

ORDINANCE #25-07

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 8 – ENVIRONMENTAL PERFORMANCE STANDARDS

ARTICLE 9 – PARKING, LOADING AND ACCESS MANAGEMENT

ARTICLE 10 – LANDSCAPING AND SCREENING

ARTICLE 11 – SIGNS

ARTICLE 12 - NONCONFORMITIES

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.

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

- (27) Best Management Practices (BMPs).** Conservation practices or management measures approved by the Michigan Department of Environmental Quality (MDEQ) **Environment, Great Lakes, and Energy (EGLE)** or the City that prevent, control, and reduce nonpoint source pollution.
- (34) Building, Height:** The vertical distance between the average grade (see definition of “Grade”) and the highest point of the roof surface for flat roofs; to the deck line of Mansard roofs; the average height between eaves and ridge for gable, hip, and gambrel roofs; and the maximum height of the highest wall for a shed roof. (See [Figure 2. Building Height](#)). **Asymmetrical gable roofs will be measured from the longest roof – the vertical distance between the average grade and the average height between eaves and ridge.**

Figure 2. Building Height (Remove and Replace the images)

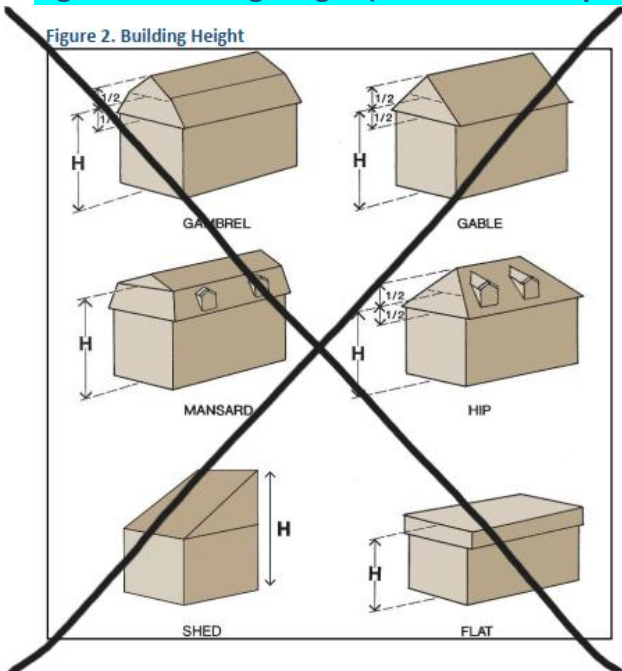
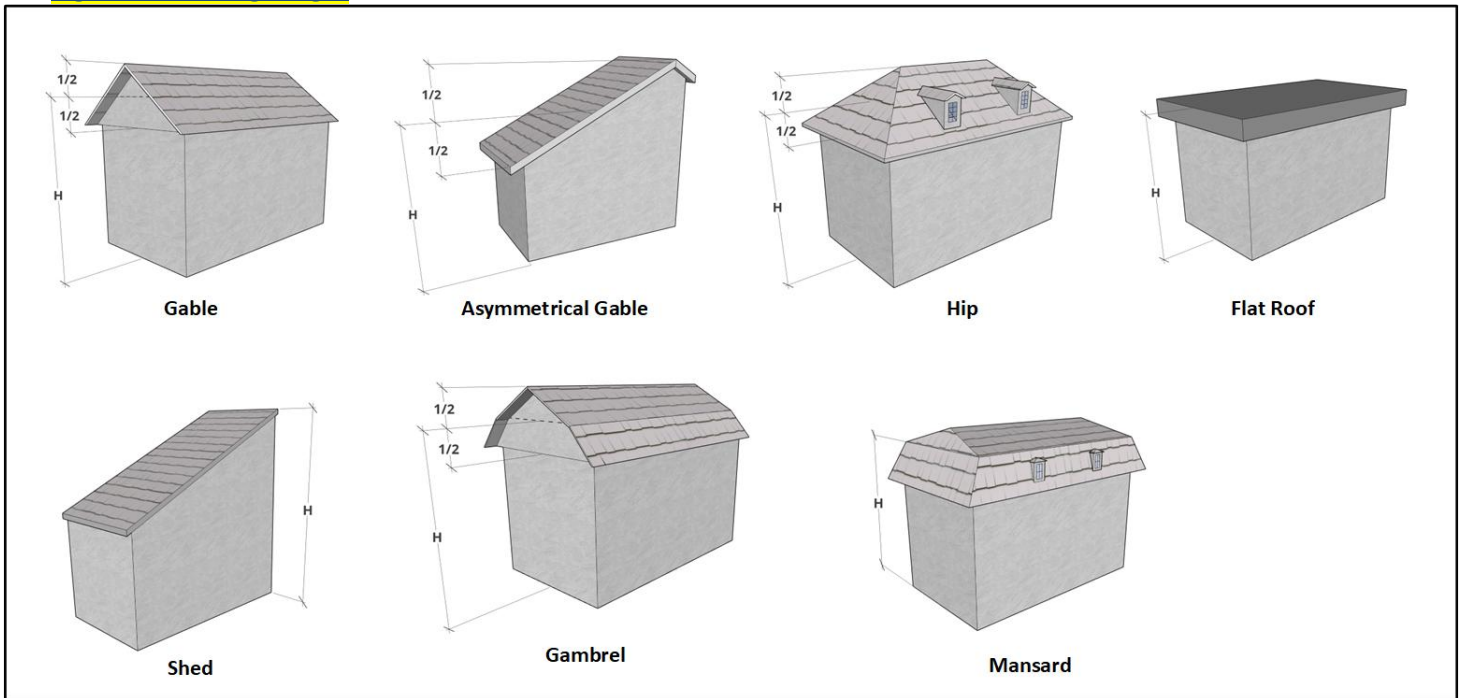


Figure 2. Building Height



(78) Fence, Residential Screening: A closed-construction (solid or board-on-board) fence, more than four (4) feet in height but no more than six (6) feet in height. Such a fence is located and maintained primarily to screen views to and from adjacent properties.

(789) Fence, Screening: A fence/structure of definite height and location, located and maintained to prevent passage of light to screen and separate a use from adjacent property screen views and reduce noise to/from adjacent properties, and sometimes to separate different land uses.

All of the definitions after this will need to be renumbered

(xx) Heavy Vehicle/Equipment Sales, Rental, and Display: Includes indoor and outdoor display and storage of construction equipment such as manlifts, forklifts, aerial work platforms, earth moving equipment, cranes, pumps, and related accessories such as welders, trailers, air compressors.

(xx) Lot Depth: Lot depth is measured along an imaginary straight line drawn from the midpoint of the front property line of the lot to the midpoint of the rear property line or to the most distant point on any other lot line where there is no rear lot line. This straight line must be entirely within the lot boundaries.

(xxx) Housing collective: A cooperative organization, typically a non-profit in which the ownership and control of housing are mutually vested in the occupants of dwelling units and possibly other stakeholders of that organization, who may share cooperative responsibilities in the dwelling(s) other than financial interests. For example, an *Intentional Community* dwelling may be a housing collective, but as a housing collective is primarily a financial arrangement for owning and operating housing, it is not necessarily an *Intentional Community* or any other type of land use defined herein, and thus it is not a land use per se and not prohibited by this ordinance.

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

(xx) Storage, Indoor: Structure(s) containing separate, individual, and private storage spaces of varying sizes leased or rented on individual leases for varying periods of time for dead storage and equipment and located entirely within a building. Dead storage refers to the storage of furniture, files, or other unused or seldom used items in a warehouse or other location for an indefinite period of time.

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

(xx) Storage Facility, Self: A type of personal indoor storage for personal or business property or goods, for periods greater than 24 hours, mainly to provide long-term weather-protected, secured storage and shall be accessible by the owner of the storage items.

(218) Street, Marginal Access: A minor street parallel and adjacent to an arterial, collector or major thoroughfare, and which provides access to abutting properties private or public properties and protection from through traffic.

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

(249) Warehousing/Storage Facilities: A use engaged primarily in indoor storage (commercial or personal materials), wholesale, and distribution of goods, products, supplies, and equipment, excluding bulk storage of materials.

Warehousing: An establishment in an enclosed building primarily engaged in storing commercial materials, goods, or property, including wholesaling operations that involve the sale or distribution of goods and materials in large quantity to retailers or other businesses for resale or distribution to individual or business customers. This shall not include heavy manufacturing, resource extraction, bulk storage of hazardous materials, or scrap or salvage operations. Examples include automated, distribution center, and cold storage.

(253) Wetlands. Land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support the wetland vegetation or aquatic life, and is commonly referred to as a bog, swamp, or marsh. The boundaries of wetlands are determined in accordance with using maps produced by the Michigan Department of Environmental Quality Environment, Great Lakes, and Energy (EGLE), unless the applicant submits a certified wetlands delineation, which is preferable.

(254) Wholesale Trade Establishments: An establishment or place of business primarily engaged in selling and/or distributing wholesale merchandise to retailers, business users, other wholesalers, or individuals. This does not include warehousing/storage.

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

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
Residential Uses														
Adult Foster Care, Family Home	P	P	P	P	P	P								
Adult Foster Care, Large Group Home			S											Section 54.602
Adult Foster Care, Small Group Home	P	P	P		P									Section 54.602
Child or Day Care, Family Home	P	P	P	P	P	P								
Child or Day Care, Group Home	P	P	P		P									Section 54.6078
Dwelling, Accessory Unit	P	P	P		P	P								Section 54.6112
Dwelling, Intentional Community	S	S	PS		S	S								Section 54.6134
Dwelling, Live/Work					P	P								Section 54.6145
Dwelling, Multiple-Family, 5+ dwelling units			P		P	P								Section 54.6156
Dwelling, Single-Family Attached			P		P	S								
Dwelling, Single-Family Detached	P	P	P		P	S								Section 54.6167

Dwelling, Two-Family (Duplex)	P	P	P		P	P											Section 54.6123
Dwelling, Triplex	S	P	P		P	P											
Dwelling, Quadplex	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											Section 54.621
Home Office	P	P	P		P	P											Section 54.622
Mobile Home Park				P													Section 54.631
Nursing Home, Convalescent Home, Extended Care Facility, Assisted Living Facility			S		S	S											Section 54.633
Residential Limited Animal Keeping	P	P															Section 54.6423
Lodging Uses																	
Bed and Breakfast			S		S	S											Section 54.603
Bed and Breakfast Inn					S	S											Section 54.604
Domestic Violence Abuse Shelter			S		S	S											Section 54.60910
Fraternity or Sorority House			S		S	S											
Halfway House			S		S												Section 54.61920
Homeless Shelter					S	S											Section 54.623
Homestays and Vacation Home Rentals	P	P	P		P	P											Section 54.624
Hospital Hospitality House			S		S	S											Section 54.626
Hostel			S		S	S	S										Section 54.6434
Hotel or Motel					S	S	P	P									
Rooming House			S		S	S	S										Section 54.6434
Supportive Housing Facility, Transitional and/or Permanent	S	S	P		S	S											Section 54.65249

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	
Medical Uses															
Emergency Services					P	P	P	P							
Health Services					P	P	P	P							
Hospice					P	P	P	P							
Hospital			S		S	S	S	S							Section 54.625
Medical Hospital Related Accessory Uses					P	P	P	P							Section 54.634
Medical Hospital Related Office or Uses					P	P	P	P							
Office, Medical					P	P	P	P			P				Section 54.634
Veterinary Clinic (Domestic Animals Only)					P	P	P	P			P				
Public and Quasi-Public Uses															
Cemetery	S	S	S						P	P					Section 54.6056
Public or Governmental Building	S	S	S		P	P	P	P	P	P	P	P	P		
Recreational Use, Land Intensive												S	S		Section 54.6401
Recreational Use, Public	S	S	S		S	S	S	S	P	P		P	P		
Religious Institution	S	S	S		P	S	P	P			P				Section 54.6412
School, Primary or Secondary	S	S	S		S	S			P	P					Section 54.6445
School, University		S	S		S	S			P	P					Section 54.6067

Commercial and Retail Uses														
Adult Entertainment Uses												S		Section 54.601
Bar					S	P	P	P						
Child Care Center or Day Care Center	P	P			P	P	P	P						Section 54.6089
Drive-Through Uses					P	P	P	P						Section 54.6101
Farmers' Markets					P	P	P	P	P	P				Section 54.6178
Fuel Dispensing Uses, including Service Stations					S	S	P	P	P	P	P	P	P	
Indoor Recreation					P	P	P	P	P	P	P			
Heavy Vehicle/Equipment Sales, Rental, and Display								P	P			P		Section 54.620
Light Vehicle/Equipment Sales and Display							P	P	P					Section 54.628
Office, Professional					P	P	P	P	P	P	P			Section 54.634
Off-street Parking Lot			S		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		Section 54.6356 (C) or (D)
Outdoor Entertainment and Community Events (Temporary Use)	P	P	P	P	P	P	P	P	P	P	P	P	P	Section 54.6356(B)
Outdoor Alcoholic Beverage Service					S	P	P	P				S		Section 54.6367
Outdoor Food & Non-Alcoholic Beverage Service					P	P	P	P				P		Section 54.6378
Outdoor Recreation			S		P	P	P	P	P	P		P	P	
Pet Boarding Facility							S	S			S			

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
Restaurant, Indoor Service					P	P	P	P						
Restaurant with Outdoor Alcoholic Beverage Service					S	P	P	P				S		Section 54.6367
Restaurant with Outdoor Food & Non-Alcoholic Beverage Service					P	P	P	P				P		Section 54.6378
Retail Business, Indoor					P	P	P	P			P			
Retail Business, Outdoor Permanent							S	S			S			
Retail Sales and Service Areas , Outdoor Temporary					P	P	P	P						Section 54.6389
Service Establishment					P	P	P	P			P			
Shooting Range, Indoor							P	P			P			Section 54.6456
Open Storage Storage, Open/Outdoor							P	P	P	P	P	P	P	Section 54.65035
Vehicle Repair and Service					S	S	P	P			P			Section 54.627
Industrial Uses														
Major Repair and Maintenance Operations									P	P	S		P	Section 54.627
Manufacturing, Heavy											S		P	Section 54.627
Manufacturing, Light– Low Impact					P	P	P	P	P	P	P		P	Section 54.627
Manufacturing, Light – Medium Impact					S	S	S	S	P	S	P		P	Section 54.627
Natural Resource Extraction and Processing Operations											S	S	P	Section 54.6321
Port Facilities and Docks									S	S		S	S	Section 54.63940

public street or highway.									S	S		S	
Wireless Telecommunications Facilities					S	S	S	P	P	P	S	P	Section 54.6530
Marquette Downtown Waterfront District Form-Based Code (see Section 54.321)													
Third Street Corridor Form-Based Code (see Section 54.322)													

Section 54.307 LDR, Low Density Residential District

(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 (B)
Min. Lot Width (ft.)	60	Side Yard (one) (ft.)	10 (L)
Max. Impervious Surface Coverage (%)	(S)	Side Yard (total of 2) (ft.)	20 (L)
Max. Building Height of Primary Building (ft.) (Q)	44 (V) 31.5	Rear Yard (ft.)	20 30 (L) , (U)
Max. Building Height of Accessory Building	(L)		
Max. Building Height (stories)	-		
Where there is a discrepancy between Article 4 and this table, Article 4 shall prevail.			

(E) Dimensional Regulations for 3-4 Dwelling Units			
Lot, Coverage, and Building Height Standards		Minimum Setbacks	
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)	44 (V) 31.5	Rear Yard (ft.)	30 (H) , (L) , (U)
Max. Building Height of Accessory Building	(L)		
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 54.308 MDR, Medium Density Residential District

(A) Intent			
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 for the community to preserve and enhance these pedestrian-friendly, compact neighborhood types districts where homes and buildings are of similar scale and character support the vast majority of residents in a form that is traditional to the city.			

(D) Dimensional Regulations for 1 Dwelling unit and other uses identified in Section 54.308			
Lot, Coverage, and Building Height Standards		Minimum Setbacks	
Min. Lot Area (sq. ft.)	4,500 (C)	Front Yard (ft.)	15 (A), (B)
Min. Lot Width (ft.)	37.5 (D)	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)	44 (V) 31.5	Rear Yard (ft.)	20 (L), (U)
Max. Building Height of Accessory Building	(L)		
Max. Building Height (stories)	-		
Where there is a discrepancy between Article 4 and this table, Article 4 shall prevail.			

(E) Dimensional Regulations for 2 Dwelling Units			
Lot, Coverage, and Building Height Standards		Minimum Setbacks	
Min. Lot Area (sq. ft.)	6,000 (C)	Front Yard (ft.)	15(A),(B)
Min. Lot Width (ft.)	50 (D)	Side Yard (one) (ft.)	5 10 (L)
Max. Impervious Surface Coverage (%)	(S)	Side Yard (total of 2) (ft.)	13 20 (L)
Max. Building Height of Primary Building (ft.) (Q)	44 (V) 31.5	Rear Yard (ft.)	20 (L), (U)
Max. Building Height of Accessory Building	(L)		
Max. Building Height (stories)	-		
Where there is a discrepancy between Article 4 and this table, Article 4 shall prevail.			

(F) Dimensional Regulations for 3-4 Dwelling Units			
Lot, Coverage, and Building Height Standards		Minimum Setbacks	
Min. Lot Area (sq. ft.)	9,000 (E)	Front Yard (ft.)	15 (A)
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)	44 (V) 31.5	Rear Yard (ft.)	30 (H), (L) (L), (U)
Max. Building Height of Accessory Building	(L)		
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) Permitted Principal Uses	(C) Special Land Uses
<ul style="list-style-type: none"> Accessory Building or Structure Accessory Use, Non-Single Family Residential Lots Accessory Use, Single-Family Residential Lots Adult Foster Care, Family Home Adult Foster Care, Small Group Home Child or Day Care, Family Home Child or Day Care, Group Home Dwelling, Accessory Unit Dwelling, Intentional Community Dwelling, Multiple-Family 5+ dwelling units Dwelling, Quadplex Dwelling, Single-Family Attached Dwelling, Single-Family Detached Dwelling, Triplex Dwelling, Two-Family (Duplex) Food Production, Minor Foster Family Home Home Occupation Home Office Homestays and Vacation Home Outdoor Entertainment and Community Events (Temporary) Small Wind Energy Systems, Roof-Mounted Solar Energy Systems, <20kw- Accessory Use Supportive Housing Facility, Transitional and/or Permanent 	<ul style="list-style-type: none"> Adult Foster Care, Large Group Home Bed and Breakfast Cemetery Domestic Violence Abuse Shelter Dwelling, Intentional Community Foster Family Group Home Fraternity or Sorority House Halfway House Hospital Hostel Nursing Home, Convalescent Home, Extended Care Facility, Assisted Living Facility Off-street Parking Lot Outdoor Recreation Public or Governmental Building Recreational Use, Public Religious Institution Rooming House School, Primary or Secondary School, University Solar Energy Systems, ≥20kw to 2 MW - Accessory Use

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

(D) Dimensional Regulations 5+ Multiple Family Units			
Lot, Coverage, and Building Height Standards		Minimum Setbacks	
Min. Lot Area (sq. ft.)	15,000	Front Yard (ft.)	15 (A)
Min. Lot Width (ft.)	100	Side Yard (one) (ft.)	15 (H), (L), (M)
Max. Impervious Surface Coverage (%)	(T)	Side Yard (total of 2) (ft.)	30 (H), (L), (M)
Max. Building Height of Primary Building (ft.) (Q)	48 36.5 (M), (N)	Rear Yard (ft.)	30 (H), (L), (M), (U)
Max. Building Height of Accessory Building	Sec 54.616(C)	Required Buffer & Greenbelt	(U, T)
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.

(E) Dimensional Regulations for 3-4 Dwelling Units and other uses identified in Section 54.309			
Lot, Coverage, and Building Height Standards		Minimum Setbacks	
Min. Lot Area (sq. ft.)	9,000 (E)	Front Yard (ft.)	15 (A)
Min. Lot Width (ft.)	75 (E)	Side Yard (one) (ft.)	10 (H), (L), (M)
Max. Impervious Surface Coverage (%)	(S or T)	Side Yard (total of 2) (ft.)	20 (H), (L), (M)
Max. Building Height of Primary Building (ft.) (Q)	48 36.5 (M)	Rear Yard (ft.)	30 (H), (L), (M)

	(N)		(U)
Max. Building Height of Accessory Building	(L) & Sec 64.616(C)	Required Buffer & Greenbelt	(U, T)
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.			

(F) Dimensional Regulations for 1-2 Dwelling Units			
Lot, Coverage, and Building Height Standards		Minimum Setbacks	
Min. Lot Area (sq. ft.)	6,000 (C)	Front Yard (ft.)	15 (A)
Min. Lot Width (ft.)	50 (D)	Side Yard (one) (ft.)	5 10 (L)
Max. Impervious Surface Coverage (%)	(S)	Side Yard (total of 2) (ft.)	13 20 (L)
Max. Building Height of Primary Building (ft.) (Q)	44 (V) 31-5	Rear Yard (ft.)	20 30 (L) , (U)
Max. Building Height of Accessory Building	(L)	Required Buffer & Greenbelt	(U, T)
Max. Building Height (stories)	-		
Max. Lot Coverage/ Ground Coverage	-		
Where there is a discrepancy between Article 4 and this table, Article 4 shall prevail.			

Section 54.310 MHP, Mobile Home Park District

(A) Intent
<p>The MHP is intended to provide for the location and regulation of mobile home parks. It is intended that mobile home parks be provided with necessary community services in a setting that provides a high quality of life for residents. This district should be located in areas where it will be compatible with adjacent land uses.</p> <p>The regulations established by State law (Michigan Public Act 96 of 1987, as amended) and the Manufactured Housing Commission Rules govern all mobile home parks. When regulations in this Section exceed the State law or the Manufactured Housing Commission Rules, they are intended to ensure that mobile home parks meet the development and site plan standards established by this Ordinance for other comparable residential development and to promote health, safety, and welfare of the City's residents.</p>

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

(D) Dimensional Regulations
See Section 54.631

(E) References to Additional Standards

Definitions Article 2	Steep Slopes and Ridgelines Section 54.806	Zoning Permits Section 54.1401
Riparian Buffers Section 54.804	Signs Article 11	Site Plan Review Section 54.1402
Wetland Protection Section 54.805	Nonconformities Article 12	Accessory Structures Section 54.705

Section 54.311 M-U, Mixed-Use District

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

<ul style="list-style-type: none"> • Retail Sales and Service Areas, Outdoor Temporary • Service Establishment • Small Wind Energy Systems, Roof-Mounted • Solar Energy Systems, <20kw- Accessory Use • Wholesale Trade Establishment • Veterinary Clinic (Domestic Animals Only) 	
Where there is a discrepancy between Section 54.306 and this table, Section 54.306 shall prevail.	

