above grade may be used in addition to vegetation, provided runoff does not create ponding or flow to adjacent properties.
- c. Screening shall achieve an opacity of approximately 80 percent of the SES up to either six (6) feet above grade or 60 percent of the maximum tilt (vertical) height of the solar array(s), whichever is more.

- (ii) Commercial, Industrial, and Mixed Uses.** Any required screening and landscaping shall be placed outside the perimeter fencing. The following landscaping/screening standards shall apply:
- a.** Screening of the SES from the view of surrounding streets shall be accomplished to the maximum extent feasible without compromising the ability to effectively use solar collectors, by use of vegetation, fences and or walls as permitted in the zoning district per [Section 54.706](#).
    - i.** Landscaping consisting of trees and shrubs as approved in [Section 54.1004](#), and existing vegetation may be used for screening. Berms of natural material, up to three (3) feet above grade may be used in addition to vegetation, provided runoff does not create ponding or flow to adjacent properties.
    - ii.** Screening shall achieve an opacity of approximately 80 percent of the SES up to either six (6) feet above grade or 60 percent of the maximum tilt (vertical) height of the solar array(s), whichever is more.
  - b.** Where buffer/greenbelt screening is required along the side and rear yard property lines, per [Section 54.1003\(D\)](#), these shall only be required where an adjoining, non-participating lot has an existing residential or public use.
    - i.** Landscaping consisting of trees and shrubs as approved in [Section 54.1004](#), and existing vegetation may be used for screening. Berms of natural material, up to three (3) feet above grade may be used in addition to vegetation, provided runoff does not create ponding or flow to adjacent properties.
    - ii.** Screening shall achieve an opacity of approximately 80 percent of the SES up to either six (6) feet above grade or 60 percent of the maximum tilt (vertical) height of the solar array(s), whichever is more.
  - c.** The Planning Commission (PC) or Zoning Administrator (ZA), whichever has authority for application approval, may waive some screening and/or landscaping requirements if such an adjustment is in keeping with intent of the Land Development Code and rationale for the decision is appropriately documented. Likewise, the PC or ZA may require substitute screening consisting of native deciduous trees planted  $\geq 30$  feet on center and native conifer trees planted  $\geq 15$  feet on center along existing, non-participating residential uses.
- (f) Ground Cover.** An SES shall include the installation of perennial ground cover vegetation maintained for the duration of operation until the site is decommissioned. The applicant shall include a ground cover vegetation establishment and management plan as part of the site plan.
- (g) Land Clearing.** Land disturbance or clearing shall be limited to what is minimally necessary for the installation and operation of the SES and to ensure all-season access. Topsoil disturbed during site preparation (grading) on the property shall be retained on site unless a higher authority requires removal due to contamination.
- (h) Access Drives.** New access drives with the SES shall be designed to minimize the extent of soil disturbance, water runoff, and soil compaction on the premises.
- (i) Signage.** Signage must comply with zoning district standards per [Article 11](#).

**(j) Sound.** The site plan shall include modeled sound isolines extending from the sound source to the property lines to demonstrate that sound pressure levels are acceptable for neighboring properties, and a narrative explaining the anticipated sound level effects in simple language must be provided.

**(k) Repowering.** In addition to repairing or replacing SES components to maintain the system, this type of principal-use SES may at any time be repowered by reconfiguring, renovating, or replacing the SES to increase the power rating within the existing project footprint.

**(i)** A proposal to change the project footprint of an existing SES shall be considered a new application, subject to the Land Development Code standards in effect at the time of the application.

**(l) Decommissioning.** Upon application, a decommissioning plan that indicates the anticipated manner in which the project will be decommissioned shall be submitted. This plan must include a description of which above-grade and below-grade improvements will be removed (e.g. lights, wiring), retained (e.g. fencing), or restored for viable reuse of the property consistent with the zoning district. Where decommissioning has not been lawfully performed as required by a decommissioning plan, 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.

**(i) SES owner may at any time:**

**a.** Proceed with the decommissioning plan approved by the Planning Commission or Zoning Administrator, and remove the system as indicated in the most recent approved plan; or

**b.** Amend the decommissioning plan with Planning Commission or Zoning Administrator approval, and proceed according to the revised plan.

**(ii)** Decommissioning an SES must commence when the soil is dry to prevent soil compaction and be complete within 18 months after abandonment. An SES that has not produced energy for 12 consecutive months will prompt a request for information to determine if the project has been abandoned.

**(iii)** An SES found to be abandoned and with no plan for restoration in a reasonable timeframe shall be decommissioned beginning promptly by the property owner, per the decommissioning plan.

#### **(F) Systems (SES) $\geq$ 20 kW (0.02 MW) to < 2MW - Principal Use**

##### **(1) Roof-mounted, Wall-mounted, and Building-integrated SES (SES $\geq$ 20 kW (0.02 MW) to < 2MW) – Permitted Use and Special Land Use**

**(a) Application.** Application proposals must include a site plan in accordance with [Figure 51](#) and applications for roof-mounted or wall-mounted SES must include horizontal and vertical elevation drawings that show the location and height of the SES on the building and dimensions of the SES. Please also refer to [Section 54.1403](#) for Special Land Use if your zoning district requires it. A building

permit may be required for these facilities. Building integrated systems will only require permitting when alterations to the structure require site plan review or a zoning compliance permit.

- (i) **Exemption:** If a solar panel functions as a roof element, such as shingles that incorporate solar panels on an awning or carport, which do not require brackets and thus do not protrude from the roof, then a permit and site plan review is not required.
- (b) **Height.** Roof-mounted SES shall not exceed 5 feet above the finished roof and are exempt from any rooftop equipment or mechanical system screening requirements and shall be allowed to exceed building height requirements provided that the building itself conforms with height standards.
- (c) **Location and Setbacks.** 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. 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) **Building-integrated SES.** Building-integrated SES, such as solar collectors/panels that are built into roof shingles, are subject only to Land Development Code regulations applicable to the structure or building provided there are no roof or ground-mounted solar panels/arrays as part of the building-integrated SES.