(D) Dimensional Regulations			
Lot, Coverage, and Building Height Standards		Minimum Setbacks	
Min. Lot Area (sq. ft.)	4,800 (C) , (E)	Front Yard (ft.)	0 (E) , (F) , (G)
Min. Lot Width (ft.)	40 (D) , (E)	Side Yard (one) (ft.)	5 (I) , (L) , (N)
Max. Impervious Surface Coverage (%)	(S or T)	Side Yard (total of 2) (ft.)	13 (I) , (L) , (N)
Max. Building Height of Primary Building (ft.) (Q)	48 44 (N)	Rear Yard (ft.)	20 (J) , (L) , (N) , (U)
Max. Building Height of Accessory Building	(L)	Required Buffer & Greenbelt	(U) (T)
Max. Building Height (stories)	-		
Where there is a discrepancy between Article 4 and this table, Article 4 shall prevail.			

Section 54.312 CBD, Central Business District

(B) Permitted Principal Uses	(C) Special Land Uses
<ul style="list-style-type: none"> • Accessory Building or Structure • Accessory Use, Non-Single Family Residential Lots • Adult Foster Care, Family Home • Bar • Child or Day Care, Family Home • Child Care Center or Day Care Center • Drive-Through Uses • Dwelling, Live/Work • Dwelling, Accessory Unit • Dwelling, Multiple Family 5+ dwelling units • Dwelling, Quadplex • Dwelling, Two-Family (Duplex) • Dwelling, Triplex • Emergency Services • Farmers' Markets • Food Production, Minor • Foster Family Home • Health Services • Home Occupation • Home Office • Homestays and Vacation Home • Hospice • Indoor Recreation • Light Vehicle/Equipment Sales and Display • Manufacturing, Light- Low Impact • Medical Hospital Related Accessory Uses • Medical Hospital Related Office or Uses 	<ul style="list-style-type: none"> • Accessory Use, Single-Family Residential Lots • Bed and Breakfast • Bed and Breakfast Inn • Domestic Violence Abuse Shelter • Dwelling, Intentional Community • Dwelling, Single-Family Attached • Dwelling, Single-Family Detached • Foster Family Group Home • Fraternity or Sorority House • Fuel Dispensing Uses, including Service Stations • Homeless Shelter • Hospital • Hospital Hospitality House • Hostel • Hotel or Motel • Manufacturing, Light – Medium Impact • Marihuana Designated Consumption Establishment • Marihuana Educational Research • Marihuana Grower – Class A • Marihuana Microbusiness – Light Manufacturing • Marihuana Processor – Light Manufacturing • Marihuana Retailer • Marihuana Safety Compliance Facility • Nursing Home, Convalescent Home, Extended Care Facility, Assisted Living Facility • Off-street Parking Lot • Recreational Use, Public

<ul style="list-style-type: none"> • Office, Medical • Office, Professional • Outdoor Alcoholic Food and Beverage Service • Outdoor Entertainment and Community Events (Principal, Temporary, or Accessory Use) • Outdoor Food and Non-Alcoholic Beverage Service • Outdoor Recreation • Public or Governmental Building • Restaurant, Indoor Service • Retail Business, Indoor • Restaurant with Outdoor Food & Non-Alcoholic Beverage Service • Restaurant with Outdoor Alcoholic Beverage Service • Retail Sales and Service Areas, Outdoor Temporary • Small Wind Energy Systems, Roof-Mounted • Solar Energy Systems, <20kw- Accessory Use • Wholesale Trade Establishment • Veterinary Clinic (Domestic Animals Only) 	<ul style="list-style-type: none"> • Religious Institution • Rooming House • School, Primary or Secondary • School, University • Solar Energy Systems, ≥20kw to 2 MW - Accessory Use • Solar Energy Systems, ≥20kw to 2 MW - Principal Use (Non-residential) • Supportive Housing Facility, Transitional and/or Permanent • Vehicle Repair and Service • Wireless Telecommunications Facilities
Where there is a discrepancy between Section 54.306 and this table, Section 54.306 shall prevail.	

(D) Dimensional Regulations			
Lot, Coverage, and Building Height Standards		Minimum Setbacks	
<i>Min. Lot Area (sq. ft.)</i>	None	<i>Front Yard (ft.)</i>	0
<i>Min. Lot Width (ft.)</i>	24	<i>Front Yard (ft.) Maximum Setback</i>	10
<i>Max. Impervious Surface Coverage (%)</i>	(S or T)	<i>Side Yard (one) (ft.)</i>	5 (I)
<i>Max. Building Height of Primary Building (ft.)</i> (Q)	74	<i>Side Yard (total of 2) (ft.)</i>	10 (I)
<i>Max. Building Height of Accessory Building</i> (L)	18	<i>Rear Yard (ft.)</i>	10 (I) (U)
<i>Max. Building Height (stories)</i>	-	<i>Required Buffer & Greenbelt</i>	(U) (I)
Where there is a discrepancy between Article 4 and this table, Article 4 shall prevail.			

Section 54.313 GC, General Commercial District

(B) Permitted Principal Uses	(C) Special Land Uses
<ul style="list-style-type: none"> • Accessory Building or Structure • Accessory Use, Non-Single Family Residential Lots • Bar • Child Care Center or Day Care Center • Drive-Through Uses • Emergency Services • Farmers' Markets • Food Production, Minor • Fuel Dispensing Uses, including Service Stations • Health Services • Heavy Vehicle/Equipment Sales, Rental, and Display • Hospice • Hotel or Motel 	<ul style="list-style-type: none"> • Hospital • Hostel • Manufacturing, Light– Medium Impact • Marihuana Designated Consumption Establishment • Marihuana Educational Research • Marihuana Grower – Class A • Marihuana Grower – Class B • Marihuana Grower – Class C • Marihuana Grower – Excess • Marihuana Microbusiness Class A and Light Manufacturing • Marihuana Processor – Light Manufacturing • Marihuana Retailer

<ul style="list-style-type: none"> Indoor Recreation Light Vehicle/Equipment Sales and Display Manufacturing, Light – Low Impact Medical Hospital Related Accessory Uses Medical Hospital Related Office or Uses Office, Medical Office, Professional Outdoor Alcoholic Beverage Service Outdoor Entertainment and Community Events (Temporary Use) Outdoor Food and Non-Alcoholic Beverage Service Outdoor Recreation Public or Governmental Building Religious Institution Restaurant, Indoor Service Restaurant with Outdoor Food & Non-Alcoholic Beverage Service Restaurant with Outdoor Alcoholic Beverage Service Retail Business, Indoor Retail Sales and Service Areas, Outdoor Temporary Service Establishment Shooting Range, Indoor Small Wind Energy Systems, Roof-Mounted Solar Energy Systems, <20kw- Accessory Use Storage, Open/Outdoor Vehicle Repair and Service Veterinary Clinic (Domestic Animals Only) Wholesale Trade Establishment 	<ul style="list-style-type: none"> Marihuana Safety Compliance Facility Marihuana Secure Transporters Off-street Parking Lot Outdoor Entertainment and Community Events (Principal & Accessory Use) Pet Boarding Facility Recreational Use, Public Retail Business, Outdoor Permanent Rooming House Small Wind Energy Systems, Tower-Mounted Solar Energy Systems, ≥20kw to 2 MW - Accessory Use Solar Energy Systems, ≥20kw to 2 MW - Principal Use (Non-residential) Storage Facility, Self Storage Facility, Self – Accessory Use Storage, Indoor Storage, Indoor – Accessory Use Warehousing Wireless Telecommunications Facilities
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Where there is a discrepancy between [Section 54.306](#) and this table, [Section 54.306](#) shall prevail.

(D) Dimensional Regulations			
Lot, Coverage, and Building Height Standards		Minimum Setbacks	
<i>Min. Lot Area (sq. ft.)</i>	None	<i>Front Yard (ft.)</i>	0 (F, G)
<i>Min. Lot Width (ft.)</i>	24	<i>Side Yard (one) (ft.)</i>	15 (I)
<i>Max. Impervious Surface Coverage (%)</i>	(T)	<i>Side Yard (total of 2) (ft.)</i>	30 (I)
<i>Max. Building Height of Primary Building (ft.) (Q)</i>	40	<i>Rear Yard (ft.)</i>	20 (U)
<i>Max. Building Height of Accessory Building (L)</i>	24	Required Buffer & Greenbelt	(U, T)
<i>Max. Building Height (stories)</i>	-		

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

Section 54.314 RC, Regional Commercial District

(B) Permitted Principal Uses	(C) Special Land Uses
<ul style="list-style-type: none"> Accessory Building or Structure Accessory Use, Non-Single Family Residential Lots Bar Child Care Center or Day Care Center Drive-Through Uses Emergency Services Farmers’ Markets 	<ul style="list-style-type: none"> Hospital Manufacturing, Light – Medium Impact Marihuana Educational Research Marihuana Grower – Class A Marihuana Grower – Class B Marihuana Grower – Class C Marihuana Grower – Excess

<ul style="list-style-type: none"> • Food Production, Minor • Fuel Dispensing Uses, including Service Stations • Health Services • Heavy Vehicle/Equipment Sales, Rental, and Display • Hospice • Hotel or Motel • Indoor Recreation • Light Vehicle/Equipment Sales and Display • Manufacturing, Light – Low Impact • Medical Hospital Related Accessory Uses • Medical Hospital Related Office or Uses • Office, Medical • Office, Professional • Outdoor Alcoholic Beverage Service • Outdoor Entertainment and Community Events (Temporary Use) • Outdoor Food and Non-Alcoholic Beverage Service • Outdoor Recreation • Public or Governmental Building • Religious Institution • Restaurant, Indoor Service • Restaurant with Outdoor Food & Non-Alcoholic Beverage Service • Restaurant with Outdoor Alcoholic Beverage Service • Retail Business, Indoor • Retail Sales and Service Areas, Outdoor Temporary • Service Establishment • Shooting Range, Indoor • Small Wind Energy Systems, Roof-Mounted • Solar Energy Systems, <20kw- Accessory Use • Solar Energy Systems, ≥20kw to 2 MW - Principal Use (Non-residential) • Storage Facility, Self • Storage Facility, Self – Accessory Use • Storage, Indoor • Storage, Indoor – Accessory Use • Storage, Open/Outdoor • Vehicle Repair and Service • Veterinary Clinic (Domestic Animals Only) • Wholesale Trade Establishment 	<ul style="list-style-type: none"> • Marihuana Microbusiness – Class A and Light Manufacturing • Marihuana Processor – Light Manufacturing • Marihuana Retailer • Marihuana Safety Compliance Facility • Marihuana Secure Transporters • Off-street Parking Lot • Outdoor Entertainment and Community Events (Principal & Accessory Use) • Pet Boarding Facility • Recreational Use, Public • Retail Business, Outdoor Permanent • Small Wind Energy Systems, Tower-Mounted • Solar Energy Systems, ≥20kw to 2 MW - Accessory Use • Storage, Bulk • Warehousing/Storage Facilities • Wholesaling Operations • Wireless Telecommunications Facilities
<p>Where there is a discrepancy between Section 54.306 and this table, Section 54.306 shall prevail.</p>	

(D) Dimensional Regulations			
Lot, Coverage, and Building Height Standards		Minimum Setbacks	
<i>Min. Lot Area (sq. ft.)</i>	None	<i>Front Yard (ft.)</i>	30
<i>Min. Lot Width (ft.)</i>	24	<i>Side Yard (one) (ft.)</i>	15
<i>Max. Impervious Surface Coverage (%)</i>	<u>(T)</u>	<i>Side Yard (total of 2) (ft.)</i>	30
<i>Max. Building Height of Primary Building (ft.)</i> <u>(Q)</u>	40	<i>Rear Yard (ft.)</i>	20, <u>(U)</u>
<i>Max. Building Height of Accessory Building</i> <u>(L)</u>	24	<i>Required Buffer & Greenbelt</i>	<u>(U)</u>
<i>Max. Building Height (stories)</i>	-		
<p>Where there is a discrepancy between Article 4 and this table, Article 4 shall prevail.</p>			

Section 54.315 M, Municipal District

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

(D) Dimensional Regulations			
<i>Lot, Coverage, and Building Height Standards</i>		<i>Minimum Setbacks</i>	
<i>Min. Lot Area (sq. ft.)</i>	None	<i>Front Yard (ft.)</i>	None
<i>Min. Lot Width (ft.)</i>	24	<i>Side Yard (one) (ft.)</i>	None
<i>Max. Impervious Surface Coverage (%)</i>	(T)	<i>Side Yard (total of 2) (ft.)</i>	None
<i>Max. Building Height of Primary Building (ft.) (Q)</i>	None	<i>Rear Yard (ft.)</i>	None
<i>Max. Building Height of Accessory Building (L)</i>	24		
<i>Max. Building Height (stories)</i>	-		
Where there is a discrepancy between Article 4 and this table, Article 4 shall prevail.			

Section 54.316 C, Civic District

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

(D) Dimensional Regulations			
Lot, Coverage, and Building Height Standards		Minimum Setbacks	
<i>Min. Lot Area (sq. ft.)</i>	None	<i>Front Yard (ft.)</i>	None
<i>Min. Lot Width (ft.)</i>	24	<i>Side Yard (one) (ft.)</i>	5
<i>Max. Impervious Surface Coverage (%)</i>	<u>(T)</u>	<i>Side Yard (total of 2) (ft.)</i>	10
<i>Max. Building Height of Primary Building (ft.)</i> <u>(Q)</u>	60	<i>Rear Yard (ft.)</i>	20, <u>(U)</u>
<i>Max. Building Height of Accessory Building</i> <u>(L)</u>	24		
<i>Max. Building Height (stories)</i>	-		
Where there is a discrepancy between Article 4 and this table, Article 4 shall prevail.			

Section 54.317 IM, Industrial/Manufacturing District

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

(D) Dimensional Regulations			
Lot, Coverage, and Building Height Standards	Minimum Setbacks		
<i>Min. Lot Area (sq. ft.)</i>	None	<i>Front Yard (ft.)</i>	40
<i>Min. Lot Width (ft.)</i>	24	<i>Side Yard (one) (ft.)</i>	20
<i>Max. Impervious Surface Coverage (%)</i>	<u>(T)</u>	<i>Side Yard (total of 2) (ft.)</i>	40
<i>Max. Building Height of Primary Building (ft.)</i> <u>(Q)</u>	80 <u>(P)</u>	<i>Rear Yard (ft.)</i>	40 <u>(U)</u>
<i>Max. Building Height of Accessory Building</i> <u>(L)</u>	60 <u>(P)</u>	<i>Required Buffer & Greenbelt</i>	<u>(U)</u>
<i>Max. Building Height (stories)</i>	-		
<p>Where there is a discrepancy between Article 4 and this table, Article 4 shall prevail.</p>			

Section 54.318 CR, Conservation and Recreation District

(B) Permitted Principal Uses	(C) Special Land Uses
<ul style="list-style-type: none"> Accessory Building or Structure Accessory Use, Non-Single Family Residential Lots Agriculture-Like Operation, including Forestry Food Production, Minor Outdoor Entertainment and Community Events (Accessory, Temporary, and Principal) Outdoor Food and Non-Alcoholic Beverage Service Outdoor Recreation Public or Governmental Building Recreational Use, Public Restaurant with Outdoor Food & Non-Alcoholic Beverage Service Small Wind Energy Systems, Roof-Mounted Solar Energy Systems, <20kw- Accessory Use Storage, Open/Outdoor 	<ul style="list-style-type: none"> Natural Resource Extraction and Processing Operations Outdoor Alcoholic Beverage Service Port Facilities and Docks Recreational Use, Land Intensive Restaurant with Outdoor Alcoholic Beverage Service Small Wind Energy Systems, Tower-Mounted Solar Energy Systems, ≥20kw to 2 MW - Accessory Use Solar Energy Systems, ≥20kw to 2 MW - Principal Use (Non-residential) Storage, Bulk Structures between the shoreline of Lake Superior and the pavement of the nearest public street or highway. Wireless Telecommunications Facilities
Where there is a discrepancy between Section 54.306 and this table, Section 54.306 shall prevail.	

(D) Dimensional Regulations			
Lot, Coverage, and Building Height Standards		Minimum Setbacks	
<i>Min. Lot Area (sq. ft.)</i>	None	<i>Front Yard (ft.)</i>	15
<i>Min. Lot Width (ft.)</i>	24	<i>Side Yard (one) (ft.)</i>	50
<i>Max. Impervious Surface Coverage (%)</i>	<u>(T)</u>	<i>Side Yard (total of 2) (ft.)</i>	100
<i>Max. Building Height of Primary Building (ft.)</i> <u>(Q)</u>	36.5	<i>Rear Yard (ft.)</i>	20 <u>(R)</u> <u>(U)</u>
<i>Max. Building Height of Accessory Building</i> <u>(L)</u>	18		
<i>Max. Building Height (stories)</i>	-		
Where there is a discrepancy between Article 4 and this table, Article 4 shall prevail.			

Section 54.319 BLP, Board of Light and Power District

(B) Permitted Principal Uses	(C) Special Land Uses
<ul style="list-style-type: none"> Accessory Building or Structure Accessory Use, Non-Single Family Residential Lots Agriculture-Like Operation, including Forestry Food Production, Minor Fuel Dispensing Uses, including Service Stations Major Repair and Maintenance Operations Manufacturing, Light – Low Impact Manufacturing, Light – Medium Impact Manufacturing, Heavy Natural Resource Extraction and Processing Operations Outdoor Entertainment and Community Events (Temporary) Outdoor Recreation 	<ul style="list-style-type: none"> Off-street Parking Lot Port Facilities and Docks Recreational Use, Land Intensive Small Wind Energy Systems, Tower-Mounted

<ul style="list-style-type: none"> • Public or Governmental Building • Recreational Use, Public • Small Wind Energy Systems, Roof-Mounted • Solar Energy Systems, <20kw- Accessory Use • Solar Energy Systems, ≥20kw to 2 MW - Accessory Use • Solar Energy Systems, ≥20kw to 2 MW - Principal Use (Non-residential) • Storage, Bulk • Storage, Open/Outdoor • Utility Electrical Power Generation • Warehousing • Wireless Telecommunications Facilities 	
Where there is a discrepancy between Section 54.306 and this table, Section 54.306 shall prevail.	

(D) Dimensional Regulations			
<i>Lot, Coverage, and Building Height Standards</i>		<i>Minimum Setbacks</i>	
<i>Min. Lot Area (sq. ft.)</i>	None	<i>Front Yard (ft.)</i>	40
<i>Min. Lot Width (ft.)</i>	24	<i>Side Yard (one) (ft.)</i>	20
<i>Max. Impervious Surface Coverage (%)</i>	(T)	<i>Side Yard (total of 2) (ft.)</i>	40
<i>Max. Building Height of Primary Building (ft.)</i> (Q)	None	<i>Rear Yard (ft.)</i>	40 (U)
<i>Max. Building Height of Accessory Building</i> (L)	24	<i>Required Buffer & Greenbelt</i>	(U) (T)
<i>Max. Building Height (stories)</i>	-		
Where there is a discrepancy between Article 4 and this table, Article 4 shall prevail.			

Section 54.322 Third Street Corridor **(TSC)** District Form-Based Code

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

(3) **Applicability and Pre-Existing Conditions**

(a) The provisions of this Article apply to all proposals for the development of new principal structures, and to the remodeling of existing structures for changes in land use(s), and/or if the proposal would create a **substantial modification** (see definitions).

(b)-(a) Existing buildings and appurtenances that do not conform to the provisions of this Section may continue in use as they are until a **substantial modification** is requested.

(c)-(b) The modification of existing buildings is permitted by right if such changes result in greater conformance with the specifications of this Section.

(7) The Third Street Regulating Plan

(e) Bicycle Parking. Bicycle parking is to be allocated within the entire **TSC district (both subdistricts)**, in accordance with [Section 54.908](#) across the Transect Zones by type, but detailed in quantity and location by land use, demand, and building size.

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

(ee) Substantial Modification: an alteration to a building that is valued at more than 50% of the replacement cost of the entire building, if new that is estimated to cost more than 50 percent of the assessed value of the existing building at time of application.

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

- (i) Retail Service:** establishments providing services, as opposed to products, to the general public, including restaurants, bars/taverns, finance, real estate and insurance, travel agencies, health and educational services, galleries, and temporary storage of recreational equipment, provided that the temporary storage is ancillary to the primary retail service.
- (ii) Retail Specialty:** Include, but are not limited to the sale of gifts, antiques, flowers, books, jewelry, wearing apparel or craft shops making articles exclusively for sale at retail on the premises.
- (iii) Retail Trade:** Establishments engaged in selling new goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

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

(7) Use. Buildings, as the primary element of town planning, are subject to variations in use, placement and configuration.