## (2) Ground-mounted SES (SES $\geq$ 20 kW (0.02 MW) to < 2MW) - Permitted Use and Special Land Use

- (a) **Application.** Application proposals must include a site plan in accordance with [Figure 51](#) and must include drawings that show the location of the system on the property, height, tilt features (if applicable), the primary structure, accessory structures, and setbacks to property lines. Please also refer to [Section 54.1403](#) for Special Land Use if your zoning district requires it. A building permit may be required for these facilities.
- (b) **Height.** A Ground-mounted SES shall not exceed 20 feet measured from the average grade across the supports to the top of the system when oriented at maximum tilt (tallest, most vertical position of a solar array).
- (c) **Location and Setbacks.** Solar panels shall not be installed in Riparian Overlay areas or locations that are subject to annual flooding. Setback distance shall be measured from all of the property lines to the closest point of the solar array at minimum tilt (lowest, least vertical position of a solar array) or any SES components as follows:
  - (i) A Ground-mounted SES shall follow the zoning district setback distance for primary buildings or structures; however, the SES must be at least 10-ft from the front property line.
  - (ii) A Ground-mounted SES is not subject to the side or rear property line setbacks for common property lines of two or more participating lots; however, the side and rear setbacks will apply to the overall property lines for the site.
- (d) **Fencing.** The SES may be secured with perimeter fencing to restrict unauthorized access. If installed, perimeter fencing shall meet the Zoning District requirements per [Section 54.706](#) and require a fence permit. Wildlife-friendly fencing materials and with openings to allow passage for small animals should be used where appropriate. Barbed wire is prohibited. Fencing is not subject to setbacks but shall not encroach past the property lines.
- (e) **Landscaping/Screening.** Any required screening and landscaping shall be placed outside the perimeter fencing. The following landscaping/screening standards shall apply:

- (i) Screening of the SES from the view of surrounding streets shall be accomplished to the maximum extent feasible without compromising the ability to effectively use solar collectors, by use of vegetation fences and or walls as permitted in the zoning district per [Section 54.706](#).
  - a. Landscaping consisting of trees and shrubs as approved in [Section 54.1004](#), and existing vegetation may be used for screening. Berms of natural material, up to three (3) feet above grade may be used in addition to vegetation, provided runoff does not create ponding or flow to adjacent properties.
  - b. Screening shall achieve an opacity of approximately 80 percent of the SES up to either six (6) feet above grade or 60 percent of the maximum tilt (vertical) height of the solar array(s), whichever is more.
- (ii) Where buffer/greenbelt screening is required along the side and rear yard property lines, per [Section 54.1003\(D\)](#), these shall only be required where an adjoining, non-participating lot has an existing residential or public use.
  - a. Landscaping consisting of trees and shrubs as approved in [Section 54.1004](#), and existing vegetation may be used for screening. Berms of natural material, up to three (3) feet above grade may be used in addition to vegetation, provided runoff does not create ponding or flow to adjacent properties.
  - b. Screening shall achieve an opacity of approximately 80 percent of the SES up to either six (6) feet above grade or 60 percent of the maximum tilt (vertical) height of the solar array(s), whichever is more.
- (iii) The Planning Commission (PC) or Zoning Administrator (ZA), whichever has authority for application approval, may waive some screening and/or landscaping requirements if such an adjustment is in keeping with intent of the Land Development Code and rationale for the decision is appropriately documented. Likewise, the PC or ZA may require substitute screening consisting of native deciduous trees planted  $\geq 30$  feet on center and native conifer trees planted  $\geq 15$  feet on center along existing, non-participating residential uses.
- (f) **Ground Cover.** An SES shall include the installation of perennial ground cover vegetation maintained for the duration of operation until the site is decommissioned. The applicant shall include a ground cover vegetation establishment and management plan as part of the site plan.
- (g) **Land Clearing.** Land disturbance or clearing shall be limited to what is minimally necessary for the installation and operation of the SES and to ensure all-season access. Topsoil disturbed during site preparation (grading) on the property shall be retained on site unless a higher authority requires removal due to contamination.
- (h) **Access Drives.** New access drives with the SES shall be designed to minimize the extent of soil disturbance, water runoff, and soil compaction on the premises.
- (i) **Signage.** Signage must comply with zoning district standards per [Article 11](#).
- (j) **Sound.** The site plan shall include modeled sound isolines extending from the sound source to the property lines to demonstrate that sound pressure levels are acceptable for neighboring properties, and a narrative explaining the anticipated sound level effects in simple language must be provided.
- (k) **Repowering.** In addition to repairing or replacing SES components to maintain the system, this type of principal-use SES may at any time be repowered by reconfiguring, renovating, or replacing the SES to increase the power rating within the existing project footprint.
  - (i) A proposal to change the project footprint of an existing SES shall be considered a new application, subject to the Land Development Code standards in effect at the time of the application.

**(l) Decommissioning.** Upon application, a decommissioning plan that indicates the anticipated manner in which the project will be decommissioned shall be submitted. This plan must include a description of which above-grade and below-grade improvements will be removed (e.g. lights, wiring), retained (e.g. fencing), or restored for viable reuse of the property consistent with the zoning district. Where decommissioning has not been lawfully performed as required by a decommissioning plan, 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.

**(i) SES owner may at any time:**

- a. Proceed with the decommissioning plan approved by the Planning Commission or Zoning Administrator, and remove the system as indicated in the most recent approved plan; or
- b. Amend the decommissioning plan with Planning Commission or Zoning Administrator approval, and proceed according to the revised plan.

**(ii)** Decommissioning an SES must commence when the soil is dry to prevent soil compaction and be complete within 18 months after abandonment. An SES that has not produced energy for 12 consecutive months will prompt a request for information to determine if the project has been abandoned.

**(iii)** An SES found to be abandoned and with no plan for restoration in a reasonable timeframe shall be decommissioned beginning promptly by the property owner, per the decommissioning plan.

## **Section 54.648 Small Wind Energy Systems**

**(A) Purpose.** It is the purpose of this section to promote the safe, effective, and efficient use of wind energy systems to generate electricity and thereby reduce or replace on-site consumption of utility-supplied electricity. Further, it is the purpose of this sub-section to standardize and streamline the review and permitting process for wind energy system.

**(B) Findings.** The City has found that wind energy is an abundant, renewable, and nonpolluting energy resource that some residents and businesses of the City would like to 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. Wind 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) Small Wind Energy Systems.**

**(1) Location and Required Permits and Applications.**

- a) Roof-Mounted Small Wind Energy Systems are permitted by right in all zoning districts, provided that all of the applicable requirements of this Ordinance are met. A zoning compliance permit shall be required.
- b) Tower-Mounted Small Wind Energy Systems may be permitted as a special land use in the GC, RC, M, C, IM, CR, and BLP districts, provided that all of the applicable requirements of this Ordinance are met. Please refer to [Section 54.1403](#) for Special Land Use requirements, and [Section 54.1402](#) for Site Plan Review requirements.