Figure 27. TSC Table of Permitted Land Uses and Special Land Uses in the TSC District

USE	T4	T5	USE	T4	T5
A. RESIDENTIAL			E. INSTITUTIONAL		
Mixed-use building	P	P	Conference center		P
Multi-family dwelling (Section 54.615 & 54.403(H)(K)(M)(N))	P	P	Live theater	S	P
Live-work unit (Section 54.614)	P	P	Movie theater	S	P
Two-family dwelling (Sections 54.612 & 54.403(C & D))	P	P	Museum	P	P
Townhouse	P	P	Religious assembly (Section 54.641)	P	P
Single-family dwelling (Section 54.616)	P	P	F. AUTOMOTIVE		
Group day care home (Section 54.607)	P	P	Gasoline	P	P
Foster family home	S	S	Service	P	P
Halfway house (Section 54.619)	S	S	Sales	P	P
Home occupation (Section 54.621)	P	P	Truck maintenance (Section 54.627)		
Home office (Section 54.622)	P	P	Drive-through facility (Section 54.610)	P	P
Dwelling, Intentional Community (Section 54.613)	S	S	G. CIVIL SUPPORT		
Family Day Care Home	P	P	Funeral home	P	P
Adult Foster Care Family Home	P	P	Hospital (Section 54.625)		S
Domestic Violence Shelter (Section 54.609)	S	S	Medical and Dental clinic or office	P	P
B. LODGING			Veterinary clinic	P	P
Hotel or Motel	S	P	Pet boarding facility	S	S
Bed & Breakfast Inn (up to 12 rooms) (Section 54.604)	P	P	Cemetery (Section 54.605)	S	S
Bed & Breakfast (up to 6 rooms) (Section 54.603)	P	P	Public or Governmental Building	P	P
Rooming Houses and Hostels (Section 54.643)	S	S	Recreational Use, Public	S	S
Hospital Hospitality Houses (Section 54.626)	S	S	H. EDUCATION		
Homestays and Vacation Home Rentals (Section 54.624)	P	P	High school	S	S
C. OFFICE			Elementary school	P	P
Office building (Section 54.634)	P	P	Day care center (Section 54.608)	P	P
Mixed-use building	P	P	I. INDUSTRIAL		

Live-work unit (Section 54.614)	P	P	Heavy industrial facility (Section 54.627)		
D. RETAIL			Light industrial facility (Section 54.627)	S	S
Outdoor Entertainment and Community Events (Temporary Use) (Section 54.635(B))	P	P	Laboratory facility	S	S
Outdoor Entertainment and Community Events (Accessory or Principal Use) (Section 54.635(C) or (D))	S	S	Mini-storage		S
Gallery	P	P	Marihuana Safety Compliance Facility (Section 54.629)	S	S
Restaurant, Indoor Service and with or without Outdoor Food and Non-Alcoholic Beverage Service (Section 54.637)	P	P	Warehouse	S	S
Restaurant, with Outdoor Alcoholic Beverage Service (Section 54.636)	P	P	J. OTHER USES		
Outdoor Alcoholic Beverage Service (Section 54.636)	S	S	Accessory Building or Structure (See Figure 17 , Figure 18 , and, as applicable, Section 54.705)	P	P
Outdoor Food & Non-Alcoholic Beverage Service (Section 54.637)	P	P	Accessory Use, Non-Single Family Residential Lots	P	P
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 (Section 54.638)	P	P	Marihuana Education Research (Section 54.629)	S	S
Indoor Recreation	P	P	Off-street Parking Lot	S	S
Farmers' Markets (Section 54.617)	P	P	Outdoor Recreation	S	S
Kiosk	P	P	Solar Energy Systems <20kw – Accessory Use	P	P
Push cart	P	P	Wireless Telecommunications Facilities (Section 54.653)	S	S
Marihuana Retailer (Section 54.629)		S		Permitted Use	P
Bar/Tavern	P	P		Special Land Use	S
Sidewalk café on private property	P	P			

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

(3) Building Specifications: Frontage Requirements

- (d) *Frontages* are divided into the following types: porch, *stoop*, *terrace*, common entry, forecourt, and *shopfront*.
- (e) The Zoning Administrator shall designate which frontage type corresponds to the building(s) on the site or are proposed to be built, and the site shall comply with the standards for that type when new construction or substantial rehabilitation is proposed.
 - (i) Frontage types are limited by transect zone according to [Figure 21](#), [Figure 22](#), and [Figure 23](#).
 - (ii) A *shopfront* frontage is required for all ground floor retail uses. *Shopfronts* may be combined with *terraces* and *forecourts*.
 - (iii) Existing buildings that do not meet one of the frontage types do not have to be remodeled to a different type if it is not reasonable, as determined by the Zoning Administrator.
- (f) Where buildings have multiple *frontages* or multiple buildings are located on one lot, similar frontage types should be selected for all *frontages*.

(11) Landscape Standards

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

- (iii) Proposed trees shall be a minimum height of ten (10) feet and / or ~~three (3)~~ **one and one half (1.5)** inches in caliper.
- (iv) Proposed understory trees shall be a minimum of eight (8) feet in height and/ or ~~two and one half (2-1/2)~~ **one and one half (1.5)** inches in caliper.

(g) Specific to neighborhood edges:

- (i) A landscape buffer located along common property lines shall be required between Third Street Corridor District properties and the residential properties adjacent. The landscape buffer shall be a minimum of five feet wide.
 - a. Minimum of three (3) trees shall be planted within the side and rear setbacks for every 500 square feet of landscape buffer.

- b. Shrubs shall be five (5) gallon container and twenty-four (24) inches height minimum, and of a type that, at maturity, will provide a continuous opaque screen at least thirty-six (36) inches in height.
- c. Trees shall be four (4) **one and one half (1.5)** inches caliper minimum, or in the case of evergreen trees, twelve (12) feet minimum height

Figure 28. TSC Bicycle Parking Calculations

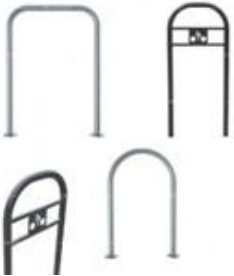



This table prescribes minimum short-term bicycle parking calculations within each Transect Zone assigned to the Third Street Corridor. The calculations assume not just current but future possible bicycle mode share, not to exceed 5%. Requirements may be met within the Public *Frontage*, *Private Frontage*,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


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

CIVIC: Non-assembly	Minimum of 2 spaces + 1 space / 10 employees	Minimum of 2 spaces + 1 space / 10 employees
CIVIC: Assembly	Minimum of 2 spaces + 1 space / 20 employees	Minimum of 2 spaces + 1 space / 20 employees

Figure 29. TSC Bicycle Parking Types

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

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

<p><i>Bicycle Sharing</i></p> 	P	P	<p><i>Bicycle sharing</i> stations should be located in highly viable locations, adjacent to existing or proposed transit stops, employment centers, or popular destinations. Stations should be spaced every few <i>blocks</i> so that access remains convenient.</p>
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Section 54.323 PUD, Planned Unit Development District

- (C) **Minimum Size.** The minimum size of a PUD must be two (2) acres of contiguous land or multiple parcels under the same ownership within one-quarter mile of each other, measured by nearest property lines that are a total of two (2) acres. However, the City Commission, upon recommendation from the Planning Commission, may permit approval of a smaller PUD under the following circumstances:

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

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

- (1) **Waiver of Minimum Size.** The Planning Commission may recommend approval of a smaller PUD ((under two (2) acres)) to the City Commission under the following circumstances:
 - (a) The proposed project has the potential for specific benefits/improvements in the proposed project area related to combining the parcels in question as a PUD, and
 - (b) The parcel(s) in question has/have unique characteristics that significantly impact development - such as unusual topography, wetlands, water courses, poor soil conditions on portions of the parcel, unusual shape or proportions, or easements that cross the parcel(s).
- (2) **Waiver Process.** The applicant must submit to the Planning Commission a written explanation of their reasons for requesting a waiver of the minimum PUD size requirements, with the submittal of Concept and Request for Consideration of Project Qualifications ([Section 54.323\(G\)](#)). The Planning Commission shall review the request and make a recommendation to the City Commission. The City Commission shall decide on a request to waive the PUD size requirements.

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 (U, T)				Maximum Height of Structures (Q)		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, (B)	10 (L)	20 (L)	20 30 (L) (U)	44 (V) 31.5	(L)	(S)
LDR, Low Density Residential 3-4 Dwelling Units	9,000 (E)	75 (E)	20 (B)	10 (H) , (L)	20 (H) , (L)	30 (H) , (L) , (U)	44 (V) 31.5	(L)	(S)
MDR, Medium Density Residential 1 Unit and other uses identified in 54.308	4,500	37.5	15 (A) , (B)	5 (L)	13 (L)	20 (L) (U)	44 (V) 31.5	(L)	(S)
MDR, Medium Density Residential 2 Dwelling Units	6,000 (C)	50 (D)	15 (A) , (B)	5 10 (L)	13 20 (L)	20 (L) (U)	44 (V) 31.5	(L)	(S)
MDR, Medium Density Residential 3-4 Dwelling Units	9,000 (E)	75 (E)	15 (A)	10 (H) , (L)	20 (H) , (L)	30 (H) , (L) , (U)	44 (V) 31.5	(L)	(S)
MFR, Multi-Family Residential 1-2 Units	6,000 (C)	50 (D)	15	5 10 (L)	13 20 (L)	20 30 (L) (U)	44 (V) 31.5	(L)	(S)
MFR, Multi-Family Residential 3-4 Units and other uses identified in 54.309 (K)	9,000 (E)	75 (E)	15 (A)	10 (H) , (L) , (M)	20 (H) , (L) , (M)	30 (H) , (L) , (M) (U)	48 36.5 (M) , (N)	(L)	(S) or (T)
MFR, Multi-Family Residential 5+ Multiple Family Units (K)	15,000	100	15 (A)	15 (H) , (L) , (M)	30 (H) , (L) , (M)	30 (H) , (L) , (M) (U)	48 36.5 (M) , (N)	(L)	(S)
MHP, Mobile Home District	See Section 54.631								
M-U, Mixed-Use	4,800 (C) , (E)	40 (D) , (E)	0 (E) , (F) (G)	5 (L) , (L) , (N)	13 (L) , (L) , (N)	20 (L) , (L) , (N) (U)	44 48 (N)	(L)	(S) or (T)
CBD, Central Business District	None	24	0	5 (L)	10 (L)	10 (L) (U)	74 (O)	(L)	(S) or (T)
GC, General Commercial	None	24	0 (F) , (G)	15 (L)	30 (L)	20, (U)	40	(L)	(S) (T)
RC, Regional Commercial	None	24	30	15	30	20, (U)	40	(L)	(S) (T)
M, Municipal	None	24	None	None	None	None	None	(L)	(S) (T)
C, Civic	None	24	None	5	10	20, (U)	60	(L)	(S) (T)

Zoning District	Minimum Lot Dimensions		Minimum Setback Requirements (U, T)			Maximum Height of Structures (Q)		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				
IM, Industrial/Manufacturing	None	24	40	20	40	40, (U)	80 (P)	(L) (P)	(S) (T)
CR, Conservation/Recreation	None	24	15	50	100	20 (R) (U)	36.5	(L)	(S) (T)
BLP, Board of Light and Power	None	24	40	20	40	40, (U)	None	(L)	(S) (T)
Marquette Downtown Waterfront District Form-Based Code (see Section 54.321)									
Third Street Corridor Form-Based Code (see Section 54.322)									

Section 54.403 Footnotes to Schedule of Regulations

- (A) **Permitted Front Yard Setback Encroachments in the MDR and MFR Districts.** In the MDR and MFR districts, open front porches may encroach into the required front yard setback, provided the encroaching porch is for the first story only and is setback at least five (5) feet from the front lot line.
- (B) **Reduced Minimum Front Yard Setback in the LDR and MDR Districts.** If the average front yard setback of the principal buildings on the same block are less than the minimum front yard setback of the district, the minimum front yard setback of a subject lot in the LDR district or MDR district may be reduced to that average, provided the principal buildings used in the average are on the same side of the street and on the same block as the subject lot.
- (C) **Minimum Lot Area for Two-Family Dwellings (Duplexes) in the MDR, M-U, TSC, and MFR Districts.** In the MDR, M-U, TSC, and MFR District, the minimum lot area for a two-family dwelling (duplexes) is 6,000 sq. feet.
- (D) **Minimum Lot Width for Two-Family Dwellings (Duplexes) in the MDR M-U, TSC, and MFR Districts.** In the MDR, M-U, TSC, and the MFR District, the minimum lot width for a two-family dwelling (duplex) is 50 feet.
- (E) **Minimum Lot Area and Width for Three Family and Four Family Dwellings in the M-U, TSC, and MFR Districts.**
 - (1) In the MDR, M-U, TSC, and the MFR District, the minimum lot area for a three-family and four family dwellings is 9,000 sq. feet.
 - (2) In the MDR, M-U, TSC, and the MFR District, the minimum lot width for a three-family and four family dwellings is 75 feet.
- (F) **Minimum Front Yard Setback in the M-U and GC Districts.** In the M-U and GC districts, the minimum front yard setback is 0 ft. if there is at least a 10-foot distance between the front lot line and the curb/edge of the street. If there is not at least a 10-foot distance between the front lot line and the curb/edge of the street in these districts, the minimum front yard setback shall be increased accordingly so that the minimum separation distance between a structure and the curb/edge of the street is at least ten (10) feet.

- (G) Maximum Front Yard Parking in the M-U and GC Districts.** Although there are no maximum front yard setbacks in the M-U and GC districts, refer to [Article 9](#) for the maximum allowable parking in the front yard of the M-U ([Section 54.902\(E\)\(3\)](#)) and GC ([Section 54.902\(E\)\(4\)](#)) districts.
- (H) Separation Distance of Multiple-Family Structures.** 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.
- (I) Reduced Side Yard Setbacks in the M-U, CBD, and GC Districts.** In the M-U, CBD, and GC districts the side yards may be eliminated under the following conditions:
- (1)** The side walls are of fireproof construction and are wholly without opening.
 - (2)** The zoning of the adjacent property is M-U, CBD, GC, Marquette Downtown Waterfront District, or Third Street Corridor District.
- (J) Modified Rear Yard Setbacks in the M-U and CBD Districts.** In the M-U and CBD districts the required rear yard may be measured from the center of an alley abutting the rear lot line, provided the structure is not located in the alley.
- (K) Each parcel in the MFR district that contains a multiple-family residential use shall have:**
- (1)** A maximum lot coverage ratio of 0.50.
 - (2)** Minimum outdoor livability space of 0.30.
- (L) Accessory Buildings and Structures.** For accessory buildings and structures, additional requirements for side yard setbacks, rear yard setbacks, and height are in [Section 54.705](#).
- (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 **48** 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.
- (N) Height Exceptions and Increased Setbacks for Principal Buildings in the MFR and M-U Districts.** If the subject lot is adjacent to a lot zoned LDR, MDR, C, or CR, any portion of the building higher than 36.5 feet must be setback at least 8 feet from a minimum front yard setback line and at least 10 feet from any other minimum yard setback line. The maximum height allowed is 44 **48** feet.
- (O) Height Bonus for Residential Use Inclusion in the Central Business District.** A building may exceed a building height of 74 feet to a maximum of 84 feet, only if it is designed to include at least four (4) residential dwelling units that are – in total square feet of area – at least equivalent to the extent of the footprint of the ground floor of the building in square feet.
- (P) Modified Height and Setback Requirements in the IM District.** The Planning Commission may permit via special land use approval a greater height than the maximum allowed in the schedule of regulations in the IM district, provided that the front, side, and rear yards specified in [Section 54.402](#) and [Article 6](#) are increased by one (1) foot for each foot of building height that exceeds the maximum allowed. However, in no case shall the height of any structure in the IM district exceed the horizontal setback distance from the structure to a lot line; where the property abuts

a right-of-way, up to 1/2 width of said right-of-way may be used in calculation the required yard; in no instance may the yard be less than the minimum specified in [Section 54.402](#), and for accessory structures as specified in [Section 54.705](#).

- (Q) **Height Exemptions.** There shall be no height restriction on chimneys, flagpoles, public monuments, and wireless telecommunications facilities except when they are part of a special land use. Items attached to a building such as chimneys, weather vanes, lightning arrestors, etc. may be exempt as well.
- (R) **Increased Rear Yard Setbacks for the CR District.** The CR district has a minimum rear yard setback of 50 feet from the ordinary high water mark of Lake Superior.

~~(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);-
50% of the area of the lot between 8,713 sq. ft. and 21,780 sq. ft. (1/2 acre);-
40% of the area of the lot between 21,781 sq. ft. and 43,560 sq. ft. (1 acre);-
30% of the area of the lot over 1 acre

~~(S T) **Storm Water Management.** For all uses except Single-family and Two-family dwelling units, please refer to Section 54.803 Storm Water Management. For Single-family and Two-family dwelling units, please refer to item S above.~~

~~(1) For single-family and two-family dwelling units:~~

~~(a) **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:~~

FIGURE 31. Maximum Impervious Surface Coverage for one and two-family dwelling units

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

~~(2) For all uses except Single-family and Two-family dwelling units, please refer to [Section 54.803](#) Storm Water Management.~~

~~(3) Rain gutters and downspouts may be required on new/reconstructed buildings to prevent stormwater runoff to adjoining private properties. They shall be installed where the finished grade will slope down from the closest wall of the new/reconstructed building to the adjoining property, with flow from the downspout directed to into the same property (e.g. into a rain barrel, a French drain, or to a transverse conduit leading to a location where stormwater will percolate into the original property).~~

~~(U T) **Landscape Buffer and Greenbelt Requirements.** The minimum setbacks vary in accordance~~

with the landscape buffer and greenbelt standards of [Section 54.1003\(D\)](#).

(U) Corner Lots. Corner lots will have a reduced rear yard setback, to match that of the largest required side yard setback dimension for the zoning district that is necessary to meet the total of two sides requirement for that zoning district. For example, if the total (2-side) side yard setback requirement is 13 feet per [Sec. 54.402](#), and the smallest side yard setback must be at least 5 ft. (as in MDR districts), then the *rear yard dimension for a corner lot* will be the difference between 13 ft. and the calculated dimension for the actual smallest side yard setback – which would be 8 ft. if the smallest side yard setback from the main structure is calculated to be 5 feet (Note: It is important to note that should the existing structure's side yard setback be less than 5 feet, that side yard will still be designated as the minimum setback at 5 feet.)

(V) Height Exceptions and Increased Setbacks for Principal Buildings. For principal buildings, the height may be increased above 31.5 feet to a maximum of 44 feet provided that 0.25 foot for lot widths under 75 feet and 0.50 foot for lot widths 75 feet or greater shall be added to all of the minimum yard setbacks for each 1 foot that the building exceeds 31.5 feet in height.

SECTION 4. Article 5 – Supplemental Zoning District Standards

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

Article 5 Supplemental Zoning District Standards

Section 54.501 Subdivision Developments

(D) Subdivision Review Procedures. The Preparation of a subdivision for platting shall be carried out through the following stages in accordance with the procedure as follows.

(3) Tentative Preliminary Plat Review. Tentative Preliminary Plat Review, involving review and action to recommend approval or denial of the plat by the Planning Commission within 60 days from the date of filing, followed by review and action to approve or deny the plat by the City Commission within 90 days from the date of filing, shall be in accordance with the following procedures and requirements:

(c) Submittal requirements. The tentative preliminary plat shall illustrate the proposed subdivision layout based on the uses of land, dimensional requirements, and density allowed by right in the district in which the land is located (i.e., a conventional development). The preliminary plat submitted for tentative approval shall show all of the salient features of the proposed subdivision to allow the City to determine whether the proposal is in compliance with this and other applicable ordinances. The lack of information related to any item specified herein, or improper information supplied by the applicant, shall be cause for disapproval of a tentative preliminary plat. The following information shall be provided for tentative preliminary plat review:

(v) Tentative Preliminary Plat—Other Submittals. The following additional information shall be provided, unless otherwise indicated, with the application for Tentative Preliminary Plat Review:

d. Comments from other review authorities. The proprietor shall submit copies

of the tentative preliminary plan to County, regional and State agencies that have jurisdiction over any aspect of the subdivision including, where applicable, the Marquette County Road Commission, Marquette County Drain Commission, Michigan Department of Transportation, Michigan Department of Environmental Quality Environment, Great Lakes, and Energy (EGLE), and Marquette County Health Department. Although approval from these agencies is not required for tentative preliminary plat approval, any written comments received from these agencies shall be submitted to aid the City review process.

(4) Final Preliminary Plat Review. Final Preliminary Plat Review, involving review by outside agencies (State and Marquette County agencies) prior to action by the City Commission within 20 days from the date of filing, shall be in accordance with the following procedures and requirements:

(b) Final Preliminary Plat—Required Information. The final preliminary plat submittal shall contain all of the information required for the tentative preliminary plat listed in Section 54.501(D)(3), plus the following information:

(vi) The proprietor shall submit a list of all agencies to which the proprietor has sent copies of the final preliminary plat, certifying that the list shows all authorities listed in this subsection. The proprietor shall also submit copies of the final preliminary plat bearing the necessary approvals of all authorities as required by the Land Division Act and this section, including:

d. Michigan Department of Environmental Quality Environment, Great Lakes, and Energy (EGLE), if the land proposed to be subdivided abuts a lake or stream, or abuts an existing or proposed channel or lagoon affording access to a lake or stream where public rights may be affected, or contains regulated wetlands, or lies wholly or in part within a flood plain of a river, stream, creek or lake.

(8) Other Improvements.

(d) Water Supply. Water distribution system plans approved by the City Commission and in conformance with the Regulations of the Michigan Department of Environmental Quality Environment, Great Lakes, and Energy (EGLE) relating to Municipal Water Supplies.

Section 54.502 Land Division Regulations

(D) Application for Land Divisions. An applicant shall file with the City Assessor, or other official designated by the City Commission, all of the following for review and approval of a proposed parcel split before any split can be made:

(1) Application. A completed application on such form as may be provided by the City. If a transfer of division rights is proposed in the land transfer, then information about the terms and availability of the proposed division rights transfer shall be submitted with the application. Such information shall be in a form that satisfies the written notice requirements specified in Section 109(2) of the Land Division Act.

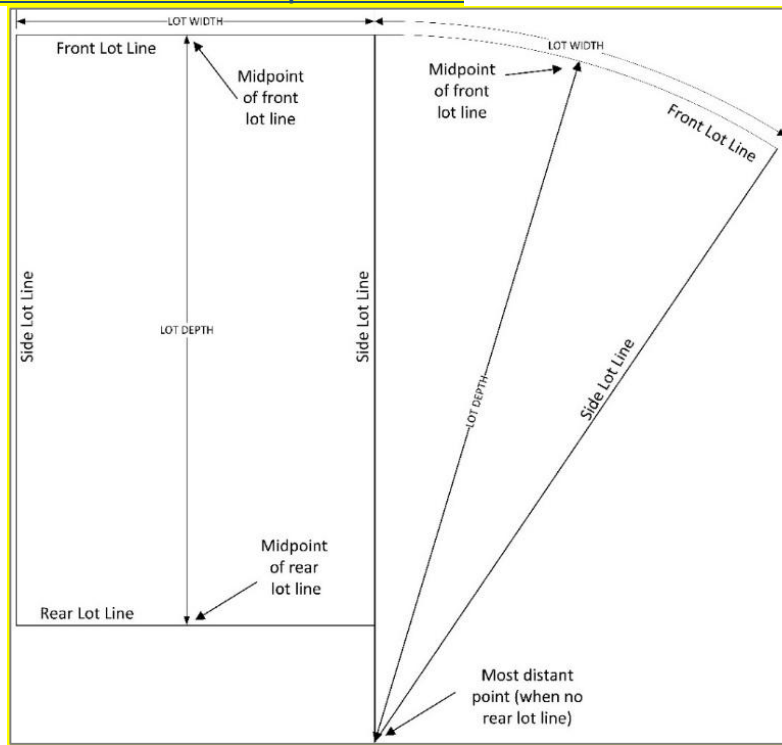
(2) Proof of Ownership. Proof of fee ownership of the land to be divided.

(3) Survey or Tentative Parcel Map. A survey or tentative parcel map of the parcel, including the location, setbacks, and dimensioned encroachments of all existing structures, indicating the adequate and accurate dimensions and legal description of the entire parcel and each split to be made. The survey or tentative parcel map must include the means of access from each resulting parcel to an existing road or street, the location of all existing and proposed public and private easements and rights-of-way, and the location of surface water, lakes, ponds, streams, and wetlands. **A tentative parcel map is only allowed to be submitted if there are no structures or improvements on the parcel.**

(F) Standards for Granting Land Division Approval. The splitting or partitioning of a parcel is prohibited unless approved in the manner required by this section in complete accordance with the following rules and regulations:

(3) Depth-to-Width Ratio of Non-Platted Parcels. Depths of parcels created as a result of division of land shall be not greater than four (4) times the parcel width. The City may permit parcels with proportions that vary from such standards where such action would reduce existing nonconformance with the standards set forth in this Ordinance or, in the determination of the Zoning Administrator, a variation is necessary due to exceptional topographic or physical conditions with respect to the parcel and compatibility with Depth-to-Width Ratio of Non-Platted Parcels. Depths of parcels created as a result of division of land shall be not greater than four (4) times the parcel width. The City may permit parcels with proportions that vary from such standards where such action would reduce existing nonconformance with the standards set forth in this Ordinance or, in the determination of the Zoning Administrator, a variation is necessary due to exceptional topographic or physical conditions with respect to the parcel and compatibility with surrounding lands.

Figure 34. How to Measure Lot Depth and Width



Section 54.503 Condominium Developments

- (A) **Intent and Application.** The following regulations shall apply to all condominium and site condominium developments within the City of Marquette.
- (B) **Site Condominiums.** Pursuant to authority conferred by Section 241 (Law, Ordinance, or Regulation of Local Unit of Government) of the Condominium Act, as amended, all site condominiums must be approved by the City Commission following review and recommendation for approval by the Planning Commission. In determining whether to recommend a site condominium for approval to the City Commission, the Planning Commission shall consult with and receive a written response from the Planning Director, City Attorney, City Engineer, and Zoning Administrator regarding the adequacy of the master deed, deed restrictions, utility systems and street, development layout and design and compliance with all requirements of the Condominium Act and the Land Development Code.
- (1) **Notice.** Prior to the Planning Commission meeting, a notice shall be sent by mail or personal delivery to the contiguous adjacent property owners, and the adjacent property owners from the site access point (this includes those across the street from the site access point).
- (G) **Design and Engineering Standards and Required Improvements for Site Condominium Developments.** The design and engineering standards for site condominium developments, as well as required improvements for site condominium developments, shall be the same as those required for subdivisions in [Section 54.501\(E\)](#).
- (1) **Exception:** If there are no other public streets within 1,500 feet of the nearest site condominium parcel line or if the proposal is for a private road meeting the standards of an approved Planned Unit Development (PUD), then the site condominium parcel can have private road frontage and any of the street development standards do not have to be met in Section 54.501(E) (1), (2), (6), (7), and (8) items. The standards in Section 54.501(E) (3), (4), and (5) do have to be met, however any reference to “street” will be replaced with “private road”.

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 54.612¹ Dwelling, Accessory Unit (ADU)

Accessory Dwelling Units (ADUs) 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.

(1) A detached ADU (physically separate from the principal residence) must meet the setback requirements of accessory structures for their zoning districts, and the height shall not exceed two (2) stories or 20 feet.

(2) An attached/interior ADU (physically attached and/or accessible from within the principal residence) must meet the requirements of this Ordinance for minimum setbacks and maximum height for primary buildings and lot coverage in Article 4.

(a) **Exception.** An existing legal non-conforming Class A or B structure that is non-conforming due to noncompliance with any minimum setbacks for the zoning district, does not have to meet the minimum setbacks for proposed residential interior remodeling to add an ADU to the interior of the existing structure.

(D) **Maximum Occupancy.** The occupancy of the accessory dwelling unit shall not exceed two (2) unrelated adults.

(E) **Maximum Yard Coverage.** A detached ADU, whether standing alone or as an addition to an existing accessory structure, must meet the standards for maximum impervious surface coverage in Section 54.403 as applicable to the zoning district, but does not have to meet the rear yard area occupation standards for the zoning district, as stated in Section 54.705.

(F) **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 a 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.

(a) **Grace Period for Transfer of Ownership and Revocation.** Per the recorded covenant, the continuing approval/existence of the ADU is predicated upon the occupancy of either the principal residence or the 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. If the person who has legal or equitable ownership interest with the property has become deceased, then the next of kin or a named person in the will of trust has one year to provide proof to the City that they have legal or equitable ownership interest with the property or the ADU will be revoked.

(G) **Maximum Floor Area of ADU.** The floor area of the ADU shall not exceed 768 square feet, or 50% of the gross floor area of the principal residence, whichever is less. If the proposed ADU is a detached garage, and the area used as garage/parking is for the single-family home use only, then you do not count that as floor area for the ADU.

(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 **(as an addition)**, 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.

(J) Architecture and Design.

(1) An ADU must be designed to maintain the architectural character and appearance of the principal building **when attached to an existing 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) Shipping containers are prohibited as an ADU.

(3) Exterior stairs leading to a second story entrance are restricted to the side or rear façade of the building to which it is attached.

(K) Parking. One (1) off-street parking space shall be provided for the ADU in a driveway, **side or rear yard**. 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\(A\)\(923\)](#)). 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.

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

(M) Revocation of ADU. **If any of the conditions or requirements of the ADU are no longer being met, then the ADU approval shall be revoked and the property owner will be notified of a deadline to remove the ADU construction or to convert the structure to a legal use within the zoning district.**

Section 54.613 **2** Dwelling, Duplex

(A) **Lot Area and Lot Width.** The minimum lot area and lot width for lots with a duplex must meet the requirements of [Article 4](#).

(B) **Side Yard Setback.** The minimum required side yard setback for a duplex is ~~10 feet on each side unless a larger side yard setback is required by~~ **must meet** the zoning district **requirements** in [Article 4](#).

(C) **Parking.** Two (2) parking spaces for each dwelling unit, shall be provided unless otherwise exempted by this Code.

(D) **Outdoor Livability Space.** On each lot containing a duplex, at least 20 percent of the lot must be used for outdoor livability space such as lawns, gardens, and/or outdoor patios.

Section 54.614 **3** Dwelling, Intentional Community

(A) **Maximum Occupancy.** Occupancy of an Intentional Community Dwelling shall not exceed more than one person per 200 square feet of habitable space

- (B) Parking.** Each applicant for an Intentional Community Dwelling shall prepare a parking management plan. The plan shall limit the number of automobiles to be parked in the public right-of-way to three (3).
- (C) Conversion from Single-Family Residential Buildings.** When an Intentional Community Dwelling is established within a single-family dwelling, the single-family appearance and function of the building shall not be altered through the addition of separate entrances or kitchens.
- (D) Conversion from Duplex and Multi-Family Residential Buildings.** When two-family and multi-family buildings are converted into an Intentional Community Dwelling, the entire building must remain an Intentional Community Dwelling while any portion of it is so occupied.
- (E) Proximity to Other Intentional Community Dwellings.** The lot on which an Intentional Community Dwelling is located shall not be within 1,500 feet from a lot on which another Intentional Community Dwelling is located, but the Planning Commission may permit two (2) Intentional Community Dwelling units to be located closer than 1,500 feet apart if they are separated by a major physical barrier, including, without limitation, an arterial street, a commercial district, or a topographic feature that avoids the need for dispersal.
- (F) Violations.** No person shall occupy an Intentional Community Dwelling in violation of this section or intentionally or negligently misrepresent the permitted occupancy of a dwelling unit in violation of this section.
- (G) Revocation.** Violation of this Ordinance or any conditions of approval required by the Planning Commission shall be grounds for revocation of the Special Land Use Permit in accordance with this Ordinance. For Administrative Site Plan Review, please refer to [Section 54.1503](#).
- (H) MFR Zoning District Review Process.** As this is a permitted use in the MFR zoning district, please refer to [Figure 64](#) in [Section 54.1402](#) and [Section 54.1401](#).
- (I) LDR, MDR, M-U, CBD Review Process.** As this is a Special Land Use in the LDR, MDR, M-U, and CBD zoning districts, please refer to [Section 54.1403](#).

[Section 54.620 Heavy Vehicle/Equipment Sales, Rental, and Display](#)

- (A) Location.** All areas intended for this use shall be designated as such on the site plan or plot plan.
- (B) Setbacks.** Outdoor sales and display areas must be set back 3 feet from the front property line. Alternatively, the Zoning Administrator may establish alternative locations for outdoor sales and display areas as it determines necessary and advisable.
- (C) Minimum Lot Size.** No less than one-half acre of land shall be required to operate all such uses.
- (D) Screening.** Outdoor sales and display areas which abut residentially zoned property shall be screened in accordance with [Article 10 Landscaping and Screening](#).
- (E) Not create nuisance.** All such outdoor sales and display areas shall be conducted in a manner so as not to create a nuisance to neighboring properties through adequate on-site parking and ingress and egress to the site.

(F) Reasonable Conditions. The Zoning Administrator may impose such reasonable conditions as deems necessary to protect the public health, safety and general welfare from excessive noises, traffic, obnoxious and unhealthy odors and any detrimental effects to the general operation of any outdoor sales and display areas.

(G) No obstruction and paved surface. All sales and display areas shall be paved with a hard surface. Outdoor sales and display areas shall not occupy or obstruct the use of any fire lane, required off-street parking spaces, or landscaped area required to meet the requirements of [Article 9 Parking, Loading, and Access Management](#) or create a traffic or safety hazard.

(1) Off-street parking and maneuvering lanes shall meet minimum ordinance requirements for the retail use based upon the area designated for sales and display as determined by the Zoning Administrator. All loading and unloading areas and off-street parking and maneuvering lanes shall be located within the boundaries of the site.

Section 54.622 Home Offices

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

(A) Maximum Floor Area. The office may not occupy more than 25% of the floor area of the dwelling unit or a maximum of 500 square feet, whichever is smaller. A Home Office shall not occupy more than 25% of the floor area of the dwelling unit and any accessory structures (combined floor area) utilized for the occupation, or a maximum of 500 square feet, whichever is smaller.

(B) Resident Employees Only. No persons who are not lawful residents of the dwelling may be employed.

(C) Signs. There shall be no signs except as provided for in [Article 11](#).

(D) No Customer or Client Traffic. No persons other than residents of the dwelling shall typically or regularly visit the home office for business purposes.

(E) Equipment Operation. There shall be no equipment used, the operation of which can be sensed outside of the dwelling unit.

(F) Accessory Structure Use. A Home Office use may be conducted in an accessory structure that is properly permitted by the City and the County Building Codes Department.

Section 54.624 Homestays and Vacation Home Rentals

(A) Homestays and Vacation Home Rentals in the Low Density Residential (LDR) District, Medium Density Residential (MDR) District, the Third Street Corridor (TSC) District, and Mixed-Use (M-U) District. In the LDR, MDR, TSC, and M-U zoning districts, the following regulations shall apply to single-family, and duplex, triplex, and quadplex structures that are Homestays and Vacation Home Rentals:

- (1) **Location Requirements.** Registered Short-Term Rentals (Homestays and Vacation Home Rentals) shall be limited in proximity to one another by the following standards:
- (a) **Separation Distance Between Short-Term Rentals (Homestays and Vacation Homes).** A parcel with one (1) or more registered Homestay(s) and/or one (1) registered Vacation Home Rental(s) may be permitted (by application) per street segment or block face between intersections, except where the street segment or block face exceeds 500 linear feet in length, in which case one (1) additional parcel for Short-Term Rental of each type is allowed for each exceedance of 500 linear feet of the street segment/block face between intersections. Corner houses are assigned to the block face/street segment that corresponds to the property street address; the Zoning Administrator shall keep a map of the registered and approved parcels for short-term rentals for purposes of verifying their location and reviewing applications for short-term rentals.
 - (b) **Parcel or Right-of-Way Separation.** Registered Short-Term Rentals (Vacation Home or Homestay) parcels must be separated from one another by a minimum of one parcel of developable property not registered or intended for use as a Vacation Home or Homestay, and/or by a public street corridor (right-of-way).
 - (c) **Maximum Number of Vacation Home Rental Units Per Parcel.** If in compliance with this Section ([Section 54.624](#)) and other Zoning Ordinance requirements, up to three (3) dwelling units on one (1) parcel may be registered as vacation home rentals.
 - (d) **Use of a Vacation Home Rental as a Homestay.** A Vacation Home Rental that is in compliance with this Section ([Section 54.624](#)) and other Zoning Ordinance requirements may also be a Homestay if it meets the Homestay requirements and is approved by the Zoning and Fire Departments as both a Vacation Home Rental and a Homestay. In this case, the proximity standards specified in this Section ([Section 54.624](#)) will be applied only as a Vacation Home Rental to such a property, not as both a Vacation Home and a Homestay.

(B) **Short-Term Rentals in the Multiple Family Residential (MFR) District, Third Street Corridor (TSC) District, and Mixed-Use (M-U) District.** In the MFR, TSC, and M-U zoning districts, the following regulations shall apply to multi-family structures that have 5 or more units and that are Homestays and Vacation Home Rentals:

- (1) **Subletting Prohibited.** Short-term rental is limited to property owners, and subletting is not allowed (tenants may not rent to other parties).
- (2) **Maximum Number Per Housing Structure/Complex.** A maximum of four (4) units may be rented for a short-term basis in housing structures/complexes that have up to forty-nine (49) units, and a maximum of ten (10) percent of units may be rented for a short-term basis in housing structures/complexes that have fifty (50) or more units.

- (C) **Compliance with City Codes and Ordinances.** All Short-Term Rentals, Homestays, and Vacation Home Rentals must comply with the City of Marquette Rental Fire Code and all other related City codes and ordinances.

Section 54.627 Light Manufacturing, Heavy Manufacturing, and Major Vehicle Repair and Maintenance Operations

- (C) **Permits.** Prior to final approval of a special land use permit each applicant shall obtain the necessary state and federal permits, including permits or waiver for permits from the Michigan Department of Environmental Quality **Environment, Great Lakes, and Energy (EGLE)**. The applicant shall, upon request, forward all reports and findings from the state and federal agencies to the Zoning Administrator, along with site plans as described in [Section 54.1402](#)

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\(A\)\(923\)](#)) parking spaces on the site and the location must still meet the maneuvering lane requirements.
 - (3) **If a new off-street parking lot is constructed, parking spaces designated for vehicle display are exempt from the screening requirements outlined in [Section 54.1003\(C\)\(1\)](#). However, if the parcel's use changes and these spaces are converted to regular parking spaces, screening must then be implemented in compliance with the section's requirements.**
 - (4) **If a new off-street parking lot receives a waiver of the maximum parking spaces allowed per [Section 54.902\(H\)](#), the waiver will be rescinded upon the change of use.**
- (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 54.6398](#) 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 54.629 Marihuana Establishments

- (D) **Marihuana Microbusiness – Light Manufacturing.** Marihuana Microbusiness – Light Manufacturing shall be subject to the following standards:

(12) Additional Light Manufacturing standards:

(c) **Permits.** Prior to final approval of a special land use permit each applicant shall obtain the necessary state and federal permits, including permits or waiver for permits from the Michigan Department of Environmental Quality **Environment, Great Lakes, and Energy (EGLE)**. The applicant shall, upon request, forward all reports and findings from the state and federal agencies to the Zoning Administrator, along with site plans as described in Section 54.1402.

(E) **Marihuana Microbusiness – Heavy Manufacturing.** Marihuana Microbusiness – Heavy Manufacturing shall be subject to the following standards:

(12) Additional Light Manufacturing standards:

(c) **Permits.** Prior to final approval of a special land use permit each applicant shall obtain the necessary state and federal permits, including permits or waiver for permits from the Michigan Department of Environmental Quality **Environment, Great Lakes, and Energy (EGLE)**. The applicant shall, upon request, forward all reports and findings from the state and federal agencies to the Zoning Administrator, along with site plans as described in Section 54.1402.

(H) **Marihuana Processor – Light Manufacturing.** Marihuana Processor – Light Manufacturing shall be subject to the following standards:

(8) Additional Light Manufacturing standards:

(c) **Permits.** Prior to final approval of a special land use permit each applicant shall obtain the necessary state and federal permits, including permits or waiver for permits from the Michigan Department of Environmental Quality **Environment, Great Lakes, and Energy (EGLE)**. The applicant shall, upon request, forward all reports and findings from the state and federal agencies to the Zoning Administrator, along with site plans as described in Section 54.1402.

(I) **Marihuana Processor – Heavy Manufacturing.** Marihuana Processor – Heavy Manufacturing shall be subject to the following standards:

(8) Additional Light Manufacturing standards:

(c) **Permits.** Prior to final approval of a special land use permit each applicant shall obtain the necessary state and federal permits, including permits or waiver for permits from the Michigan Department of Environmental Quality **Environment, Great Lakes, and Energy (EGLE)**. The applicant shall, upon request, forward all reports and findings from the state and federal agencies to the Zoning Administrator, along with site plans as described in Section 54.1402.

Section 54.632 **Natural Resource Extraction and Processing Operations**

~~(A) **Setbacks.** No topsoil, earth, gravel, or sand shall be removed, and no excavation, washing and stockpiling of extracted material shall be conducted closer than three hundred (300) feet to the outer boundary of the area approved for extractive operation. This setback may be reduced by the Planning Commission upon making the determination that the operations can still be carried out in a manner that is compatible with surrounding land use. Extractive operations shall not encroach upon required setback areas. Greenbelt plantings and landscaping must be provided in the setback area as required.~~

~~(B) **Control of Off Site Impacts.** In order to reduce the effects of airborne dust, dirt, and noise, all equipment for sorting, crushing, grinding, loading, weighing, and other operational structures shall not be built closer than three hundred (300) feet from any~~

public street right-of-way line or adjacent property lines. This setback may be reduced by the Planning Commission upon making the determination that the operations can still be carried out in a manner that is compatible with surrounding use. All such activities, equipment, roadways, and material storage areas shall be treated, covered, muffled, or otherwise controlled to minimize adverse impact beyond the property line. Trucks hauling extractive materials to or from the site shall be loaded and covered in accordance with all applicable State and County and local regulations. Private access roads serving the operation must be treated to create dust-free surfaces for a distance of three hundred (300) feet from any public access road. Arrangements shall also be made to minimize dust on public access routes traveled in the City.

- ~~(C) **Fill Material.** No garbage or refuse of any nature shall be used for fill. Only the following materials may be used for fill: sand, gravel, clay, broken concrete, topsoil, and other clean earth materials which provide a suitable base for future building sites.~~
- ~~(D) **Standing Water.** The premises must at all times be graded so that surface contours shall tend to forestall local depressions or cause water to stand or accumulate.~~
- ~~(E) **Fence.** Where there is an excavation with a depth in excess of five (5) feet not subject to standard to City building codes and trenching regulations, the permit holder shall erect a fence of at least six (6) feet, but not more than ten (10) feet in height, of wire mesh or such other suitable materials to afford protection to persons and property. Any gates required must be kept locked, daily, when operations are stopped.~~
- ~~(F) **Processing.** Processing of materials mined from any property shall be permitted only in an IM (Industrial/Manufacturing) Zoning District.~~
- ~~(G) **Liability.** The owner or operator shall maintain liability insurance with the City named as an insured party, and the City shall be indemnified and held harmless in respect to any liability and claims which may arise in conjunction with the extractive operations.~~
- ~~(H) **Post Closure or End Use Land Use Plan.** As a part of the special land use approval and site plan review process, a post closure land use plan for the facility must be submitted by the applicant for review. Such a plan must include the end use of all facilities after closure as defined by the Michigan Department of Natural Resources for the technical aspects of closing the solid waste facility, mine or quarry. The contents of the Closure Plan must include:
 - ~~(1) Boundary lines of the property and dimensions and bearings of the property lines correlated with legal description;~~
 - ~~(2) Location and extent of all natural features to be retained during operation;~~
 - ~~(3) The slope of all restored areas;~~
 - ~~(4) Proposed completed topography at contour intervals of not more than two (2) feet;~~
 - ~~(5) A schedule integrating the areas of progressive rehabilitation with the final restoration plan;~~
 - ~~(6) The estimated date of completion of the requirements of the restoration plan;~~
 - ~~(7) Proposed ground cover and other plantings to stabilize the soil surface and to beautify the restored areas;~~
 - ~~(8) A description of the methods and materials to be utilized in restoring the site;~~
 - ~~(9) Sketch plan of the proposed use or uses of the restored site;~~
 - ~~(10) For solid waste facilities, a program of continued groundwater monitoring for at~~~~

least ten years after closure must be approved by the appropriate local and State officials; and;

(11) ~~Names, addresses and telephone numbers of applicant, property owner, operator and professional engineer who prepared the restoration plan.~~

(A) Excavation. As allowed by state law, the extraction of sand, gravel, or other raw materials at or below grade and the processing of such materials upon any property are subject to the following standards, provided the state law does not preclude this ordinance:

(1) Site Plans for Permitted Uses. A site plan must be approved for any earthwork that is 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, per [Section 54.1402 \(Figure 64\)](#).

(2) Site Plans for Special Land Use. A site plan must be approved by the Planning Commission per the Special Land Use process.

(3) Setbacks. No topsoil, earth, gravel, or sand shall be removed, and no excavation, washing and stockpiling of extracted material shall be conducted closer than at least one hundred (100) feet from the subject property line. The Planning Commission or Zoning Administrator (depending on the reviewing authority per [Figure 64](#)) may reduce these dimensions upon determining that the operations can still be carried out in a manner compatible with surrounding land use. Greenbelt plantings and landscaping must be provided in the setback area as required

(4) Control of Off-Site Impacts. To reduce the effects of airborne dust, dirt, and noise, all activities, equipment, roadways, and material storage areas shall be treated, covered, muffled, or otherwise controlled to minimize adverse impact beyond the property line. Trucks hauling extractive materials to or from the site shall be loaded and covered by all applicable State and County and local regulations. Private access roads serving the operation must be treated to create dust-free surfaces for three hundred (300) feet from any public access road. Arrangements shall also be made to minimize dust on public access routes in the City.

(5) Fill Material. No garbage or refuse of any nature shall be used to fill the ground where soil, rock, and other natural materials have been removed. Only the following materials may be used for such "fill": sand, gravel, clay, broken concrete, topsoil, and other clean earth materials that provide a suitable base for future building sites.

(6) Standing Water. The premises must always be graded so that surface contours tend to forestall local depressions or cause water to stand or accumulate with the exception of sumps for dust control.

(7) Fences. Where there is an excavation forming a trench or a pit with a depth in excess of five (5) feet, the permit holder shall erect a fence of six (6) to ten (10) feet in height, in accordance with [Section 54.706](#) of this ordinance. Any gates used or required must be shut and locked when operations are stopped.