**(2) Minimum Lot Area.**

- (a) Roof-Mounted Small Wind Energy Systems shall have no minimum lot area.**
- (b) Tower-Mounted Small Wind Energy Systems shall be located on a lot with a minimum area of one (1) acre.**

**(3) Maximum Wind Turbine Height.**

- (a) Roof-Mounted Small Wind Energy Systems shall have a maximum height of ten (10) feet above the highest point of the roof or ten (10) feet above the maximum height of the zoning district, whichever is lower.**
- (b) Tower-Mounted Small Wind Energy Systems shall have a maximum height of 66 feet.**

**(4) Minimum Setbacks.**

- (a) Roof-Mounted Small Wind Energy Systems shall adhere to the minimum setbacks of the zoning district.**
- (b) Tower-Mounted Small Wind Energy Systems shall be set back from all property lines, overhead utility rights-of-way and easements, and other towers a distance equal to or greater than the height of the wind turbine or tower.**

**(5) General Standards.** The following requirements are applicable to all wind energy systems.

- (a) Noise.** A noise from a wind energy system shall not exceed 40 dB at the property line and shall comply with the noise standards set forth in the City's Ordinances.
- (b) Shadow Flicker.** The application for a wind energy system shall include a shadow flicker analysis demonstrating impact on adjacent and nearby residential properties. Wind energy systems shall be constructed in locations that minimize the impacts of shadow flicker on residences.
- (c) Lighting.** No wind energy system shall be artificially lighted unless required by the Federal Aviation Administration (FAA).
- (d) Appearance, Color, and Finish.** The wind energy system shall be maintained in the color or finish that was originally applied by the manufacturer, unless otherwise approved in the zoning compliance permit. All wind energy systems shall be a single non-reflective, non-obtrusive, matte finished color (e.g. white or gray).
- (e) Signs.** The manufacturer or installer's identification sign, appropriate warnings signs, and an owner identification sign, are permitted. All other signs are prohibited.
- (f) Electrical Wires.** All electrical wires associated with a wind energy system, other than wires necessary to connect the wind generator to the tower wiring, the tower wiring to the disconnect junction box, and grounding wires, shall be located underground.

- (g) **Compliance with Electrical Code.** Permit applications for wind energy systems shall be accompanied by line drawings of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code.
- (h) **Construction Codes, Towers, and Interconnection Standards.** Wind energy systems, including towers, shall comply with all applicable state construction and electrical codes and local building permit requirements. Wind energy systems including towers, shall comply with the FAA requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950 as amended), and other applicable local and state regulations. A wind energy system connected to the public utility electrical grid shall comply with the Michigan Public Service Commission and Federal Energy Regulatory Commission standards.
- (i) **System Access.** Small wind energy systems shall be designed and installed such that step bolts, ladders, or other means of access readily accessible to the public are located at least eight (8) feet above grade level.
- (j) **Safety.** A wind energy system shall have an automatic braking, governing, or feathering system to prevent uncontrolled rotation or over speeding. All wind towers shall have lightning protection. If a tower is supported by guy wires, the wires shall be clearly visible to a height of at least six (6) feet above the guy wire anchors.
- (k) **Minimum Ground Clearance.** The lowest extension of any blade or other exposed moving component of a wind energy system shall be at least twenty (20) feet above the surrounding grade at its highest point within twenty (20) feet of the base of the tower and at least twenty (20) feet above any outdoor surface intended for human use, such as balconies or roof gardens, that are located below the wind energy system.
- (l) **Roof-Mounted Small Wind Energy Systems.** Roof-mounted small wind energy systems shall be limited to roof mounting and shall not be mounted on any other building wall or surface.
- (m) **Removal Provisions.** As a condition of approval, the City may require that the property owner enter into an agreement with the City for the removal of the wind energy system upon disuse or abandonment of the system as described in [Section 54.709\(C\)\(5\)\(n\)](#). The agreement shall be in recordable form, provide the necessary authority for the City to enter the property to remove the unit when a property owner fails to do so as required in [Section 54.709\(C\)\(5\)\(n\)](#), and also provide that the City may have a lien for costs if it becomes necessary for the City to exercise its rights under the agreement. This agreement shall be recorded with the Marquette County Register of Deeds.
- (n) **Removal.** If a small wind energy system ceases to perform its intended function (generating electricity) for more than six (6) consecutive months or has been abandoned, the property owner shall remove the wind energy system, electrical components, and all other associated facilities no later than ninety (90) days after the end of the six (6) month period. Where the removal has not been lawfully completed as required above, and after at least thirty (30) days written notice, the City may

remove or secure the removal of the wind energy facility or portion thereof only if there is a recorded agreement authorizing the City to do so pursuant to [Section 54.709\(C\)\(5\)\(m\)](#). If there is a recorded agreement authorizing the City to remove the solar energy system or portion thereof pursuant to [Section 54.709\(C\)\(5\)\(m\)](#), 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. If there is no recorded agreement authorizing the City to remove the wind energy system or portion thereof, 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.

**(o) Insurance.** The applicant shall submit proof of sufficient property damage and liability insurance.

**(p) 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 wind energy generator and that such connection has been approved. Off-grid systems shall be exempt from this requirement.

## **SECTION 6. Article 7 – General Provisions**

**Chapter 54 – LAND DEVELOPMENT CODE, Article 7 – General Provisions is hereby amended as follows:**

### **Article 7 General Provisions**

#### **Section 54.705 Accessory Buildings and Structures**

**(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 **with 5+ dwelling units** 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 and Structures.**

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

**(b) Minimum Side and Rear Yard Setbacks.** Detached accessory buildings or structures for a duplex shall be located at least six (6) feet from the side and rear property lines, and for a single-family home shall be located at least (3) feet from the side and rear property lines. For all other uses in the MFR District besides multiple-family buildings and apartments, detached accessory buildings or structures shall be located at least ten (10) feet from the side and rear property lines.

**(c) Front Yard Location Prohibited.** No detached accessory building or structure shall be located in a front yard.

**(d) Maximum Lot Coverage.** Detached accessory buildings or structures 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 or structure 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.

#### **Section 54.706 Fences and Walls**

**(C) Requirements by Zoning District:**

**(2) M-U and CBD Districts.**

**(a) Height.** Fences and walls in the side **yard shall not exceed four (4) feet in height** 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 Alcoholic Beverage Service use (see Section 54.636) and for Outdoor Entertainment and Community Events (see Section 54.635) may be up to eight (8) feet in height for the purposes of visual and noise screening of that particular 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. **Exceptions:**

**(i)** **A wall or fence in the side or rear yard of an approved commercial Outdoor Alcoholic Beverage Service use (see [Section 54.636](#)) and for Outdoor Entertainment and Community Events (see [Section 54.635](#)) may be up to eight (8) feet in height for the purposes of visual and noise screening of that particular use.**

**(ii)** **A wall or fence in the front or side yard that has a commercial off-street parking lot abutting a residential use may be up to six (6) feet in height. In lieu of a wall or fence, the owner may plant and maintain an evergreen greenbelt buffer in accordance with [Section 54.1003\(D\)\(2\)\(c\)](#).**

**(b) Construction.** Fences may not have more than 50% of the fence area of solid, opaque construction (See Figure 37) for examples of noncompliant fences), except the following:

**(i)** A solid/screening fence is allowed in the side yard or rear yard between abutting residential land uses.

- (ii) 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.
- (iii) 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.
- (iv) A wall or fence in the side or rear yard of an approved Outdoor Alcoholic Beverage Service (see Section 54.636) and Outdoor Entertainment and Community Events uses (see Section 54.635) may be 100% of the fence area of solid opaque construction for the purposes of visual and noise screening of that particular use.
- (v) Retaining walls.

**(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 and garden fencing (as long as it is not permanently anchored and the use is temporary for the snow or growing season). 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. Temporary fencing that is not permanently anchored and the use is temporary does not require a fence permit.
- (4) **Dog Pens and Runs.** Section 10-42 of the City Code states, "Dog pens and runs shall not be placed in front yards. Such pens shall be located not less than ten feet from adjacent properties unless a six-foot solid screen obscuring fence is constructed to separate the pen and run from adjacent property. For purposes of this article, any enclosed area used exclusively to contain a dog shall be considered a dog pen or dog run".

**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 energy systems.
- ~~(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, are 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 20 kW 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 areas 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.~~
  - ~~(6) **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.~~
  - ~~(7) **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 54.709 – Small Wind Energy~~

~~(A) Purpose.~~ It is the purpose of this section to promote the safe, effective, and efficient use of wind energy systems to generate electricity and thereby reduce or replace on-site consumption of utility-supplied electricity. Further, it is the purpose of this sub-section to standardize and streamline the review and permitting process for wind energy system.

~~(B) Findings.~~ The City has found that wind energy is an abundant, renewable, and nonpolluting energy resource that some residents and businesses of the City would like to 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. Wind energy systems will also enhance the reliability and power quality of the power grid, reduce peak power demands, and help diversity the City's energy supply.

~~(C) Small Wind Energy Systems.~~

~~(1) Where Permitted.~~

~~(a) Roof Mounted Small Wind Energy Systems are permitted by right in all zoning districts, provided that all of the applicable requirements of this Ordinance are met.~~

~~(b) Tower Mounted Small Wind Energy Systems may be permitted as a special land use in the GC, RC, M, C, IM, CR, and BLP districts, provided that all of the applicable requirements of this Ordinance are met.~~

~~(2) Minimum Lot Area.~~

~~(a) Roof Mounted Small Wind Energy Systems shall have no minimum lot area.~~

~~(b) Tower Mounted Small Wind Energy Systems shall be located on a lot with a minimum area of one (1) acre.~~

~~(3) Maximum Wind Turbine Height.~~

~~(a) Roof Mounted Small Wind Energy Systems shall have a maximum height of ten (10) feet above the highest point of the roof or ten (10) feet above the maximum height of the zoning district, whichever is lower.~~

~~(b) Tower Mounted Small Wind Energy Systems shall have a maximum height of twenty (20) meters (65.617 feet).~~

~~(4) Minimum Setbacks.~~

~~(a) Roof Mounted Small Wind Energy Systems shall adhere to the minimum setbacks of the zoning district.~~

~~(b) Tower Mounted Small Wind Energy Systems shall be set back from all property lines, overhead utility rights-of-way and easements, and other towers a distance equal to or greater than the height of the wind turbine or tower.~~

~~(5) General Standards.~~ The following requirements are applicable to all wind energy systems.



- ~~(a) **Noise.** A noise from a wind energy system shall not exceed 40 dB at the property line and shall comply with the noise standards set forth in the City's Ordinances.~~
- ~~(b) **Shadow Flicker.** The application for a wind energy system shall include a shadow flicker analysis demonstrating impact on adjacent and nearby residential properties. Wind energy systems shall be constructed in locations that minimize the impacts of shadow flicker on residences.~~
- ~~(c) **Lighting.** No wind energy system shall be artificially lighted unless required by the Federal Aviation Administration (FAA).~~
- ~~(d) **Appearance, Color, and Finish.** The wind energy system shall be maintained in the color or finish that was originally applied by the manufacturer, unless otherwise approved in the zoning compliance permit. All wind energy systems shall be a single non-reflective, non-obtrusive, matte finished color (e.g. white or gray).~~
- ~~(e) **Signs.** The manufacturer or installer's identification sign, appropriate warnings signs, and an owner identification sign, are permitted. All other signs are prohibited.~~
- ~~(f) **Electrical Wires.** All electrical wires associated with a wind energy system, other than wires necessary to connect the wind generator to the tower wiring, the tower wiring to the disconnect junction box, and grounding wires, shall be located underground.~~
- ~~(g) **Compliance with Electrical Code.** Permit applications for wind energy systems shall be accompanied by line drawings of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code.~~
- ~~(h) **Construction Codes, Towers, and Interconnection Standards.** Wind energy systems, including towers, shall comply with all applicable state construction and electrical codes and local building permit requirements. Wind energy systems including towers, shall comply with the FAA requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950 as amended), and other applicable local and state regulations. A wind energy system connected to the public utility electrical grid shall comply with the Michigan Public Service Commission and Federal Energy Regulatory Commission standards.~~
- ~~(i) **System Access.** Small wind energy systems shall be designed and installed such that step bolts, ladders, or other means of access readily accessible to the public are located at least eight (8) feet above grade level.~~
- ~~(j) **Safety.** A wind energy system shall have an automatic braking, governing, or feathering system to prevent uncontrolled rotation or over-speeding. All wind towers shall have lightning protection. If a tower is supported by guy wires, the wires shall be clearly visible to a height of at least six (6) feet above the guy wire anchors.~~
- ~~(k) **Minimum Ground Clearance.** The lowest extension of any blade or other exposed moving component of a wind energy system shall be at least twenty (20) feet above the surrounding grade at its highest point within twenty (20) feet of the base of the tower and at least twenty (20) feet above any outdoor surface intended for human~~

use, such as balconies or roof gardens, that are located below the wind energy system.