(8) Liability. The owner or operator shall maintain liability insurance with the City named as an insured party, and the City shall be indemnified and held harmless in respect to any liability and claims which may arise in conjunction with the extractive operations.

(9) Post Closure or End Use Land Use Plan. As part of the special land use approval and site plan review process, the applicant must submit a post-closure land use plan for the facility. The contents of the Closure Plan must include:

- (a) Boundary lines of the property and dimensions and bearings of the property lines correlated with legal description;
- (b) Location and extent of all natural features to be retained during operation;
- (c) The slope of all restored areas;
- (d) Proposed completed topography at contour intervals of not more than two (2) feet;
- (e) A schedule integrating the areas of progressive rehabilitation with the final restoration plan;
- (f) The estimated date of completion of the requirements of the restoration plan;
- (g) Proposed ground cover and other plantings to stabilize the soil surface and to beautify the restored areas;
- (h) A description of the methods and materials to be utilized in restoring the site;
- (i) Sketch plan of the proposed use or uses of the restored site;
- (j) Names, addresses and telephone numbers of applicant, property owner, operator and professional engineer who prepared the restoration plan

(B) Natural Resource Processing Operations

- (1) Processing.** The processing of materials mined from any property shall be permitted only in an IM (Industrial/Manufacturing) Zoning District.
- (2) Setbacks.** To reduce the potential for sedimentation to streams and nuisances – the creation of dust, dirt, glare, and noise - all operations for processing raw materials (cutting, crushing, grinding, mechanical sorting, and associated structures must be separated at least 200 feet from any property adjoining lines and abutting bodies of water. The Planning Commission may reduce these dimensions upon determining that the operations can still be carried out in a manner that is compatible with surrounding land use.
- (3)** Items 54.632 (1), (3), (5), (6), (7), and (8) shall apply to such processing operations and must be followed for zoning approval of the activity.

Section 54.6376 Outdoor Alcoholic Beverage Service

(A) Outdoor Food and/or Alcoholic Beverage Service on Public Property. Outdoor food and beverage service (including alcoholic beverages) on public property is subject to the requirements of Chapter 12 (Business), Article 6 (Sidewalk Café Permits) of the City Code of Ordinances.

(B) Outdoor Alcoholic Beverage Service on Private Property. Outdoor alcoholic beverage service on private property is subject to the following requirements:

- (1) Accessibility.** Outdoor alcoholic service on private property shall be located in a manner

that will not interfere with vehicular or pedestrian mobility or access, and shall meet Michigan barrier-free requirements. Outdoor alcoholic service areas shall not obstruct the entrance to any building or sidewalk, nor shall they obstruct any barrier-free ramp or access aisle. If outdoor alcoholic beverage service areas are located on a private sidewalk, a minimum five (5) foot wide unobstructed pathway shall be maintained on the sidewalk, for pedestrian traffic.

- (2) **Mobile Food Vending Units.** Mobile Food Vending Units per Chapter 35 of the City Code are not considered Outdoor Food and Beverage Service. Outdoor tables and chairs are considered Outdoor Food and Beverage Service, so if a mobile food vending unit proposed to add this to the site, then they must meet [Section 54.636](#) and submit a zoning permit for this use.
- (3) **Location of Outdoor Alcoholic Beverage Service Areas.** Tables and chairs must remain within a well-defined and clearly marked area. The City may require enclosures consisting of metal railing, brick walls, landscape planters or other suitable materials using decorative, wrought iron fencing, or other suitable materials. The City may permit temporary enclosure structures, provided the temporary enclosure structures meet the requirements of [Section 54.705\(F\)](#).
- (C) **Outdoor Entertainment and Community Events.** See [Section 54.635](#).
- (D) **Vehicle Parking Requirements.** Parking space requirements may be reduced per [Section 54.902\(G\)](#).

Section 54.6387 Outdoor Food and Non-Alcoholic Beverage Service

- (A) **Outdoor Food and Non-Alcoholic Beverage Service on Public Property.** Outdoor food and non-alcoholic beverage service on public property is subject to the requirements of Chapter 12 (Business), Article 6 (Sidewalk Café Permits) of the City Code of Ordinances.
- (B) **Outdoor Food and Non-Alcoholic Beverage Service on Private Property.** Outdoor food and non-alcoholic beverage service on private property is subject to the following requirements:
 - (1) **Accessibility.** Outdoor food and beverage non-alcoholic service on private property shall be located in a manner that will not interfere with vehicular or pedestrian mobility or access, and shall meet Michigan barrier-free requirements. Outdoor food and non-alcoholic beverage service areas shall not obstruct the entrance to any building or sidewalk, nor shall they obstruct any barrier-free ramp or access aisle. If outdoor food and non-alcoholic beverage service areas are located on a private sidewalk, a minimum five (5) foot wide unobstructed pathway shall be maintained on the sidewalk, for pedestrian traffic.
 - (2) **Mobile Food Vending Units.** Mobile Food Vending Units per Chapter 35 of the City Code are not considered Outdoor Food and Beverage Service. Outdoor tables and chairs are considered Outdoor Food and Beverage Service, so if a mobile food vending unit proposed to add this to the site, then they must meet [Section 54.637](#) and submit a zoning permit for this use.

(3) Location of Outdoor Food and Non-Alcoholic Beverage Service Areas. Tables and chairs must remain within a well-defined and clearly marked area. The City may require enclosures consisting of metal railing, brick walls, landscape planters or other suitable materials using decorative, wrought iron fencing, or other suitable materials. The City may permit temporary enclosure structures, provided the temporary enclosure structures meet the requirements of [Section 54.705\(F\)](#).

(C) Outdoor Entertainment and Community Events. See [Section 54.635](#).

(D) Vehicle Parking Requirements. Parking space requirements may be reduced per [Section 54.902\(G\)](#).

Section 54.6398 Outdoor Temporary Retail Sales and Service Areas

- (A)** Temporary retail sales and service areas, for approved commercial land uses, may be permitted to occupy not more than twenty-five percent (25%) of the existing or required parking spaces on the site, for a total of not more than ~~90~~ **120** days in any 12-month period. The location of sales merchandise, service area, and/or temporary structures shall not interfere with pedestrian accessibility, traffic patterns, or access to remaining parking spaces. Prior to placement of merchandise, service area, or erection of temporary structures, the Zoning Administrator must be notified of the date of removal. The location and construction of all temporary structures (including tents) erected in association with the temporary sale of merchandise shall require the approval of the Zoning Administrator and the Fire Administrator **through a zoning permit if a City Clerk License is not required**. It is the responsibility of the business owner to contact the Building Code Administrator to determine if a building permit is required.
- (B)** Mobile Food Vending Units per Chapter 35 of the City Code are exempt from [Section 54.638 \(A\)](#).
- (C)** Temporary sales areas that require a person to obtain a license from the City Clerk's Office are exempt from obtaining a Zoning Compliance Permit, but must meet the requirements of [Section 54.638 \(A\)](#).
- (D)** Temporary outdoor sales and display of merchandise in conjunction with Marquette Downtown Development Authority sanctioned events are exempt from [Section 54.638\(A\)](#) but must be removed at the conclusion of the event.
- (E)** Temporary outdoor sales for non-commercial land uses which are an accessory use of property, such as yard/garage sales and children's lemonade sales, are authorized with the permission of the property owner. Such sale events may occur on a singular property up to 10 times per year and no more than 4 times per month.

Section 54.6432 Residential Limited Animal Keeping

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

- (1) Accessory Use of On-Site Residents.** The accessory use of Residential Limited Animal Keeping is permitted upon application for a non-transferable Residential Limited Animal Keeping Permit approved by the Zoning Administrator, which is for enclosures and structures that are required for chickens and rabbits, or for beehives. Upon approval, the permit is intended to be for the benefit of the occupants of the dwelling on-site, and not for commercial animal uses.

- (2) **Applicable Zoning Districts.** This Residential Limited Animal Keeping use is permitted only in the LDR and MDR districts as an accessory use, where there is a separate occupied dwelling.
- (3) **General Animal Care.** Animals being kept in a residential environment must be cared for and monitored daily to maintain animal health and to prevent nuisance problems with neighbors and the community.
- (4) **Permitted Animals.** Unless classified as a bona fide household pet, only animals explicitly permitted in this Section (i.e., hens, rabbits, and honeybees) qualify as animals that may be kept as a Residential Limited Animal.
- (5) **Zoning Compliance Review Required.** Zoning Compliance Review in accordance with [Section 54.1401](#) is required prior to the establishment of the Residential Limited Animal Keeping use.
- (6) **Location of Animals on the Same Lot as the Dwelling and in the Rear Yard.** The location of animals permitted in accordance with this Section must be on the same property as the dwelling to which they are accessory and must be located in the rear yard.
- (7) **Storage of Seed, Fertilizer, and Feed.** All seed, fertilizer, and animal feed shall be stored in secured, rodent- and animal-proof containers and kept within an enclosed structure.
- (8) **On-Site Commercial Sale Prohibited.** The commercial sale of animal products including eggs, honey, hens or rabbits is prohibited on the site.
- (9) **Sanitation, Waste, and Odors.** All animal structures and roaming areas must be kept sanitary and free from accumulations of animal excrement and objectionable odors. Waste must be composted or disposed of in accordance with all City requirements. The City may require a Residential Refuse Collection Agreement as a condition of Zoning Permit approval. Piling of waste materials on the property is not permitted unless composted in accordance with [Section 54.6198\(GF\)](#).
- (10) **Runoff.** No runoff from nutrient sources shall be allowed to leave the property, nor be discharged into the storm sewer.

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

In addition to the requirements of [Section 54.642\(A\)](#), the following shall apply to the Residential Limited Animal Keeping of hens:

- (1) **Maximum Number of Hens.** A maximum of six (6) hens per single-family or two-family dwelling unit may be kept.
- (2) **Male Chickens (Roosters) Prohibited.** Male chickens (roosters) are prohibited.
- (3) **Prohibited Locations of Keeping Hens.** Hens are prohibited in a residence, porch, or attached garage.
- (4) **Keeping of Hens Required on the Lot.** Hens must be confined to the lot.
- (5) **Enclosure Housing for Hens.** Enclosed housing for hens (the hen house or coop) is

prohibited in a front yard. Enclosed housing must be fully enclosed, roofed, and provide at least one (1) square foot of indoor usable floor space per animal. Enclosed housing must be designed to discourage rodents, dogs, cats, and wildlife from gaining entry.

- (6) **Access to Fresh Water.** Fresh water must be provided for hens at all times.
- (7) **Outdoor Usable Space for Hens.** Outdoor usable space (a run) of at least two (2) square feet per hen must be provided and be attached to the coop. Outdoor usable space must be enclosed to prevent hens from leaving the lot and must not be located in a front yard.

(a) If the outdoor space has a roof or cover, then it has to meet [Section 54.705\(A\)](#) for the LDR or MDR zoning district requirements.

(b) If the outdoor space is just enclosed with a fence, it has to meet [Section 54.706\(C\)\(1\)](#) for the LDR or MDR zoning district requirements.

- (8) **Setback of Housing for Hens.** Enclosed housing for hens must meet the same setback requirements for accessory buildings ([Section 54.705\(A\)](#)), except that the enclosed housing must be set back at least 20 feet from a principal building on an adjoining property. Mobile chicken housing must meet the required setbacks at all times.

(B C) Requirements Applicable to Residential Limited Animal Keeping of Rabbits. In addition to the requirements of [Section 54.642\(A\)](#), the following shall apply to the Residential Limited Animal Keeping of rabbits:

- (1) **Maximum Number of Rabbits.** A maximum of six (6) adult rabbits per single-family or two-family dwelling unit may be kept.
- (2) **Keeping of Rabbits Required on the Lot.** Rabbits must be confined to the lot.
- (3) **Enclosure Housing for Rabbits.** Enclosed housing for rabbits (cage or hutch) is prohibited in a front yard. Enclosed housing must be fully enclosed, roofed, and provide at least five (5) square feet of indoor usable floor space per animal. Enclosed housing must be designed to discourage rodents, dogs, cats, and wildlife from gaining entry.
- (4) **Access to Fresh Water.** Fresh water must be provided for rabbits at all times.
- (5) **Outdoor Usable Space for Rabbits.** Rabbits shall only be kept within enclosed housing except for monitored exercise periods. Outdoor usable space must be enclosed to prevent rabbits from leaving the lot and must not be located in a front yard.
- (6) **Setback of Housing for Rabbits.** Enclosed housing for rabbits must meet the same setback requirements for accessory buildings ([Section 54.705\(A\)](#)), except that the enclosed housing must be set back at least 20 feet from a principal building on an adjoining property. Mobile rabbit housing must meet the required setbacks at all times.

(C D) Requirements Applicable to Residential Limited Animal Keeping of Honeybees. In addition to the requirements of [Section 54.642\(A\)](#), the following shall apply to the Residential Limited Animal Keeping of honeybees:

- (1) **Maximum Number of Honeybee Hives or Colonies.** A maximum of 10 honeybee hives is permitted on a lot.

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

Section 54.60548 ~~Bulk Storage~~ ~~Move to be~~ Storage, Bulk

- (A) Noise, vibration, smoke, dust, odors, glare, and similar or related nuisances shall be confined to the site to the maximum extent possible and mitigated on-site to the maximum extent possible. Any nuisances which are anticipated to not be contained to the applicant’s property and not mitigated on the property shall be identified in the Project Proposal Document submitted with the Special Land Use Permit or Zoning Compliance Permit application.
- (B) Operations shall be approved only upon documentation by the applicant that no dangerous, noxious or nuisance conditions will impact any adjacent premises. The manufacture, processing or packaging of materials which are inherently dangerous or hazardous due to flammability, radioactivity, explosiveness, or severe toxicity will not be permitted.
- (C) Prior to final approval of a special land use permit or zoning compliance permit, each applicant shall obtain the necessary state and federal permits, including permits or waiver for permits. The applicant shall, upon Planning Commission or Zoning Administrator request, forward all reports and findings from the state and federal agencies to the Zoning Administrator, along with site plans as described in [Section 54.1402](#).
- (D) Notice of intent to build or expand must be given to the Zoning Administrator at the same time application is made to federal or state agencies, which may require permits.
- (E) When industrial activity is discontinued or the site is vacated, the site shall be left in a condition free from hazards (including but not limited to dangerous excavations, and abandoned structures above or below ground).

- (F) The Planning Commission may require additional safeguards to meet the intent of the industrial district and to assure opportunity for additional industrial uses and for growth within each area of the city which is zoned industrial.

Section 54.649 Storage, Indoor

- (A) No activity other than indoor storage shall be allowed. No unrelated commercial, wholesale, retail, industrial or other business activity shall be conducted from the facility.
- (B) The storage of any toxic, explosive, corrosive, or hazardous materials is prohibited. Combustible materials shall be kept away from ignition sources, such as portable heaters, light fixtures, etc.
- (C) All storage, including vehicles of any kind, shall be contained within a completely enclosed building.
- (D) All exterior lighting shall be in accordance with [Section 54.802](#) hereof.
- (E) All signs shall be in compliance with the provisions of [Article 11](#) of this Ordinance.
- (F) Landscaping and Screening shall be provided in accordance with [Article 10](#) of this Ordinance.
- (G) All off-street parking shall be in compliance with [Article 9](#) of this Ordinance.

Section 54.635~~50~~ Open Storage Move to be Storage, Open/Outdoor

- (A) Open storage of any equipment, vehicles, and all materials including wastes must be screened from public view, from public streets and from adjoining properties by an enclosure consisting of a wall or an obscuring, opaque fence of a height of not less than six (6) feet to obscure such stored materials.
- (B) Open storage shall not be in excess of twenty (20) feet in height.

Section 54.651 Storage facility, Self

- (A) No activity other than rental of storage units shall be allowed. No unrelated commercial, wholesale, retail, industrial or other business activity shall be conducted from the facility.
- (B) The storage of any toxic, explosive, corrosive, or hazardous materials is prohibited. Combustible materials shall be kept away from ignition sources, such as portable heaters, light fixtures, etc.
- (C) All storage, including vehicles of any kind, shall be contained within a completely enclosed building.
- (D) The storage facility shall have driveway access to – or be within 300 feet of – a collector street, arterial road, or highway.

- (E)** All storage units must be accessible by paved-maneuvering lanes. A minimum twenty-four-foot drive shall be provided between buildings. Site circulation shall be designed to accommodate fire trucks, as well as trucks that will customarily access the site.
- (F)** A demonstrated means of security and management shall be provided.
- (G)** Each storage unit shall have an individual door to the outdoors or common/public corridor, and shall be accessible by the owner of the storage items in accordance with hours of operation approved by the Planning Commission/Zoning Administrator. Such hours of operation shall be posted at the entrance to the facility.
- (H)** All exterior lighting shall be in accordance with [Section 54.802](#) hereof.
- (I)** All signs shall be in compliance with the provisions of [Article 11](#) of this Ordinance.
- (J)** Landscaping and Screening shall be provided in accordance with [Article 10](#) of this Ordinance.
- (K)** All off-street parking shall be in compliance with [Article 9](#) of this Ordinance.
- (L)** In General Commercial zoning districts, the total maximum building footprint of the self-storage facilities shall be 40,000 square feet.

SECTION 6. Article 7 – General Provisions

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

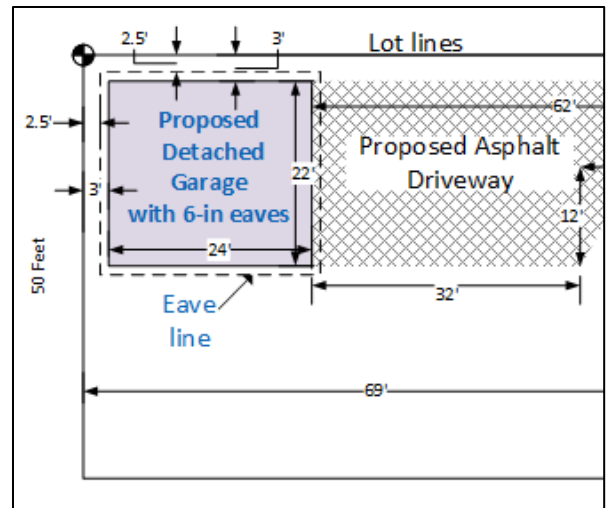
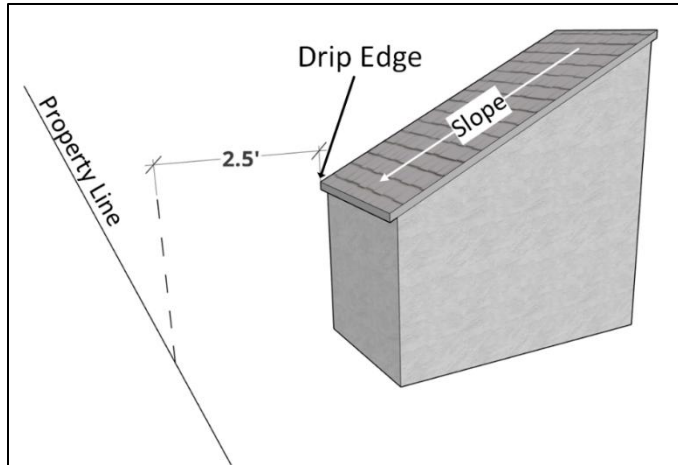
Article 7 General Provisions

Section 54.702 Permitted Encroachments into Required Yard Setbacks

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

- (B) Architectural Features.** Cornices, canopies, eaves, or similar architectural features may project into required yard setback areas to a maximum of two and one-half (2.5) feet from the property line. The eave measurement shall be taken from the max extent of the roof slope at the farthest point (also known as the drip edge) to the property line. Gutters are not included in the measurement as they are allowed to encroach past two and one-half (2.5) feet.

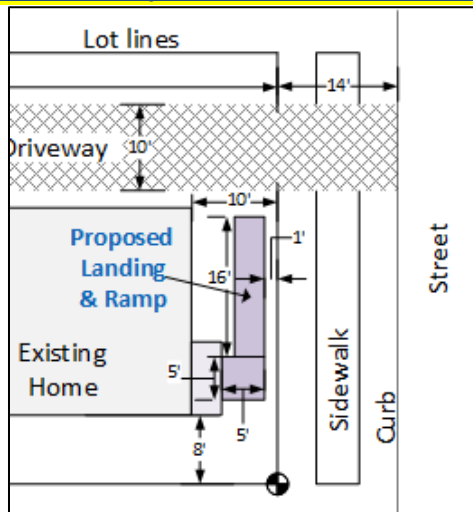
Figure 37. Examples of Measurement for Eaves



(C) Access Ways. Unenclosed stairs, steps, fire escapes, and access ramps may project into yard setbacks, provided that they are set back at least twelve (12) inches from the front lot line, five (5) feet from the rear lot line, and three (3) feet from the side lot lines with the following exceptions:

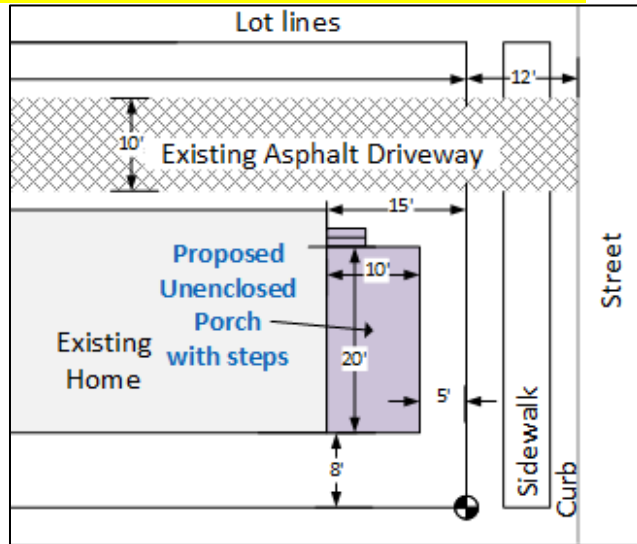
- (1) Front yard setbacks are not required for barrier-free access ramps if resident requires ramp access due to a disability and there is not adequate space to locate the ramp elsewhere on the property. When such ramp is no longer required it shall be considered a legal, nonconforming encroachment.
- (2) Window wells, egress windows, and basement escape ladders required by fire codes may project into required yard setbacks the minimum amount necessary to meet the fire code requirement.
- (3) Existing step or walls that are located between the front property line and 12 inches into the private property may be maintained but not rebuilt, per [Section 54.1202](#) of the LDC.
- (4) New/Proposed steps must be set back at least 12 inches from the front property line, even if the Zoning District has a 0-ft front setback. If existing steps or walls protrude into the public right-of-way and are in disrepair, a Grant of License to use public property must be sought for approval to conduct rebuilding work to restore the structure to like-new condition.