~~(l) **Roof Mounted Small Wind Energy Systems.** Roof-mounted small wind energy systems shall be limited to roof mounting and shall not be mounted on any other building wall or surface.~~

~~(m) **Removal Provisions.** As a condition of approval, the City may require that the property owner enter into an agreement with the City for the removal of the wind energy system upon disuse or abandonment of the system as described in [Section 54.709\(C\)\(5\)\(n\)](#). The agreement shall be in recordable form, provide the necessary authority for the City to enter the property to remove the unit when a property owner fails to do so as required in [Section 54.709\(C\)\(5\)\(n\)](#), and also provide that the City may have a lien for costs if it becomes necessary for the City to exercise its rights under the agreement. This agreement shall be recorded with the Marquette County Register of Deeds.~~

~~(n) **Removal.** If a small wind energy system ceases to perform its intended function (generating electricity) for more than six (6) consecutive months or has been abandoned, the property owner shall remove the wind energy system, electrical components, and all other associated facilities no later than ninety (90) days after the end of the six (6) month period. Where the removal has not been lawfully completed as required above, and after at least thirty (30) days written notice, the City may remove or secure the removal of the wind energy facility or portion thereof only if there is a recorded agreement authorizing the City to do so pursuant to [Section 54.709\(C\)\(5\)\(m\)](#). If there is a recorded agreement authorizing the City to remove the solar energy system or portion thereof pursuant to [Section 54.709\(C\)\(5\)\(m\)](#), 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. If there is no recorded agreement authorizing the City to remove the wind energy system or portion thereof, 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.~~

~~(o) **Performance Guarantee.** All applications for a small wind energy system shall be accompanied by a performance guarantee in an amount sufficient to ensure the decommissioning and removal of the system when it is abandoned or no longer needed.~~

~~(p) **Insurance.** The applicant shall submit proof of sufficient property damage and liability insurance.~~

~~(q) **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 wind energy generator and that such connection has been approved. Off grid systems shall be exempt from this requirement.~~

## Section 54.710 Storage of Recreational Vehicles

Unless prohibited elsewhere in the Code of Ordinances, the storage of recreational vehicles is subject to the following requirements:

**(A) Personal Storage by City Residents.** Residents of the City may store their own recreational vehicles on their own property for an indefinite period of time, provided the vehicles meet the following requirements:

- (1) The recreational vehicle must be in operable condition if parked in the *front area*.
- (2) The recreational vehicle must be parked in the rear yard if the registration is not current, and if parked behind the front area, the recreational vehicle must meet the same side and rear setback requirements of ~~Article 4~~ as that of an accessory structure, per Article 54.705.
- (3) A recreational vehicle is not to be used as a dwelling unit in residential zoning districts.**

**SECTION 7. Article 9 – Parking, Loading, and Access Management**

**Chapter 54 – LAND DEVELOPMENT CODE, Article 9 – Parking, Loading, and Access Management is hereby amended as follows:**

**Article 9 Parking, Loading, and Access Management**

**Section 54.903 Minimum/Maximum Number of Parking Spaces**

Land Use	Minimum/Maximum Parking Requirement (standards show the parking minimums unless stated)
<b>(A) Residential and Lodging</b>	
<b>(1)</b> 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.
<b>(2)</b> 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.
<b>(3)</b> Multiple-Family units with 5 – 19 dwelling units, except subsidized (below market rate) and senior housing.	Two (2) spaces per each dwelling unit with more than one bedroom; one (1) parking space must be provided for each one-bedroom dwelling unit, except the M-U and CBD zoning districts require 1.125 space per any dwelling unit. 2 motor vehicle parking spaces per dwelling unit is the maximum allowed.
<b>(4)</b> Multiple-Family units with 20 or more dwelling units, subsidized housing units (including Section 8 and other programs)	Two (2) spaces per each dwelling unit with more than one bedroom; one (1) parking space must be provided for each one-bedroom dwelling unit, except the M-U and CBD zoning districts require 1.125 space per any dwelling unit. 2 motor vehicle parking spaces per dwelling unit is the maximum allowed.
<b>(5)</b> 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.
<b>(6)</b> Hotels and Motels	1 space per rental unit, plus 1 space per employee on peak shift. A hotel or motel may provide parking spaces and power hookups for recreational vehicles (RVs). The maximum number of spaces for RVs shall be ten (10) percent of the number of rental units/rooms.
<b>(7)</b> Fraternities, Sororities, and Intentional Communities	One (1) space for each capacity occupant
<b>(8)</b> Rooming Houses and Hostels	Three (3) spaces.
<b>(9)</b> Nursing Home, Convalescent Homes, Extended Care Facility, Assisted Living Facility	One (1) space for each three (3) units or beds

(congregate care facilities).	
(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>(13) Supportive Housing Facility, Permanent and Transitional</b>	<b>Two (2) spaces</b>
<b>(14) Group Home Day Care</b>	<b>One (1) off-street parking space must be provided for the caregiver(s) not living in the dwelling. Two (2) parking spaces must be available for drop-off and pick-up within 250 feet of the home.</b>

Land Use	Minimum Parking Requirement (standards show the parking minimums unless stated)
<b>(B) Educational</b>	
(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
<b>(C) Religious, Cultural, and Recreational</b>	
(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.
(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
<b>(D) Health Facilities</b>	
(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.
<b>(E) Transportation, Communication, and Utilities</b>	
(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

Land Use	Minimum Parking Requirement (standards show the parking minimums unless stated)
<b>(F) Industrial/Wholesaling/Warehousing</b>	
(1) Production or Processing of Materials, Goods, or Products	One (1) space per 1,500 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
<b>(G) Retail Trade</b>	
(1) Establishments for the Consumption of Food or Beverages on the Premises, excluding Drive-Through Restaurants	1 space for every two (2) capacity occupants
(2) Drive-Through Restaurants	1 space for every two (2) capacity occupants plus two (2) stacking spaces between the pick-up window and the order station, where space exists. Any other stacking spaces shall not conflict with access to required parking spaces or block right-of-way.