Figure 38. Example of Measurement for Access Ways



- (D) **Unenclosed Balconies, Open Porches, Decks.** Unenclosed balconies, open porches, carports and decks may project into a required yard setback by up to ten (10) feet provided they are at least five (5) feet from the rear lot lines, at least three (3) feet from the side lot lines, and at least five (5) feet from the front lot lines unless a different front yard setback for unenclosed balconies, open porches, and decks is permitted or required by [Article 4](#).

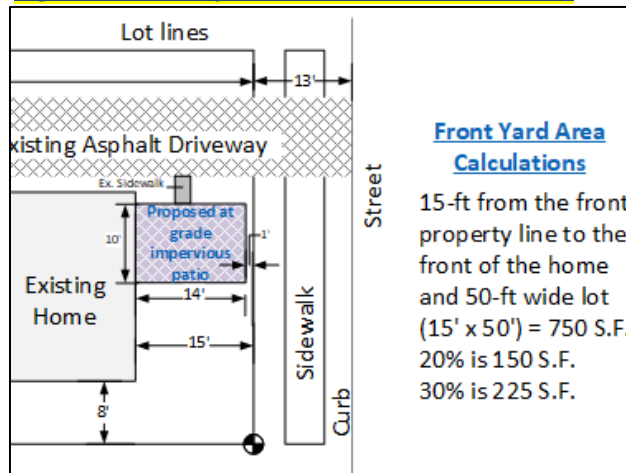
Figure 39. Example of Measurement for Open Porch



- (E) **Patios and at grade decks.** Patios and at grade decks may project into a required yard setback provided they are set back at least twelve (12) inches from the front lot line (even if the Zoning District has a 0-ft front setback), five (5) feet from the rear lot line, and three (3) feet from the side lot lines with the following conditions:

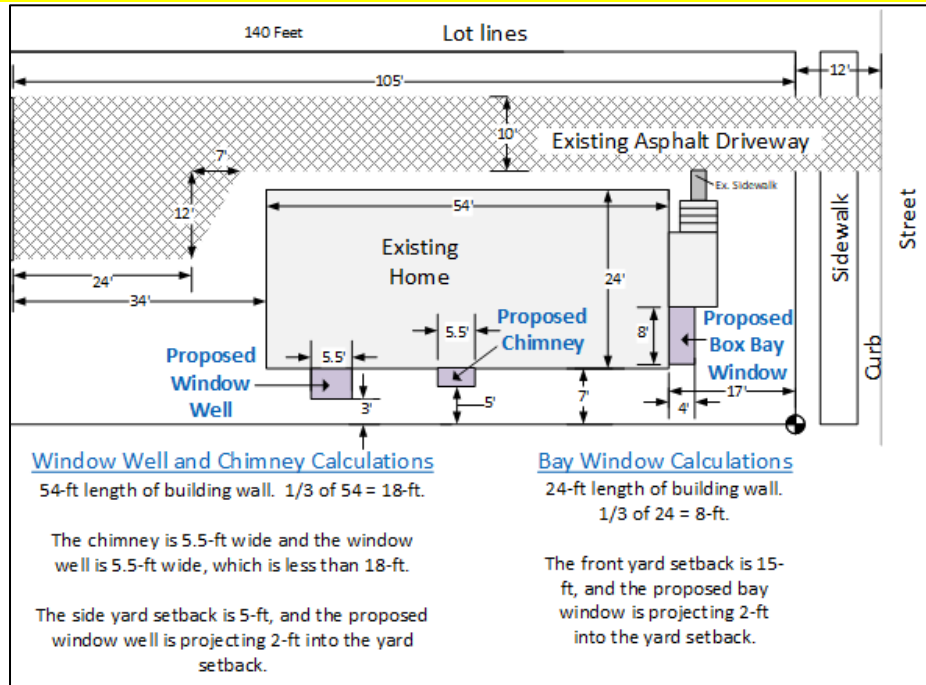
- (1) The patio cannot occupy more than 20% of the front yard area if the surface is impervious to water percolation. Patios that are made of pervious materials or designed to allow water percolation or are mitigated by storm water detention facilities (such as rain gardens), and that are not used for parking, may occupy up to 30% of the front yard.
- (a) If the patio is also used for parking it must also meet [Sections 54.902\(E\)\(1\)\(d\)](#) and [54.902\(E\)\(1\)\(e\)](#).

Figure 40. Example of Measurement for Patio



- (F) **Bay Windows, Basement Window Wells, and Chimneys.** Bay windows, basement window wells, and chimneys may project into yard setbacks by up to two (2) feet, provided that such features do not occupy, in the aggregate, more than one-third (1/3) the length of the building wall on which they are located.

Figure 41. Example of Measurement for Bay Window, Window Well, and Chimney



- (G) **Accessory Structures.** Accessory structures may project as allowed in [Section 54.705](#).

- (H) **Structural Amenities.** A structural amenity, such as outdoor art, paintings, sculpture, fountains and similar water features, benches, arbors, doghouses, playsets, birdfeeders, clotheslines, air conditioners, detached open structures, and similar amenities as determined by the Zoning Administrator may be located a minimum of three (3) feet from a side or rear lot line and a minimum of five (5) feet from a front ~~or rear~~ lot line, subject to the following requirements:

- (1) **Clear Vision Triangle Area.** All structural amenities must meet traffic visibility regulations of [Section 54.704](#).
- (2) **Durable Materials and Construction.** Structural amenities must be composed of durable materials such as steel, bronze, stained glass, concrete, wood, ceramic tile, stone, or other similar material durable against weather and requiring a low level of maintenance.
- (3) **Maintenance.** Structural amenities must be maintained in a safe, neat, and orderly manner acceptable to the City. The City may require the owner of the structural amenity to submit a maintenance plan for review. The City shall determine the acceptable maintenance of a structural amenity to prevent blight.
- (4) **Secure Location.** Structural amenities must be properly secured to provide stability. The structural amenity may be attached or secured to the ground, or it may be attached to the principal structure or accessory structure (excluding roof attachment). Objects that are taller than the distance from the public right-of-way to the object's location on the ground will be ordered to be removed immediately if found to be unstable.
- (5) **Maximum Height:** No attached or detached structural amenity shall exceed sixteen and one-half (16.5) feet in height.

(6) Prohibitions. The following are **is** prohibited:

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

(7) Beyond the scope of structural amenity. Structures that are beyond the scope of a structural amenity and should be regulated under a different section of this Ordinance, such as fences ([Section 54.706](#)), accessory structures ([Section 54.705](#)), or signs ([Article 11](#)).

(7 8) Permit and Exemptions. A permit is required for structural amenities unless it meets the following exemptions, and the structural amenities must meet the requirements of 54.702(G):

- (a) Enclosed structural amenities less than sixteen (16) square feet in floor area/footprint. Examples of such amenities include dog/bat/bird houses, treehouses, library boxes, and garden sheds.
- (b) Open/Unenclosed structural amenities, such as children’s playsets, and seasonal or collapsible temporary structures such as tents and similar shelters less than 160 square feet in floor area.
- (c) Tents designed for temporary occupancy (14 days or less), used on private property with the property owners’ permission.**

(I) Food Production, Minor. Where Minor Food Production is permitted, the permitted structure encroachments are regulated in [Section 54.6198](#).

Section 54.705 Accessory Buildings and Structures

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

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

- (1) Attached Accessory Buildings and Structures.** Where the accessory building or structure is structurally attached to a main building, it shall be subject to, and must conform to, all yard regulations of this Ordinance, applicable to main building.
- (2) Location.** Detached accessory buildings or structures shall not be located in any required yard setback except as permitted in [Section 54.705\(A\)\(4\)](#).
- (3) Maximum Lot Coverage.** Detached accessory buildings or structures (such as concrete or asphalt 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.
 - (a) If the main structure’s footprint is less than 500 square feet at full build out, an accessory structure may exceed the ground floor area of the main structure (home) by up to 10 percent of the footprint area of the main structure. An accessory structure footprint may be increased to equal that of the main structure if the main structure is remodeled to more than 550 square feet.
 - (b) Patio **Pervious** pavers **that are used for accessory structures such as patios, sidewalks, etc.**

that allow infiltration are not included in the 25% calculation.

- (4) **Separation and Setback Distances.** No permanent accessory building or structure shall be located in a minimum front yard setback. No detached accessory building shall be located closer than five (5) feet to any main building nor closer than three (3) feet from a side or rear lot line, except swimming pools, which are regulated in [Section 54.707](#). Non-building accessory structures (e.g., fences and steps) or open buildings (i.e., a shelter without walls including an open lean-to or open carports) are not subject to the minimum separation distance requirements unless a minimum separation distance is required by the Building Official.
- (5) **Maximum Height.** Unless otherwise stated in this Ordinance, no attached or detached accessory building or structure in a the LDR, MDR, and M-U Districts shall exceed sixteen and one-half (16.5) feet in height. The height of Accessory Dwelling Units must comply with [Section 54.6121](#).
- (6) **Shipping containers, cargo containers, or semi-trailers are prohibited as accessory 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 54.6165\(C\)](#). 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.

- (i) **If the main structure's footprint is less than 500 square feet at full build out, an accessory structure may exceed the ground floor area of the main structure (home) by up to 10 percent of the footprint area of the main structure. An accessory structure footprint may be increased to equal that of the main structure if the main structure is**

remodeled to more than 550 square feet.

(ii) Pervious pavers that are used for accessory structures such as patios, sidewalks, etc. that allow infiltration are not included in the 25% calculation.

(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.

(f) Shipping containers, cargo containers, or semi-trailers are prohibited as accessory structures.

(2) **Attached Accessory Buildings and Structures.** Attached accessory building or structure 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](#).

(F) Accessory Buildings and Structures in Mobile Home Park (MHP) District.

(1) Detached Accessory Buildings and Structures.

(a) **Maximum Height.** No detached accessory building or structure may exceed 24 feet in height.

(b) **Minimum Side and Rear Yard Setbacks.** Detached accessory buildings or structures shall be located at least six (6) 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) **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 such as a pergola) are not subject to the minimum separation distance requirements unless a minimum separation distance is required by the Building Official.

(F) **(G) Exemptions.** Structural amenities, as described and regulated in [Section 54.702\(GH\)](#), are not classified as accessory buildings and structures in this Ordinance.

(F) **(H) Structures Accessory to Food Production, Minor.** See [Section 54.6198](#).

(H) **(I) Temporary Structures in all Zoning Districts.** The City may permit temporary structures in any zoning district during the duration of a permitted temporary land use, subject to the following requirements:

- (1) **Outdoor Temporary Retail Sales and Service Areas.** Temporary structures for outdoor retail sales and service areas must meet the requirements of [Section 54.638](#).
- (2) **Outdoor Entertainment and Community Events.** Temporary structures for outdoor entertainment and community events must meet the requirements of [Section 54.635](#). Structures erected for approved *Outdoor Entertainment and Community Events* uses must be removed when each discrete event ends, unless otherwise stated in the Zoning Compliance Permit for the event(s).
- (3) **Applications and Permits.**
 - (a) The property owner must contact the Zoning Administrator to determine if a Zoning Compliance Permit is required prior to the establishment of a temporary structure, with exceptions as stated below. The property owner must also contact the County Building Code Administrator to determine if a building permit is required. Temporary structures intended to be used for non-customary commercial activity (e.g., those requiring Special Land Use permits, use for recurring sales in a parking lot, or an alcohol permit) require the approval of the Zoning Administrator and the Fire Administrator prior to erection and use before being erected.
 - (b) **Exempt Temporary Structures.** The following temporary structures are exempt from a Zoning Compliance Permit but shall conform to applicable height, yard/setback, and greenbelt standards for their zoning district:
 - (i) Structures that are reviewed and approved with a business license issued by the City Clerk.
 - (ii) Structures erected via municipal or DDA authority for programmed or permitted outdoor seasonal activities and events.
 - (iii) Structures that meet the structural amenities exemption per [Section 54.702\(H\)\(8\)](#), such as residential structural amenities, such as tents and patio canopies.
 - (iv) Small fabric structures for accessory uses - except temporary retail sales or services, or for *Outdoor Entertainment and Community Events* purposes - such as an "easy-up" tent/shelter, are exempt for one-day events.
 - (v) Enclosed structures used as mobile offices and other temporary structures that are being used for and during the construction of permanent facilities that have been approved for zoning compliance.
 - (vi) Portable seasonal storage, including portable carports and seasonal portable greenhouses, when in use for less than 180 days per calendar year. Such structures can be used for more than 180 days only with Zoning Compliance Permit approval for permanent use.
- (4) **Secure Placement of Temporary Structures.** Temporary structures shall not have foundations or footings, but must be properly secured to the ground.
- (5) **Location, Size, and Accessibility.** The location, size, and construction of all temporary structures (including tents except in [Section 54.705\(I\)\(3\)\(b\)](#)) require approval by the Zoning Administrator and the Fire Administrator, and shall conform to applicable height, yard/setback, and greenbelt standards for their zoning district. The location of the temporary structures shall be located in a manner that will not interfere with vehicular or pedestrian mobility, access, or parking, and shall meet Michigan barrier-free requirements. Temporary structures shall not obstruct the entrance to any building or sidewalk, nor shall they obstruct or any barrier-free ramp or access aisle. If temporary structures are located on a private sidewalk,

a minimum five (5) foot wide unobstructed pathway shall be maintained on the sidewalk for pedestrian traffic. The Zoning Administrator or Fire Administrator may deny a permit for a temporary structure if the structure interferes with traffic patterns or access to required parking spaces, or if the Zoning Administrator or Fire Administrator determine that the size of the structure is excessive for the temporary land use.

(6) ~~Duration and Removal.~~ The temporary structure must be removed when the associated temporary use has ceased, or upon reaching the end of the term of permitted use. A temporary structure may be permitted for ~~more than 120 days in a 12-month period~~

~~(a) Structures for outdoor food and beverage service, whether for indoor or outdoor dining.~~

~~(b) Structures erected via municipal or DDA authority for programmed outdoor summer or winter activities.~~

~~(c) Structures that are being used in relation to and during the construction of permanent facilities that have been approved for zoning compliance and building permits.~~

The Zoning Administrator may extend the period of permission for up to 180 days in total during a 12-month period, in any of the above cases, upon request of the property/structure owner and based on the relevant circumstances (i.e. reason for request)

Section 54.706 Fences and Walls

(C) Requirements by Zoning District:

(1) LDR, MDR, and MFR Districts.

(a) **Height.** Fences and walls shall not exceed six (6) feet in height, with the following exceptions:

(i) **Adjoining a Lot Containing a One- or Two-Family Dwelling or Adjoining a Vacant Lot that Could Contain a One- or Two-Family Dwelling.** Where a fence or wall is within ten (10) feet of an adjoining lot containing a one- or two-family dwelling or within ten (10) feet of an adjoining a vacant lot that could contain a one- or two-family dwelling; the fence or wall shall not exceed four (4) feet in height if it is located in the side or front yard (see *Section 54.706(C)(1)(a)(iii)* for additional front yard requirements), with the following exceptions:

~~(1) Where the rearmost wall of the neighboring dwelling structure is between the front wall and rear wall of the subject home, a 6-ft. screening fence may be built to the rear of the neighboring dwelling's rearmost wall along that side of the subject property, and each side of the property is treated independently. Where the rearmost portion of the subject property is a shed/garage for vehicle or other storage, and not containing dwelling space, it shall not be counted as the rearmost portion of the dwelling.~~

~~(2)~~ **1** For required retaining walls.

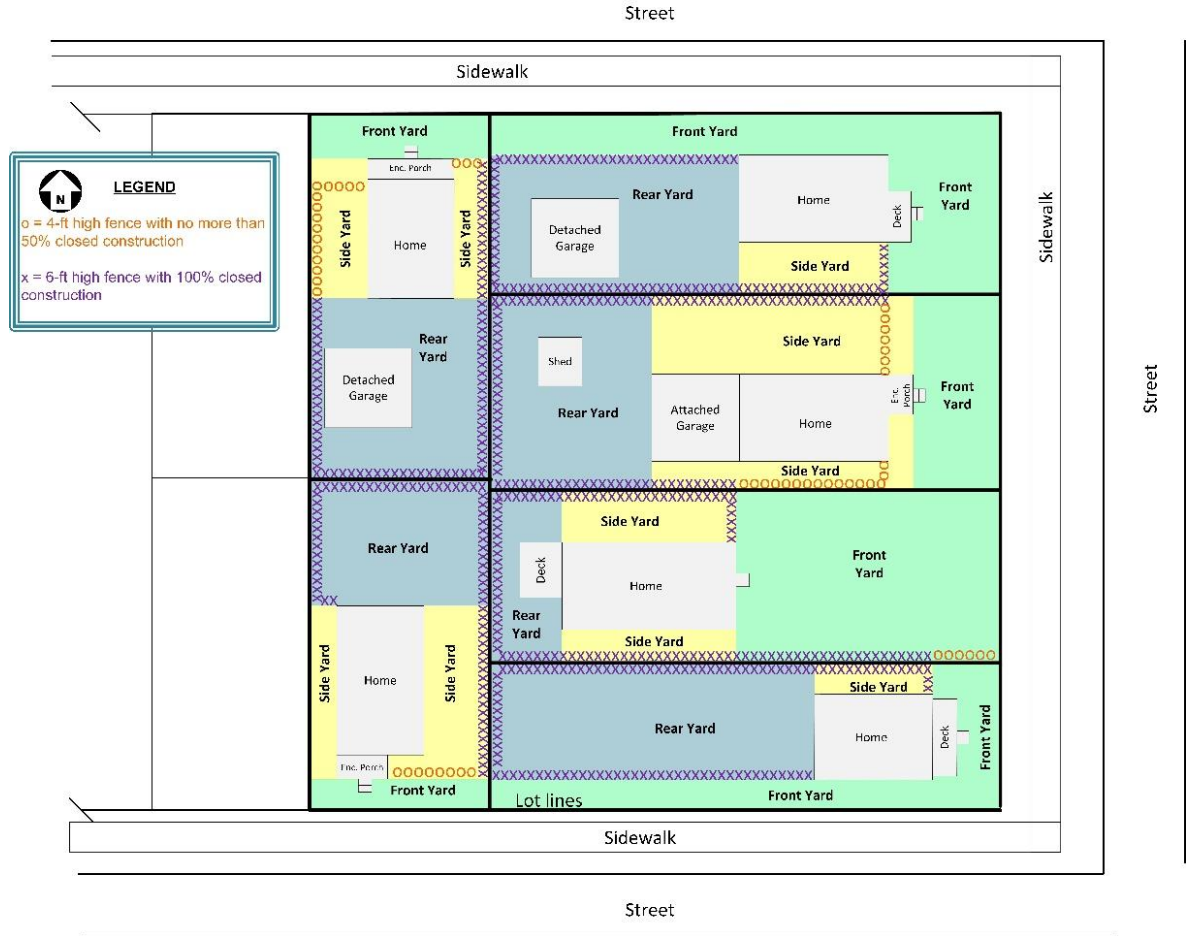
- (2) On corner lots, a residential screening fence may be six (6) feet tall, located in the rear yard and up to the front wall of the primary dwelling in the side yard.
- (3) An interior block property adjacent to a corner property may place a 6-ft. tall screening fence within its property boundaries to match the placement allowed on the corner property so that either property has the same opportunity to have a screening fence in directly adjacent areas of their yards.
- (4) For interior-block residences that are located fully behind the adjacent primary residences along the side lot lines, screening fences may be six (6) feet tall, located in the rear yard and up to the neighboring primary dwellings' rear wall.
- (5) For interior-block residences, where the rearmost wall of the neighboring primary dwelling structure is between the front wall and rear wall of the subject home, a 6-ft. screening fence may be built to a point aligned on the rear wall of the neighboring primary dwelling in that side yard of the subject property. Each side of the property is treated independently. Where the rearmost portion of the subject property is a shed/garage for vehicle or other storage, and not containing dwelling space, it shall not be counted as the rearmost portion of the dwelling.

(ii) **Street Sides of Corner Lots.** On the street sides of corner lots, a fence or wall may not exceed four (4) feet in height between the rear front wall of the primary dwelling and the corner on either street frontage.

(iii) **Front Yard Requirements.** A fence in a front yard may not exceed four (4) feet in height unless it meets [Section 54.706\(C\)\(1\)\(a\)\(i\)](#) above. Walls over three (3) feet in height are prohibited in a front yard except for retaining walls. Walls must be set back at least (12) inches from the front lot line. The columns in between the walls or fences are allowed to be four (4) feet in height.

(b) **Construction.** A fence limited to four (4) feet, as stated in [Section 54.706\(C\)\(1\)\(a\)](#) above, may not have more than 50% of the fence area of solid matter or of closed construction (See [Figure 46](#) for examples of noncompliant fences). A six (6) foot high fence may be of solid, opaque construction. A screening fence required by any City ordinance or by State law may be of solid, opaque construction. Walls may be of solid, opaque construction.

Figure 45. Permitted Residential Fence Construction Location Schematic.



(E) Special Purpose Fences.

(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 garden and snow fences cannot be in place greater than 6 months in a calendar year.** Temporary fencing that is not permanently anchored and the use is temporary does not require a fence permit.

SECTION 7. Article 8 – Environmental Performance Standards

Chapter 54 – LAND DEVELOPMENT CODE, Article 8 – Environmental Performance Standards is hereby amended as follows:

Section 54.801 Standards Applicable to Industrial Uses, Processes, and Districts

(C) Permits. Prior to final approval of a Site Plan and/or Special Land Use Permit each applicant shall obtain the necessary state and federal permits, including permits or waiver for permits from the Michigan Department of Environmental Quality **Environment, Great Lakes, and Energy (EGLE)**. The applicant shall, upon request, forward all reports and findings from the state and federal agencies to the Zoning Administrator, along with site plans as described in Section 54.1402.

Section 54.805 Wetland Protection

All wetlands are located in the Riparian Overlay District ([Section 54.320](#)) and subject to the regulations therein. The Riparian Overlay District includes provisions for definitions, setbacks, buffers, and permitted and prohibited activities within wetlands and wetland buffer areas. Wetlands are defined in the Michigan Natural Resources and Environmental Protection Act (Public Act 451 of 1994, as amended). No activity shall be permitted in a wetland unless done in accordance the Riparian Overlay District and, if necessary, a wetlands permit has been obtained by the applicant from the Michigan Department-of Environmental Quality **Environment, Great Lakes, and Energy (EGLE)**.

Section 54.807 Standards for Excavation/Mining Activities

The extraction of sand, gravel, or other raw materials at or below grade and the processing of such materials upon any property are subject to the standards adopted in [Section 54.632](#), provided the state law does not preclude them.

SECTION 8. 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 54.902 Parking Regulations

(E) Parking Standards Applicable to Specific Zoning Districts.

(1) LDR and MDR Districts and single-family and two-family structures in other zoning districts.

- (a) Definition of “Front Area.”** For the purposes of [Section 54.902\(E\)\(1\)](#) only, the “Front Area” is that area located between the edge of the physical street and the nearest point of the dwelling foundation (excluding open porch projections), projected parallel from the street.
- (b) Off-Site Parking in the LDR and MDR Districts.** In the LDR and MDR districts, off-street parking may be located on a site other than the site to which it pertains, and within the City limits or in an adjacent township.

- (c) **Maximum Rear Yard Paving.** In the LDR and MDR districts, no more than 25% of the rear yard may be paved (including but not limited to asphalt or concrete, but with the exception of compacted gravel) for parking provided the impervious surface coverage limits of the lot (see [Article 4](#)) are not exceeded.
- (d) **“Front Area” Parking Limitations.** Parking in the front area is permitted only on an approved hard surface parking space and/or driveway, or in a garage (see definition of “Hard Parking Surface” in [Section 54.202\(A\)\(92\)](#)). Parking spaces in the front yard area must be at least two (2) feet from the side lot line, at least two (2) feet from the inside edge of a sidewalk, and at least ten (10) feet from the edge of an established street. The encroaching driveways and parking spaces must be drained so as to dispose of all surface water accumulated in such a way as to preclude drainage of water onto adjacent property or toward adjacent buildings. ~~New or expanded driveways must be separated from the side lot line by a minimum of 12 inches of pervious surface (including but not limited to uncompacted pea gravel, cobbles, grass, etc.) to ensure a pervious buffer between driveways and the adjacent lot line, with the exception of the presence of a retaining wall along the subject lot line or other such difficulty. The Zoning Administrator may permit parking in a front area during the winter parking ban period for single-family or duplex dwelling units upon request for a Front Yard Parking Waiver for a limited time when the site cannot be altered without causing a hardship on the property owner, or indefinitely in rare cases that the site cannot be reasonably altered to create one (1) additional parking space or a widened driveway. Self-created difficulties, such as adding renters and vehicles, are not applicable to the consideration for a Front Yard Parking Waiver.~~

(i) Front Yard Parking Waiver. The Zoning Administrator may permit parking in a front area during the winter parking ban period for single-family or duplex dwelling units upon request for a Front Yard Parking Waiver for a limited time when the site cannot be altered without causing a hardship on the property owner or if the property owner has relevant documented disabilities, or indefinitely in rare cases that the site cannot be reasonably altered to create one (1) additional parking space or a widened driveway. Self-created difficulties, such as adding renters and vehicles, are not applicable to the consideration for a Front Yard Parking Waiver.

- (e) **Maximum Driveway Width and Paved Area.**
- (i) Single-family uses:
 - a. For lots with one driveway - The maximum width of a driveway on a single frontage is 18 feet wide on a lot up to and including 60 feet in width, and 24 feet wide on a lot of more than 60 feet in width.
 - b. For lots with two driveways - On a lot 100 feet or more in width, the maximum width of both driveways combined is 36 feet wide on the same frontage
 - (ii) Duplex/two-family uses - The maximum width of a driveway is 24 feet wide.
 - (iii) A driveway may be widened beginning at a point two (2) feet from the inside edge of a sidewalk or ten (10) feet from the edge of an established street without sidewalks, provided the hard parking surface areas of the driveway or driveways and parking spaces utilize no more than 30% of the front area for single-family dwelling units and no more than 40% of the front area for duplex dwelling units.
 - (iv) An application for the paving of more than 30% of the front area can only be accepted if a variance is first approved for the proposed paving pursuant to [Section 54.1404](#).
 - (v) On corner lots, there shall be two (2) front areas. For single-family dwelling units the

overlapped area at the corner may be counted with either front area, but not both, (at the discretion of the property owner) and the two (2) front areas may not be combined for the purpose of exceeding the 30% maximum hard parking surface within either front area. For duplex dwelling units, the overlapped area at the corner may overlap and be combined to utilize up to 40% of the front area for hard parking surfaces in either or both front areas.

- (f) **Maximum Number of Driveway Openings Per Site.** On lots with one (1) frontage, a maximum of two (2) driveway openings per site are permitted, provided the lot is at least 100 feet wide. On lots with more than one (1) frontage, a maximum of one (1) driveway opening per frontage is permitted, except on frontages of 100 ft. or more in length – upon which an additional driveway is allowable. All curb cuts and separation distances must meet the requirements of Chapter 42 of the Code of Ordinances (Streets, Sidewalks, and Other Public Places).
- (g) **Previously Approved Hard Parking Surface Residential Locations.** Hard parking surface residential parking locations approved under a previous ordinance are not subject to provisions of [Section 54.902\(E\)\(1\)](#) provided that the minimum safeguards are met for all parking uses where vision hazards and locations impact public safety.

(h) Driveway Separation Requirement at Side Lot Line. New or expanded driveways must be separated from the side lot line by a minimum of 12 inches of pervious surface, including but not limited to turf grass or other ground cover plants, permeable pavers, or other stable cover materials. The requirement may be waived by the Planning Commission or Zoning Administrator, per relevant authority, if physical difficulties exist, such as the presence of a retaining wall along the lot line. This requirement is waived where existing paved driveways owned by neighbors are conjoined (but not necessarily shared) or otherwise meet at the property lines. However, eliminating shared driveways is encouraged to avoid maintenance disputes and other disagreements over time.

(h i) Application of Parking Development Standards. All one- and two-family residential parking spaces shall be exempt from the standards of [Section 54.905](#), except that site plans drawn to scale shall be submitted to the Zoning Administrator for review and approval for creation of driveways or parking spaces. Parking spaces may be on pavers or other hard parking surfaces that have an unpaved strip between the surfaces supporting the wheels. For purposes of providing required parking spaces onsite, the minimum dimensions for residential parking spaces shall be nine (9) feet wide by eighteen (18) feet long. Driveways in the front yard must be a full-width hard parking surface. Curb cut and driveway permits shall be obtained from the City Engineer when curb cuts are made or modified or if there is any work in the right-of-way for a driveway.

(H) Maximum Parking Allowed. In order to minimize excessive areas of pavement which depreciate aesthetic standards and contribute to higher rates of storm water runoff and higher micro temperatures, exceeding the minimum parking space requirements of [Section 54.903](#) by greater than twenty percent (20%) is prohibited, except as approved by the Planning Commission or Zoning Administrator (see [Article 14](#)). In its request for additional parking spaces, the applicant must submit a parking study to the Planning Commission or Zoning Administrator (see [Article 14](#)) demonstrating that additional parking spaces are needed based on the nature of the use and/or peak times thereof. In determining whether to

grant additional parking spaces, the Planning Commission shall also consult the most recent edition of the *Parking Generation*, published by the ITE, or other acceptable standard.

(1) If a site plan proposes to exceed the maximum amount of parking allowed, any parking spaces in an enclosed building would not be considered in violation of the maximum number allowed – since the intent of the maximum is to reduce surface parking - and therefore the spaces may be counted towards the total but any number above the maximum allowed that are indoors would not be counted as above the maximum.

Section 54.903 Minimum/Maximum Number of Parking Spaces

In all districts there shall be provided off-street parking for motor vehicles for specified land uses. When a public parking lot has been provided by special assessment, the minimum required parking may be reduced by the number of spaces in the public lot representing the same percentage as the property's participation in the special assessment district costs. The minimum/maximum number of spaces to be provided shall be based on the following schedule, which may only be *increased* in accordance with [Section 54.902\(H\)](#) and may only be *reduced* in accordance with the parking reduction standards of [Section 54.902\(G\)](#), [Section 54.908\(D\)](#), or the shared parking standards of [Section 54.902\(C\)](#):

(G) Parking Reduction Formula. After calculating the number of parking spaces necessary to meet the standards in [Section 54.903](#), the parking requirements for uses, other than residential, in the non-residential zoning districts (i.e., non-LDR, -MDR, -MFR, and -MHP zoning districts) may be modified using [Figure 52](#). If a greater parking reduction is requested, the City may approve fewer parking spaces based on a professionally prepared parking study and/or the most recent edition of *Parking Generation* published by ITE. Also see [Section 54.908\(D\)](#) for reductions in motor vehicle parking that may be achieved by substitution if bicycle parking spaces are provided in the specified quantity.

Section 54.905 Parking Layout, Design, Construction, and Maintenance

All off-street parking shall be laid out, constructed, and maintained according to the following standards and regulations:

(G) Surface and Drainage. The entire parking lot including parking spaces and maneuvering lanes required under this Section, must be provided with a hard paving surface in accordance with specifications approved by the City Engineer (see definition of “Hard Parking Surface” in [Section 54.202\(A\)\(92\)](#)). The parking area shall be surfaced within (1) year of the date the permit is issued. Off-street parking lots, including the driveways, must be drained so as to dispose of all surface water accumulated in the parking areas and driveways in such a way as to preclude drainage of water onto adjacent property or toward buildings. Storm water management systems are encouraged to include one (1) or more of the Best Management Practices (BMPs) published by the Michigan Department of Environmental Quality (MDEQ) [Environment, Great Lakes, and Energy \(EGLE\)](#) or any other BMP accepted by the City, such as underground infiltration trenches, rain gardens, cisterns, and swales.

(L) Parking Lot Border. Unless parking lot landscaping and screening is required by [Section 54.1003\(C\)\(1\)](#), a two-foot wide border must be created and maintained between a parking lot, and the adjacent buildings and/or property lines. This border must be landscaped or paved with concrete as a walkway, and may be included in the required snow storage area.

(1) **Exception.** Two adjacent property owners may create a shared parking lot without the necessity of maintaining a two-foot border between their property lines, provided the proposal complies with Section 54.902(C) and the adjacent property owners provide a comprehensive parking easement agreement that identifies responsibilities for various maintenance tasks - including snow removal, repaving, and landscaping upkeep. Furthermore, this parking easement agreement shall be recorded with the Marquette County Register of Deeds.

54.908 Bicycle Parking Requirements and Parking Space Reduction/Substitution for Bicycle Parking

(A) **Intent.** To provide convenient and dignified parking places for bicyclists to store bicycles securely and to support non-motorized travel and travelers within the city.

(B) **Application.** – new/proposed or remodeled buildings (where the likely cost of remodeling will exceed fifty/50 percent of the assessed value of the existing structure at time of application).

(C) **Standards.** Bicycle parking is required to meet the following standards and regulations:

(1) The required amount of bicycle parking shall meet the amount/use schedule for specific land uses, according to *Figure 57*. Bicycle parking types and options are as shown in *Figure 58*.

(2) Required short-term bicycle parking facilities shall be located in a convenient and visible area, within fifty (50) feet of a principal entrance. If this location standard cannot be met, the Planning Commission or Zoning Administrator may approve alternative locations. At the time of application, if there are no parking/storage locations on private property that meet the requirements of this section, the installation requirement will be non-binding.

(3) Bicycle parking spaces should be located on paved or pervious surfaces and shall be a minimum of two (2) feet by six (6) feet. The installation of parking racks shall follow the manufacturer's specifications or other best practices, ensuring that comfortable access space around bicycle racks is provided, parked bicycles do not obstruct walkways, and the spaces are accessible without requiring the movement of another bicycle.

(4) All bike racks must permit the locking of the bicycle frame and one (1) wheel to the rack while supporting a bicycle in a stable position. Racks shall accommodate cable locks and "U" locks.

(5) For multi-building development, bicycle parking shall be provided for each building occupied by a dwelling or a work station.

(6) Bicycle parking not meeting dimensional or access aisle requirements may be installed, but shall not count towards a minimum bicycle parking requirement.

(D) Motor Vehicle Parking Space Reduction by Bicycle Parking Substitution

(1) For every four (4) bicycle parking spaces added above the minimum number required, one (1) vehicle parking space may be removed from the required amount. Maximum substitution amount of three (3) vehicle spaces. The minimum number of vehicle parking spaces required after substitution is two (2).

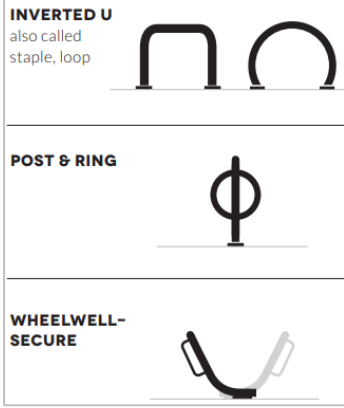

(2) Bicycle parking substituted for *motor vehicle/car and truck* parking may be horizontal or vertical, as long as dimensional requirements are met as described in section 54.908(A)(5)

Figure 57. Bicycle Parking Calculations

LAND USE TYPE	PARKING STANDARDS – MINIMUM SPACE REQUIREMENTS
A) RESIDENTIAL: Single-Family 1-4 units B) RESIDENTIAL: Multi-Family 5+ units w/ Private Garage Space for Units C) RESIDENTIAL: Multi-Family 5+ units w/o Private Garage Space for Each Unit	A) No spaces required, but storage space should be allocated. B) 1 weather-protected/sheltered space for any units without a garage or other large storage space. C) 1 sheltered space per dwelling unit.
OFFICE	2 spaces + 1 sheltered space for each 10 employees per shift (e.g. 34 employees per shift = 3 sheltered spaces + 2 others)
RETAIL	2 spaces + 1 additional space/10,000 sq. ft. of floor area + 1 sheltered space / 20 employees per shift (part-time or full-time)
RESTAURANT or TAVERN	2 spaces + 1 additional space/5,000 sq. ft. of floor area + 1 sheltered space/20 employees per shift
ASSEMBLY, INDOOR RECREATION, and OUTDOOR RECREATION uses.	2 sheltered spaces + 1 add'l sheltered space/10,000 sq. ft. of floor area + minimum of 1 sheltered space / 20 employees per shift
A) CIVIC: Non-assembly B) CIVIC: Assembly	2 spaces + 1 add'l space/10,000 sq. ft. of floor area or minimum of 1 space / 20 employees per shift 2 sheltered spaces + 1 add'l sheltered space/10,000 sq. ft. of floor area + minimum of 1 sheltered space / 20 employees per shift
LODGING	2 sheltered spaces + 1 sheltered space / 20 employees per shift

Figure 58. Bicycle Parking Types

This table shows five common types of Bicycle Parking facilities appropriate for short-term and long-term bicycle parking and includes basic design/performance standards. Please reference the Association for Pedestrian and Bicycle Professionals Bicycle Parking Guide for more detailed design and placement guidance.

Parking Type	Standards
<p>Bicycle Racks</p> <p>Short-term parking</p> 	<p>Bicycle Racks shall be capable of securing bicycles short-term (less than a day) with either two points of contact or by an element that cradles one wheel. Simple, easily identifiable forms, like the <i>Inverted U-rack</i> (shown at left) should be used.</p> <p><< Recommended Types shown.</p> <p>Consult the “Essentials of Bike Parking” Guide published by the Association of Pedestrian and Bicycle Professionals for more details.</p>
<p>Bicycle Rack – Decorative/Public Art</p> <p>Short-term Parking (less than 4 hours)</p> 	<p>Decorative racks shall be recognizable as bicycle parking facilities and shall be held to the same performance standards as other bicycle racks. Such racks may be provided for and designed to enhance civic buildings, <i>civic spaces</i>, and other locations of social or cultural importance. These may not perform as well as other options in</p>

<p style="text-align: center;">Bicycle Shelters</p> 	<p>small spaces and should be used strategically.</p> <p><i>Bicycle Shelters</i> shall be highly recognizable and integrated with transit, parks, trailheads, and/or land uses requiring medium or long-term bicycle parking needs. Each shelter shall include bicycle parking racks capable of securing bicycles with at least two points of contact, and may include other bicycling amenities, such as wayfinding maps/signs, air pumps, etc. These are designed for all-day or longer parking.</p>
<p>Bicycle Locker</p> 	<p><i>Bicycle Lockers</i> are intended for long-term storage and shall be placed in highly visible and well-lit locations, but should not disrupt the function, safety and order of the public realm. They should be associated with land uses and transportation facilities where long-term parking is required.</p>

SECTION 9. 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. **Meeting the requirements of this Article is optional only if the proposed building and/or site alterations 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.

(F) Performance Guarantee. In accordance with [Section 54.1402\(H\)](#), a performance guarantee for landscaping may be required.

Section 54.1003 Landscaping Design **Buffering and Screening** Requirements

Except as otherwise specified in the general requirements for each zoning district or for the specific land use, all landscaping must conform to the following standards. The clear vision triangle area requirements of [Section 54.704](#) must also be met. Existing landscaping that meets the requirements of this Article may be used to comply with the following standards:

(B) Frontage Landscaping. Where the proposed development/improvements on a site are within a frontage that abuts a public right-of-way, the following landscaping shall be provided in the front yard adjacent to that right-of-way in an area that corresponds in length to the extent of the improvements, (see [Figure 61](#) below) provided there is sufficient area within the front yard for frontage landscaping:

Figure 60. Frontage Landscaping Requirements

Type of Landscaping	Minimum Required Landscaping
Deciduous or Evergreen Tree	1 per 450 linear feet of road frontage or fraction thereof
Ornamental (Flowering) Tree	1 per 100 linear feet of road frontage or fraction thereof
Shrubs	84 per 40 linear feet of road frontage or fraction thereof

The depth of the frontage landscaping area shall be sufficient to contain the required landscaping and ensure the survivability of plant material. For the purposes of computing length of road frontage, openings for driveways and sidewalks shall not be counted. Trees and shrubs may be planted at uniform intervals, at random, or in groupings. However, the Planning Commission or Planning Director, as applicable (see [Figure 64](#)), may require the planting design to use massing or groupings of materials to create a stronger visual impact from the public right-of-way.

Example of Frontage Landscaping

Length of Road Frontage: 250 linear feet minus 30 foot driveway = 220 feet

Required Number of Plants

Deciduous or evergreen trees	$220 \text{ ft.} / 450 \text{ ft.} = 64$ deciduous or evergreen trees
Ornamental trees	$220 \text{ ft.} / 100 \text{ ft.} = 3$ ornamental trees
Shrubs	$(220 \text{ ft.} / 40 \text{ ft.}) \times 84 = 4822$ shrubs
TOTAL	64 deciduous or evergreen trees, 3 ornamental trees, and 4822 shrubs

PROPOSAL IS TO DELETE THE EXISTING LANGUAGE AND ADD THE PROPOSED LANGUAGE

~~(D) Buffer and Greenbelt Requirements.~~

- (1) **Intent.** It is the intent of this section to provide suitable transitional yards for the purpose of reducing the impact of and conflicts between incompatible land uses abutting district boundaries.
- (2) **Buffer and Greenbelt Schedule.** On any lot abutting a zoning district boundary, no structure, building or part thereof shall hereafter be erected, constructed, altered or maintained closer to the district boundary line than specified (in feet) in the following schedule ([Figure 50](#)). Where indicated, landscape planting is required.

Figure 50. Required Buffer and Greenbelt Specifications

District in which Buffer and Greenbelt is Required (below)	Abutting Zoning District							
	LDR and MDR	MFR	MHP	M-U	CBD	GC and RC	C, M, and CR	I-M and BLP
LDR and MDR	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
MFR	30 (a)	N/A	N/A	35	35	35	N/A	40 (a)
MHP	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
M-U	15 (a)	15 (a)	N/A	N/A	N/A	N/A	N/A	20 (a)
CBD	15 (b)	15 (b)	N/A	N/A	N/A	N/A	N/A	10 (a)
GC and RC	40 (b)	40 (b)	N/A	N/A	N/A	N/A	N/A	20 (b)
C, M, and CR	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
I-M and BLP	40 (c)	40 (c)	40 (c)	25 (c)	25 (c)	25 (b)	N/A	N/A

- ~~(a)~~ Within this buffer area, one (1) tree per 30 linear feet is required.
- ~~(b)~~ Within this buffer area, one (1) tree per 20 linear feet is required, and at least 50% of the trees must be evergreen trees. Where a CBD, GC, or RC district abuts any residential district, a fence at least four (4) feet in height shall be erected within the business district boundary, except where the boundary is a public right-of-way.
- ~~(c)~~ A staggered double row of evergreen trees spaced 15 feet on center. The planting shall be in a manner where the evergreen trees provide 80% opacity within three (3) years of planting, measured at six (6) feet above the grade. After three (3) years, if this opacity is not achieved then additional evergreen trees and/or evergreen shrubs must be planted to achieve 80% opacity at the time of their planting. Where an I-M or BLP district abuts any residential district the Planning Commission may require a screening fence, not to exceed 12 feet in height to be erected on the industrial property pursuant to [Section 54.706](#) to obscure the industrial use and storage from the adjacent residential property.

(3) Exceptions to Buffer and Greenbelt Schedule.

- ~~(a)~~ Where the district boundary is the centerline of a right of way, the greenbelt and buffering standards of this sub-section do not apply in these areas and other landscaping and buffering requirements of this Article apply instead (e.g., frontage landscaping requirements and loading area requirements).
- ~~(b)~~ In all cases where buffer and greenbelt requirements are not applicable, the required yard is the same as the minimum yard setback requirements in [Article 4](#), Schedule of Regulations.

NEW PROPOSED LANGUAGE

(D) Greenbelt/Buffer Yard Requirements.

(1) **Intent.** It is the intent of this section to provide landscaped buffer yards, or greenbelts, for the purpose of buffering negative impacts of, and conflicts between, different land uses.

(2) **Greenbelt Location Requirements.** All greenbelts will be created in the existing side and/or rear yards of the property where development has been proposed and approved for zoning compliance. When located adjacent to a residential use, park or public multi-use path, the following land uses (per section 54.306) must provide a landscaped buffer on their property:

- (a) *Multiple-Family Residential dwellings with >5 units, Mobile Home Park, Nursing Home and Convalescent Home uses, Extended Care and Assisted Living Facilities.*
- (b) *Industrial Uses (except Light Manufacturing – Low Impact uses).*
- (c) *Lodging, Commercial, and Retail uses (except the following uses Indoor Retail Business, Child/Day Care Center, and Service Establishments).*
- (d) *Public and Quasi-Public Uses and Medical Uses.*
- (e) *Other Uses with the exception of Accessory Buildings or Structures, Accessory Use, Non-Single Family Residential Lots, Minor Food Production uses, Small Wind Energy Systems-Roof Mounted, Solar Energy Systems <20Kw-Accessory Use.*
- (f) Any twenty-four (24) hour non-residential use of property.

(3) Dimensional Requirements and Screening Options.