(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
<b>(H) Services</b>	
(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 <b>two (2) five (5)</b> vehicles. <b>The stacking spaces must meet the minimum parking layout dimension requirements per Figure 45.</b>

Land Use	Minimum Parking Requirement (standards show the parking minimums unless stated)
<b>(H) Services Cont.</b>	
(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
<b>(I) Other</b>	
(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
(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

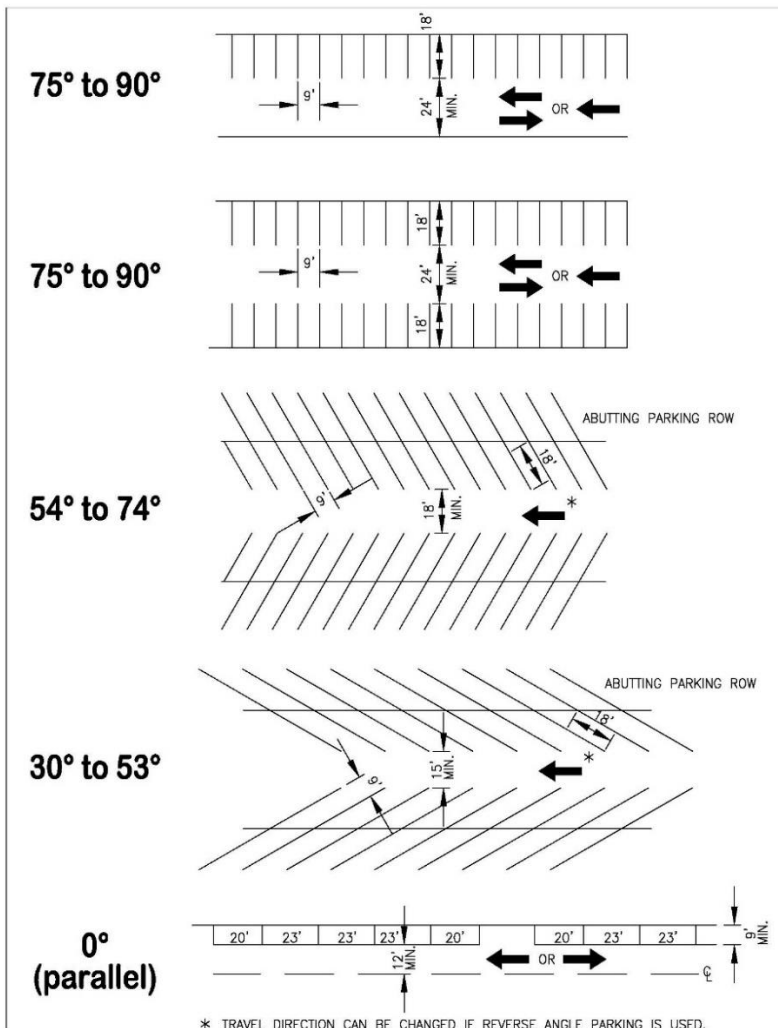
(5) Marihuana Safety Compliance Facility , Marihuana Education Research, and Marihuana Secure Transporter	One (1) space per 1,000 square feet of floor area plus One (1) space per 10,000 square feet of site area
(6) Outdoor Recreation	One (1) space per 10,000 square feet of space dedicated to recreation activities (not to include offices, restrooms, landscaped areas, roads, etc.)

## Section 54.905 Parking Layout, Design, Construction, and Maintenance

Figure 45. Minimum Parking Layout Dimension Requirements (Text)

Angle (In Degrees)	Min. Stall Length	Min. Stall Width	Min. Maneuvering Lane Width
0 (parallel)	23 ft.	9 ft.	12 ft. (one way)
30-53	18 ft.	9 ft.	15 ft. (one way)
54-74	18 ft.	9 ft.	18 ft. (one way)
75-90	18 ft.	9 ft.	24 ft. (one and two way)

Figure 46. Minimum Parking Layout Dimension Requirements (Graphic) **NEW GRAPHIC**





**SECTION 8. Article 10 – Landscaping and Screening**  
**Chapter 54 – LAND DEVELOPMENT CODE, Article 10 – Landscaping and Screening is hereby amended as follows:**

**Article 10 Landscaping and Screening**

**Section 54.1002 Scope of Application**

- (A) **Uses, Lots, Sites, and Parcels for Which Site Plan Review is Required.** The requirements set forth in this Article shall apply to all uses, lots, sites, and parcels for which Site Plan Review is required and which are developed or expanded following the effective date of this Ordinance. No site plan shall be approved unless that site plan shows landscaping consistent with the provisions of this Article. Furthermore, where landscaping is required, a Zoning Compliance Permit shall not be issued until the required landscape plan is submitted and approved and a Certificate of Occupancy shall not be issued unless provisions set forth in this Article have been met or a performance guarantee has been posted in accordance with the provisions set forth in [Section 54.1402\(H\)](#).
- (B) **Existing Buildings.** Meeting the requirements of this Article are optional, in cases where the use of an existing building changes or an existing building is re-occupied and for building and/or site alterations that do not require Site Plan Review.
- (C) **Additional Requirements for Landscaping.** The requirements of this Article are minimum requirements, and nothing in this Article shall preclude a developer and the City from agreeing to more extensive landscaping.
- (D) **Existing Landscaping.** Existing landscaping that meets the requirements of this Article may be used to comply with the requirements of [Section 54.1003](#).
- (E) **Uses that do not require site plan review.** Uses that are exempt from site plan review, such as single-family residential must meet Section 54.1004 and Section 54.1005 at all times.

**Section 54.1003 Landscaping Design Requirements**

- (A) **Street Trees.**
  - (1) **Intent.** Street trees provide both form (canopy) and comfort (shade) to the street-space. Native trees and plants contribute to the reduction of air and noise pollution, maintenance of natural habitat, the conservation of water, and rainwater management.
  - (2) **Where Applicable.** Street trees must be planted within the road right-of-way, provided there is sufficient area within the right-of-way for street trees and the planting is approved by the City Arborist pursuant to Chapter 22, Article 5 of the City of Marquette Code of Ordinances. This does not apply to right-of-way areas that are not controlled by the City of Marquette.
    - (a) Street trees shall not be planted directly in front of non-residential building entrances or other features of a building that are intended to be seen from a street. A “clear zone” should be established around these entrances and features to prevent them from being obscured by trees and other vegetation.
  - (4) **Location of Planting.** Street trees may be planted in a tree lawn (the area in between the sidewalk and the curb or edge of pavement) or in tree grates where no tree lawn exists between the curb and the sidewalk. Street trees shall not be planted over public underground utilities without the approval of the City Engineering Department, or in front of commercial building entrances. Street trees must be centered horizontally and meet the following separation requirements:

- (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.

- (F) Garbage and Dumpster Screening.** If the garbage and dumpster area is not screened by an intervening building from a perpendicular view from any public street rights-of-way or adjacent residential zoning district then an An enclosure of sufficient height to completely screen the dumpster is required on three (3) sides of the dumpster, ~~with a solid, opaque gate on the fourth side.~~ An enclosure gate is optional. The height of the enclosure shall be not less than six (6) feet or at least one (1) foot above the height of the dumpster, whichever is greater. Enclosures shall meet the following standards:
- (1) The enclosure must be constructed of brick, decorative concrete, pressure treated or wolmanized wood, cedar, chain link with slats, or vinyl composite material which matches or complements the principal building or structure.
  - (2) Enclosure gates must be constructed of solid metal or steel-reinforced wood, cedar, chain link with slats, or vinyl composite material. If wood other than cedar is used, it must be pressure treated or wolmanized.

## Section 54.1004 Standards for Plant Materials

- (A) Lawn Areas and Other Open Space Areas.** Lawn areas and other open space areas that are to remain undeveloped shall be planted in species of grass or other perennials normally grown in the Upper Peninsula to provide suitable groundcover and prevent soil erosion. Lawn areas and other open space areas may be sodded or seeded and mulched, except that City may require solid sod or additional planting requirements in swales or other areas subject to erosion and periodic high-water volumes. Sod or seed shall be clean, free of weeds and noxious pests or disease.

- (1) Single-family and two-family uses are allowed to have in addition to grass or other perennials gardens, food production, pea stones, rocks, pebbles in the open areas of the site; however, there is a required 5-ft buffer between street's edge/curb where grass or other plant material is required.
  - (a) Landscaping stone requires a 1-ft setback/buffer to the property line or City public sidewalk.

**SECTION 9. Article 11 – Signs**

Chapter 54 – LAND DEVELOPMENT CODE, Article 11 – Signs is hereby amended as follows:

**Article 11 Signs**

**Section 54.1103 Definitions**

**(B) Sign Definitions, Sign Types.** The following definitions apply to types of signs based on the characteristics of the sign without respect to the content of the message:

- (25) **Mural:** An original painting or texturing applied to the surface of a wall or window. If the mural depicts on-premise commercial content or off-premise commercial content, the portion of the mural containing the commercial content will be considered a sign for purposes of this Ordinance, and will be regulated as such by subsection 54.1103(C)(26).

**Section 54.1105 Signs Permitted by Zoning District**

**(A) Sign Regulations Applicable to Residential Districts (LDR, MDR, MFR, and MHP)**

Sign Type	Single-Family, Duplex, Triplex, and Quadplex Residential Uses Only	Residential Developments (Subdivisions, Site Condominiums, Multi-Family Developments, Mobile Home Parks) and Non-Residential Uses Only
Freestanding Monument Sign ( <a href="#">Section 54.1109(B)</a> )	Not Permitted	<b>Max. Number:</b> Either 1 Freestanding Monument Sign or Ground Sign per lot and 1 Wall Sign per lot. <b>Max. Combined Area:</b> 50 sq. ft. combined area of the Monument Sign <u>or Ground Sign</u> and Wall Sign.
Wall Sign ( <a href="#">Section 54.1109(C)</a> ), in addition to Nameplate Signs ( <a href="#">Section 54.1107(B)</a> ) and Address Signs ( <a href="#">Section 54.1107(C)</a> )	Not Permitted	
Freestanding Pole Signs ( <a href="#">Section 54.1109(A)</a> )	Not Permitted	<b>Developments of 1-4 Residential Units:</b> 1 sign not exceeding 2 sq. ft. <b>Developments of 5-49 Residential Units:</b> 1 sign not exceeding 10 sq. ft. <b>Developments of 50+ Residential Units:</b> 1 sign not exceeding 20 sq. ft. for each driveway providing access to the site. <b>Location:</b> Must be within 50 feet of the driveway and must not be within 100 feet of another such sign on the same site.
Projecting Sign (i.e., Awning Sign [ <a href="#">Section 54.1109(E)</a> ], Blade Sign [ <a href="#">Section 54.1109(D)</a> ], Canopy Sign [ <a href="#">Section 54.1109(E)</a> ], Marquee Sign [ <a href="#">Section 54.1109(E)</a> ])	Not Permitted	Not Permitted
Sidewalk Sign ( <a href="#">Section 54.1109(F)</a> )	Not Permitted	Not Permitted
Window Sign ( <a href="#">Section 54.1109(H)</a> )	See <a href="#">Section 54.1109(H)</a>	
Electronic Message Center (EMC) ( <a href="#">Section 54.1109(I)</a> )	Not Permitted	Not Permitted
Yard Signs (Non-Commercial)	<b>Max. Number:</b> 4 per lot <b>Max. Height:</b> 6 feet <b>Max. Area (Total):</b> 24 sq. ft.	

<b>Yard Signs (On-Premise Commercial)</b>	<b>Max. Number:</b> 1 per lot <b>Max. Area:</b> 6 sq. ft. <b>Max. Height:</b> 6 ft.	<b>For Developments with 20 lots/units or less:</b> 1 sign not exceeding 32 sq. ft. in area or 8 ft. in height, located at least 100 ft. from an occupied residence. <b>For Developments with more than 20 lots/units:</b> 2 signs not exceeding 32 sq. ft. each or 8 ft. in height, located at least 100 ft. from an occupied residence.
<b>Off-Premise Commercial</b>	Not Permitted	Not Permitted

## **SECTION 10. Article 14 – Administrative Procedures**

**Chapter 54 – LAND DEVELOPMENT CODE, Article 14 – Administrative Procedures is hereby amended as follows:**

### **Article 14 Administrative Procedures**

#### **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 [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. One digital copy of the plan set must also be submitted.
  - (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.
- (E) **Expiration.** Zoning permits (which includes zoning compliance, fence, and sign permits, etc.) will expire after two (2) years if construction has not commenced. Zoning Staff upon request prior to the expiration date, may grant an extension of not more than one (1) year from the expiration date, upon findings that the conditions of the permit have not changed. Not more than two (2) such extensions may be granted.

## Section 54.1402 Site Plan Review

Figure 51. Required Review Process Based on Development Activity

Development Activity	Site Plan Review Required by P.C.	Minor/Admin Site Plan	Exempt From Site Plan Review
Special land uses	●		
Planned Unit Developments	●		
New building construction totaling more than either 16,000 sq. ft. in footprint area or 40,000 sq. ft. in gross floor area.	●		
New construction for multi-family residential units that contain or will contain more than twenty (20) dwelling units.	●		
Site Condominium development – New, amendment, or expansion	●		
Additions, alterations, non-residential and multi-family accessory structures, and renovations that are more than 16,000 sq. ft. in footprint area or 40,000 sq. ft. in gross floor area.	●		
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 multi-family residential additions, alterations, or site improvements that are not otherwise exempt (as stated below) , unless site plan review is required due to size criteria being met.		●	
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.		●	

Development Activity	Site Plan Review Required by P.C.	Minor/Admin Site Plan	Exempt From Site Plan Review
Additions, alterations, non-residential and multi-family accessory structures, Solar Energy Systems ≥20kw to 2 MW – Accessory Use, Solar Energy Systems ≥20kw to 2 MW – Principal Use, and renovations that are more than 10 percent less than 20% of the size of the original commercial or multi-family residential building footprint or less than 2,500 more than 500 square feet, unless otherwise exempt.		●	
Relocation of a building approved via Site Plan Review, with associated utilities		●	
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 for a non-residential use; or earthwork that is more than half the size of the parcel upon which commercial, industrial, mixed-use or multi-family land use is occurring or intended.		●	
Site improvements of more than 2,000 square feet 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 16,000 square feet, unless the activity requires site plan review		•	
Condominium development – New, amendment, or expansion		•	
If only adding a new driveway to an existing off-street parking lot and not affecting the parking lot.			•
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, <b>non-residential and multi-family</b> accessory structures, <b>Solar Energy Systems &lt;20kw – Accessory Use</b> , and renovations that are less than <b>up to</b> 10% of the size of the original industrial, commercial or multi-family residential building footprint or less than <b>up to</b> 500 square feet.			•
<b>Relocation of a building approved via a site or plot plan, no corresponding utilities</b>			•
Interior remodeling or interior construction			•
Landscaping that is less than 25% of the parcel size or 2,000 square feet			•
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			•

## Section 54.1402 Site Plan Review

Figure 52. Site Plan Information Required in the Site Plan Set

Site Plan Information Required	Sketch Plan	Preliminary Site Plan	Final Site Plan
<b>Identification of Project</b>			
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.	•	•	•
<b>Existing Features</b>			
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 – streams, wetlands and floodplains (see Section 54.805), steep slopes (see Section 54.806), woodlands and protected trees	•	•	•



(see Section 54.807).			
Boundary of any Riparian Overlay Districts, per <a href="#">Section 54.320(E)</a> . Applicable where streams and/or steep slopes, wetlands, and surface water bodies may be impacted by proposed development. Location of steep slopes (>12 percent), per <a href="#">Section 54.806</a>		•	•
Any existing private or public easements		•	•
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.		•	•

<b>Proposed Construction</b>			
Building footprints, setbacks, and elevations showing height for all proposed structures with the acreage allotted to each use. See <a href="#">Article 3</a> , <a href="#">Article 4</a> , and <a href="#">Article 7</a> .	•	•	•
Floor area and ground coverage ratios. See <a href="#">Article 3</a> and <a href="#">Article 4</a> .	•	•	•
Schematic storm water management plan, including elements stated below for Final Site Plan requirements, as needed to show intended compliance with the requirements of the Land Development Code.		•	
Proposed topography with a site grading plan with topography at a minimum of two (2) foot contour intervals.		•	•
Boundary of any Riparian Overlay Districts, per <a href="#">Section 54.320(E)</a> . Applicable where streams and/or steep slopes, wetlands, and surface water bodies may be impacted by proposed development. Location of steep slopes (>12 percent), per <a href="#">Section 54.806</a>		•	•

<b>Site Plan Information Required</b>	<b>Sketch Plan</b>	<b>Preliminary Site Plan</b>	<b>Final Site Plan</b>
Location and method of screening for all waste dumpsters. See <a href="#">Section 54.1003(F)</a> .		•	•
Location and dimensions of parking spaces. See <a href="#">Article 9</a> .	•	•	•
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 <a href="#">Article 10</a> .		•	•
Details of exterior lighting including fixture and pole locations, height, and method of shielding. See <a href="#">Section 54.802</a> .		•	•
The location of all permanent or temporary signs, existing or proposed, including their area, size, height, illumination, and the type of construction. See <a href="#">Article 11</a> .	•	•	•
Locations of utility services (with sizes) and storm water management elements, including, storm drainage, retention or detention ponds and/or swales, rain gardens, riparian buffer vegetative strips, per <a href="#">Section 54.803</a> . Any proposed public or private easements.			•
Fire hydrant number and placement or other water supply, and standpipe connection type; Fire dept. connection location; Alarm panel location; Fire dept. access details.			•

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.	•	•	•
<b>Site Circulation Details and Access Design</b>			
General site circulation and access including: indication of street right-of-way and pavement widths; access points; and location of pedestrian paths. See <a href="#">Section 54.907</a> .	•		
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 <a href="#">Section 54.907</a> .		•	•
Schematic location and names of abutting public streets and other right-of-ways, and schematic location of proposed streets/roads, driveways, parking areas, pedestrian and bicycle paths.		•	
Schematic of access points, including from adjacent driveways on intersecting streets, including those across a street. See <a href="#">Section 54.907</a> .		•	
Locations, dimensions, and names of abutting public streets and other right-of-ways, and of proposed streets/roads, driveways, parking areas, pedestrian and bicycle paths.			•
Pavement widths and pavement types for all streets/roads, pedestrian and bicycle paths.			•
Written verification of access easements or agreements, if applicable.		•	•
<b>Additional Information</b>			
Any other information necessary to establish compliance with this and other ordinances.	•	•	•
<b>Voluntary Information/Considerations – callouts/notes and narrative would be appreciated</b>			
<u>Infrastructure for Electric Vehicle (EV) charging stations (wiring, conduit, etc.)</u>			
<u>Incorporation of green infrastructure elements such as a bioswale/rain garden (see Fig. 41), pervious pavers, vegetative/green roof, living retaining wall, French drains.</u>			
<u>Public art elements such as sculpture, murals, interactive installations.</u>			
<u>Affordable housing (including of explanation of how affordability is calculated).</u>			
<u>Encourage colorful cladding materials (black, white, grey materials should be limited to &lt;50 percent of total exterior cladding and trim colors).</u>			
<u>Inclusion of bicycle parking facilities (racks, shelters, lockers, etc.) not required by the LDC.</u>			

**SECTION 11. Article 15 – Violations, Penalties, and Enforcement**

**Chapter 54 – LAND DEVELOPMENT CODE, Article 15 – Violations, Penalties, and Enforcement is hereby amended as follows:**

**Article 15 Violations, Penalties, and Enforcement**

**Section 54.1503 Violations and Penalties**

Any person or party who violates any provision of this Ordinance or any amendment thereto, including conditions of approval for site plan review and zoning compliance, or who fails to perform any act required hereunder or does any prohibited act, shall be guilty of a civil infraction. Each and every day on which any violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. Any violation of this Ordinance is hereby declared to be a public nuisance per se. See also [Section 54.1301\(B\)\(6\)](#)

**SECTION 12. Effective Date**

**This ordinance shall take effect ten days after adoption but not before publication.**

\_\_\_\_\_  
**Sally Davis, Mayor**

\_\_\_\_\_  
**Kyle Whitney, City Clerk**

**Date Adopted:** \_\_\_\_\_

**Date Published:** \_\_\_\_\_