(a) **Width.** The greenbelt must be **at least ten (10) feet in width**, measured from the shared property line, with the following exceptions:

- (i) **Thirty (30) feet** is required for Industrial Uses (except *Light Manufacturing – Low Impact* uses) adjacent to any of the following uses: residential, mobile home parks, nursing-convalescent-assisted living facilities, lodging, public and quasi-public, medical, child/day care centers, and service establishments. In addition, this requirement will apply as stated above where the Industrial Use is adjacent to the following zoning districts: Central Business District, any Residential zoning districts, Mixed-Use, Downtown Marquette Waterfront (except where Industrial uses are a permitted use), Third Street Corridor, and Civic.
- (ii) **Fifteen (15) feet** is required for Industrial Uses (except *Light Manufacturing – Low Impact* uses) and Multiple-Family 5+ dwelling units adjacent to all other uses.

(b) **Existing Vegetation.** The preservation of existing, high-quality trees and vegetation is strongly encouraged and may be considered as a screening option or incorporated into proposed landscape screening to meet the requirements.

(c) **Buffer screening Options.** Trees, shrubs, berms, opaque walls and fences can be used to create a visual screening buffer, per [Section 54.1003\(D\)\(4\)](#).

(4) Greenbelt Landscaping Standards.

- (a) Within the buffer area, at least one (1) tree per 25 linear feet is required. At least forty (40) percent of the trees must be large-maturing evergreen trees and at least forty (40) percent must be large-maturing deciduous trees, except where in consultation with the City Arborist, the Zoning Administrator or Planning Commission approves a variation in tree types and sizes based on site factors that prevent physically large sizes, such as overhead utilities. Alternatively, eight (8) shrubs compatible with [Section 54.1003\(B\)](#) may be substituted for each required tree. Trees and shrubs may be planted at uniform intervals, at random, or in groupings.
- (b) Turf grass, sod, forbs, or other climatically suitable live plant materials shall be planted over the entire greenbelt area, except where non-vegetative features are permitted.
- (c) For proposals that require a 15-ft. or 30-ft. greenbelt ([Section 54.1003\(D\)\(3\)\(a\)](#)), a staggered double row of evergreen trees spaced 15-feet on center, with an opacity of approximately eighty (80) percent within three (3) years of planting, measured at six (6) feet above grade. After three (3) years, if opacity is not achieved then additional evergreen trees and/or shrubs must be planted to achieve 80% opacity at the time of planting.
- (d) Where an I-M or BLP zoning district abuts any Residential district, the Planning Commission may require a screening fence of up to twelve (12) feet in height to be erected on the Industrial or BLP property pursuant to [Section 54.706](#) to obscure the industrial use and storage from the adjacent residential property.
- (e) Where a CBD, GC, or RC district abuts any residential district, a fence at least four (4) feet in height shall be erected within the business district boundary, except where the boundary is a public right-of-way.

(5) Reduction or Exemption of Greenbelt Requirements

- (a) **Reduction.**
 - (i) The minimum width of a required buffer may be reduced by up to one-third (1/3) with the installation of a six-foot high solid fence or wall along the property line.
 - (ii) If a required greenbelt (perimeter landscape buffer) abuts a public alley, then up to one-half (1/2) of the alley width may be credited towards the minimum width requirement.
- (b) **Exemption.** A greenbelt buffer is not required if the existing topography is a steep slope such that a fence or a buffer would not make a difference for the adjacent property.

(6) Development within Greenbelt

- (a) The following items shall be permitted within the landscape buffer:
 - (i) Sidewalks, trails, multi-use paths, structural amenities, and playgrounds.
 - (ii) Stormwater management facilities provided that they do not interfere with the performance and maintenance of the greenbelt.
- (b) The required greenbelt shall not contain any development, vehicle storage, dumpsters, outdoor storage, impervious surfaces or site features that do not meet the standards or requirements of [Section 54.1003\(D\)](#).

(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 enclosure of sufficient height to completely screen the dumpster is required on three (3) sides of the dumpster. 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 rot-resistant wood, cedar, chain link with slats, or vinyl composite material which that matches or complements the principal building or structure. Materials not listed may be proposed and may be considered by the Planning Commission or Zoning Administrator for approval with a Site Plan or Zoning Compliance Permit.
- (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

(B) **Recommended Species of Trees, Shrubs, and Perennials.** The plant palette should emphasize native trees, shrubs, and perennials which are hardy to the Upper Peninsula region. Any tree species and cultivar applicable for planting in USDA Cold Hardiness Zone 5a (-15 to -20°F average coldest winter temperature) can be considered for planting, with the exception of the prohibited species listed in [Section 54.1004\(C\)](#). The following is a list of recommended species and required minimum sizes of plant materials. The City of Marquette may permit other species that are not listed below or remove species listed below if they become undesirable.

Figure 63. Standards for Plant Materials – Recommended Plant Types and Size

Recommended Plant Type and Size	Common Name
Evergreen Trees (8 feet minimum height)	Canadian Hemlock, Eastern Red Cedar, European Larch, Scotch Pine , White Pine, Black Hills Spruce, Colorado Green Spruce, Engelmann Spruce, Norway Spruce , Eastern Larch, White Spruce, Balsam Fir
Deciduous Trees (1.5 3-inch minimum caliper)	Sugar Maple varieties, Red Maple varieties, Amur Cork Tree , American Yellowwood, Bicolor Oak, Swamp White Oak, Little Leaf Linden , Ohio Buckeye, American Basswood
Ornamental Trees (1.5 2-inch minimum caliper)	Dolgo Crabapple, Siberian Crabapple, Cockspur Hawthorn, Blackhaw Viburnum, Nannyberry Viburnum, Tulip Tree, American Plum, native Crabapple, native Apple, native Serviceberry, other native fruit trees suitable for a warming climate

Deciduous Shrubs (3 feet minimum height)	Arrowwood Viburnum, Wayfaring Tree , Nannyberry, European Cranberry , American Cranberry, American Cranberry, Redosier Dogwood, Siberian Dogwood , Fragrant Sumac, Staghorn Sumac, Bush Cinquefoil, Tatarian Honeysuckle , Winterberry, American Elder, <u>native Ninebark</u> , <u>Highbush Blueberry</u> , <u>New Jersey Tea</u> , <u>Carolina Allspice</u> , <u>Chokecherry</u> , <u>Northern Bush Honeysuckle</u> , <u>American Fly Honeysuckle</u> , <u>native Thimbleberry</u> , <u>Pussywillow</u> , <u>Black Elderberry</u> , <u>Meadowsweet</u> , <u>native Serviceberry</u>
Evergreen Shrubs (18 inches minimum height for low growing species and 30 inches minimum for all other species)	<u>American Arborvitae</u> , Common Juniper, Creeping Juniper, Bush Cinquefoil, Canada Yew, Amur Privet, Mugo Pine

(C) Prohibited Species. Based on the undesirability of the following species, they are prohibited from being planted as required landscaping. The Planning Commission or Planning Director may prohibit other species that are not listed below:

Ash, Amur Cork, Amur Privet, Aspen, Black Locust, Blue Spruce, Box Elder, Buckthorn, Burning Bush, Cottonwood, Elm, European Cranberry, Ginko (female), Honey Locust (w/ thorns), Honeysuckles (except for American Fly Honeysuckle), Horse Chestnut (nut bearing), Jack Pine, Japanese Barberry, Norway Maple (unless a specific species is accepted), Olive, Phragmites, Poplar, Purple Loosestrife, Rose-multiflora, Scotch/Scots Pine, Silver Maple, Tatarian Honeysuckle, Tree of Heaven, Wayfaring Tree, Willow, and any other species declared to be a noxious species by a City ordinance or official qualified to deem a species as noxious.

Prohibited Species
Ash
Aspen
Black Locust
Blue Spruce
Box Elder
Buckthorn
Cottonwood
Elm
Ginkgo (Female)
Honey Locust (with thorns)
Honeysuckle
Horse Chestnut (nut bearing)
Jack Pine
Multiflora Rose
Norway Maple (unless a specific species is acceptable)
Olive
Phragmites
Poplar
Purple Loosestrife

Silver Maple
Tree of Heaven
Willow
Any species of plant deemed to be a noxious species by a City Code or City Official qualified to deem a species as noxious.

SECTION 10. Article 11 – Signs

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

Article 11 Signs

Section 54.1103 Definitions

Delete “(B) Sign Definitions, Sign Types.” and “(C) Sign Definitions, General” and combine them into “(B) Sign Definitions”.

(B) Sign Definitions.

- (1) Abandoned Sign:** A sign that no longer identifies or advertises an ongoing business, product, location, service, or activity conducted. Whether a sign has been abandoned shall be determined by the intent of the owner of the sign and shall be governed by applicable Case Law and Statutory Law on abandoned structures.
- (2) Air-Activated Sign:** A type of Temporary Sign that is an air inflated object, is made of a flexible fabric, which may be of various shapes, rests on the ground or structure and is equipped with a portable blower motor that provides constant air flow into the device. Air-activated signs are restrained, attached, or held in place by a cord, rope, cable, or similar method.
- (3) Alteration, Sign:** A sign alteration is any change in copy, color, size, or shape, which changes appearance of a sign, or a change in position, location, construction, or supporting structure of a sign, except that a non-structural copy change on a sign is not an alteration.
- (4) Animated Sign:** A sign employing actual motion, the illusion of motion, or light and/or color changes achieved through mechanical, electrical, or electronic means. Animated signs, which are differentiated from changeable signs as defined and regulated by this Ordinance, include the following types:
 - (a) Animated Sign, Electrically Activated:** Animated signs producing the illusion of movement by means of electronic, electrical, or electromechanical input and/or illumination capable of simulating movement through employment of the characteristics of one or both of the classifications noted below:

(i) **Flashing:** Animated signs or animated portions of signs whose illumination is characterized by a repetitive cycle in which the period of illumination is either the same as or less than the period of non-illumination. For the purposes of this Ordinance, flashing will not be defined as occurring if one cyclical period of on- off phases of illumination exceeds four (4) seconds.

(ii) **Patterned Illusionary Movement:** Animated signs or animated portions of signs whose illumination is characterized by simulated movement through alternate or sequential activation of various illuminated elements for the purpose of producing repetitive light patterns designed to appear in some form of constant motion.

(b) **Animated Sign, Environmentally Activated:** Animated signs or devices motivated by wind, thermal changes, or other natural environmental input. Environmentally Activated Animated Signs includes spinners, pinwheels, pennant strings, and/or other devices or displays that respond to naturally occurring external motivation.

(c) **Animated Sign, Mechanically Activated:** Animated signs characterized by repetitive motion and/or rotation activated by a mechanical system powered by electric motors or other mechanically induced means.

(5) **Architectural Projection:** Any projection from a building that is decorative and/or functional and not intended for occupancy and that extends beyond the face of an exterior wall of a building but that does not include signs as defined herein. See also: "Awning;" "Back-lit Awning;" and "Canopy, Attached;" and "Canopy, Freestanding."

(6) **Awning:** An architectural projection or shelter projecting from and supported by the exterior wall of a building and composed of a covering of rigid or non-rigid materials and/or fabric on a supporting framework that may be either permanent or retractable.

(7) Awning Sign: A Projecting Sign displayed on or attached flat against the surface or surfaces of an awning. See also: "Projecting Sign." Only the sign or copy area displayed on an awning shall be used to determine the permitted sign area-the entire awning shall not be included in a Sign Area calculation.



Awning Sign



Awning Sign

(8) Balloon Sign: A Temporary Sign that is an air inflated object, which, unlike air-activated signs, retains its shape. A balloon sign is made of flexible fabric, rests on the ground or structure, and may be equipped with a portable blower motor that provides a constant flow of air into the device. Balloon signs are restrained, attached, or held in place by a cord, rope, cable, or similar method.

(9) Banner: A flexible substrate on which copy or graphics may be displayed.

(10) Banner Sign: A sign utilizing a banner as its display surface.

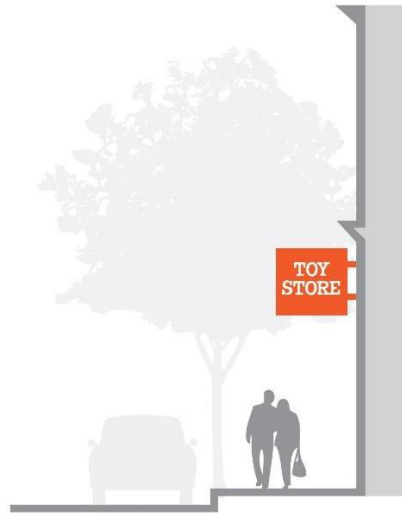


Banner Sign

(11) Bench Sign: A sign applied to or affixed to the seat or back of a bench.

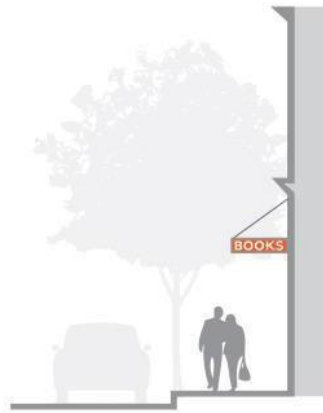
(12) Billboard: See Sign, Outdoor Advertising.

- (13) **Blade Sign:** A Projecting Sign, which is suspended from an overhang, canopy, marquee, or awning, or is suspended from a mounting attached directly to the building wall, and hangs perpendicular to the building wall.



- (14) **Building Entrance:** A building entrance that is clearly available as a public entrance, with the exception of businesses that for reasons related to privacy do not clearly indicate a public entrance.
- (15) **Building Frontage:** The length of an exterior building wall or structure, of a single premise, along either a public street or path; parking lot or other property that it faces. The Building Frontage is measured by the linear distance of the building façade.
- (16) **Candela:** The basic unit of measurement of light in SI (metric) units.
- (17) **Candela per square meter (cd/m²):** The SI (metric) unit used to describe the luminance of a light source or of an illuminated surface that reflects light. Also referred to as "Nits."
- (18) **Candle or Candlepower:** Synonymous with Candela, but in Imperial (non-metric) terms, not SI (metric) terms.
- (19) **Canopy (Attached):** A multi-sided overhead structure or architectural projection supported by attachment to a building on one or more sides and either cantilevered from such building or also supported by columns at additional points. The surface(s) and/or soffit of an attached canopy may be illuminated by means of internal or external sources of light. Also called a "Marquee."
- (20) **Canopy (Freestanding):** A multi-sided overhead structure supported by columns, but not enclosed by walls. The surface(s) and or soffit of a freestanding canopy may be illuminated by means of internal or external sources of light.

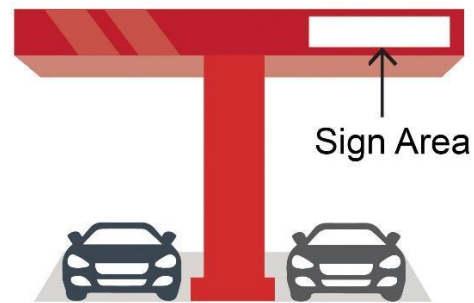
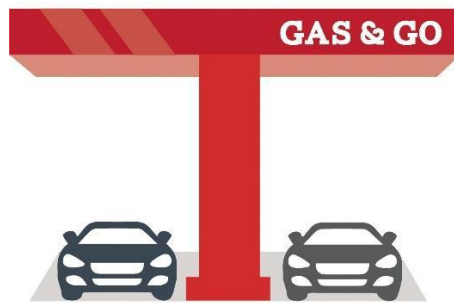
(21) Canopy Sign: A permanent Projecting Sign affixed to the side or bottom surface(s) of an attached or freestanding canopy. Such signs may be internally illuminated pursuant to the requirements of this Article.



Canopy Sign



Canopy Sign



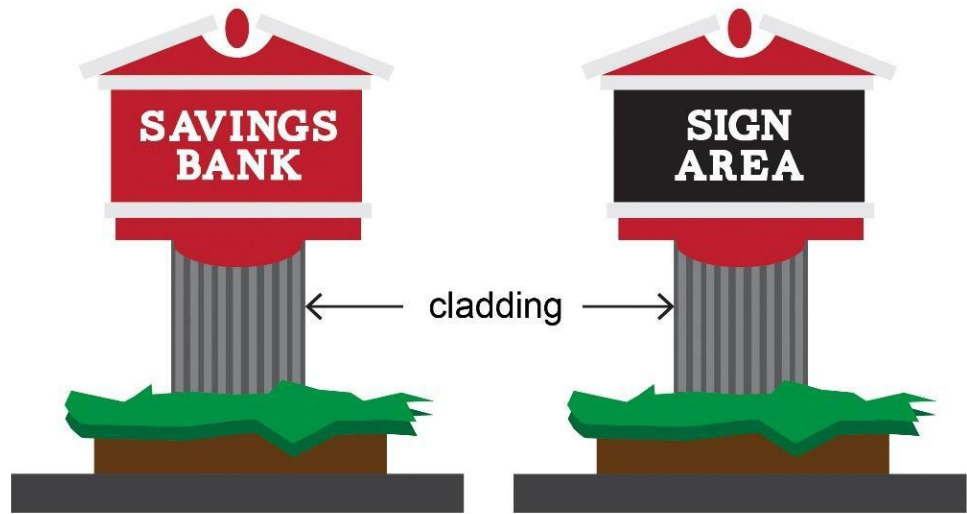
Canopy Sign

(22) Changeable Sign: A sign with the capability of content change by means of manual or remote input, includes the following types:

(a) Changeable Sign, Electrically Activated: Changeable sign whose message copy or content can be changed by means of remote electrically energized on-off switching combinations of alphabetic or pictographic components arranged on a display surface. Illumination may be integral to the components, such as characterized by lamps or other light-emitting devices; or it may be from an external light source designed to reflect off the changeable component display. See also: "Electronic Message Center" and "Animated Sign."

(b) Changeable Sign, Manually Activated: Changeable sign whose message copy or content can be changed manually on a display surface.

(23) Cladding: A non-structural covering designed to conceal the actual structural supports of a freestanding sign. Cladding shall not be considered sign area.



Free standing sign with cladding

- (24) **Copy:** The graphic content or message of a sign.
- (25) **Directional Sign.** A non-commercial sign that is designed and erected to safely direct the flow of vehicular, pedestrian, and boat traffic, including emergency response vehicles and personnel. Inclusion of a business name or logo on a directional sign is not commercial advertising as that is needed to help identify and direct vehicles and pedestrians to a location.
- (26) **Electric Sign:** Any sign activated or illuminated by means of electrical energy.
- (27) **Electronic Message Center (EMC) Sign:** An electrically activated changeable sign whose variable message and/or graphic presentation capability is electronically programmable. Also known as a digital sign. EMCs typically use light emitting diodes (LEDs) as a lighting source, and liquid-crystal display (LCDs) for light modulation. See also following terms principally associated with Electronic Message Centers:
- (a) **Display Time:** The amount of time a message and/or graphic is displayed on an Electronic Message Sign.
- (b) **Dissolve:** A mode of message transition on an Electronic Message Sign accomplished by varying the light intensity or pattern, in which the first message gradually appears to dissipate and lose legibility with the gradual appearance and legibility of the second message.
- (c) **Dynamic Frame Effect:** An Electronic Message Sign frame effect in which the illusion of motion and/or animation is used.

(d) **Scroll:** A mode of message transition on an Electronic Message Sign in which the message appears to move vertically across the display surface.

(e) **Transition:** A visual effect used on an Electronic Message Sign to change from one message to another.

(28) **Face:** The portion of a sign upon, against, or through which the message is displayed or illustrated.

(29) **Festoons:** A string of ribbons, pennants, spinners, streamers, tinsel, small flags, pinwheels, or lights, typically strung overhead and/or in loops.

(30) **Flag:** A flexible piece of fabric or other material that is attached to a permanent conforming flagpole or attached flat to wall.

(31) **Flashing Sign:** See “Animated Sign, Electrically Activated.”

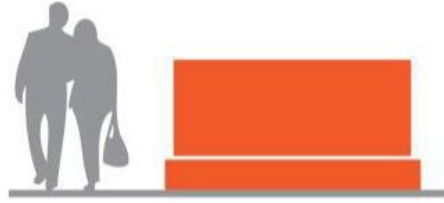
(32) **Flexible Sign:** A sign made of fabric, thin plastic, or other flexible material, and is two-dimensional in nature.

(33) **Freestanding Sign:** A sign principally supported by one or more bases, monuments, columns, poles, or braces placed in or attached to the ground (e.g. cemented in a post-hole or screwed to cement). May also be referenced as a “Monument Sign” or “Pole Sign.”

(a) **Ground Sign:** A sign supported by one or more uprights or braces in or upon the ground that does not exceed eight (8) feet in height.



(b) Monument Sign: A base-mounted freestanding sign supported by one or more uprights or a base and not attached to any building or other structure. A Monument Sign must have a supporting base equal to or greater than the width of the sign face constructed of a decorative and durable material (e.g., masonry), and shall not have separations between the sign face and the base.



Monument Sign

(c) Pole Sign: A sign supported by one or more uprights or braces in or upon the ground.

(34) Historic Sign: A sign that is attached to a building listed on the State and/or National Register of Historic Places, or that is recognized by local historians and the Planning Director as having significant value as an element of the City's heritage or development, which was attached to the building at the time of said listing; or a sign that is at least 50 years old, not significantly altered from its historic appearance, and demonstrates historic value to the community.

(35) Illuminance: The amount of light falling upon a real or imaginary surface, commonly called "light level" or "illumination". Measured in foot candles (lumens/square foot) in the English system, and lux (lumens/square meter) in the SI (metric) system.

(36) Illuminated Sign: A sign characterized by the use of artificial light, either projecting through its surface(s) [Internally or trans-illuminated]; or reflecting off its surface(s) [Externally illuminated].

(37) Incidental Sign: A small sign, usually 2 square feet or less, designed and located to be read only by people within the site and generally not legible from the right-of-way or adjacent properties. Examples of incidental signs include, but are not limited to, credit card signs, signs indicating hours of business, no smoking signs, signs used to designate bathrooms, handicapped signs, traffic control signs that conform to the requirements of the Michigan Manual of Uniform Traffic Control Devices, and other signs providing information to be read at close proximity. The Sign Official shall determine whether a sign is an Incidental Sign, based on the visibility of the sign from the lot line and right-of-way and/or the number of signs in close proximity of each other, and the Sign Official may deny a Incidental Sign if it is a sign that is regulated by another standard in this Article.

(38) Interior Sign: Any sign placed within a building, or placed on the site such that it is not visible from the right-of-way, but not including window signs as defined by this Article.

(39) Luminance: The light that is emitted by or reflected from a surface. Measured in units of luminous intensity (candelas) per unit area (square meters in SI measurement units or square feet in Imperial measurement units.) Expressed in SI units as cd/m^2 , and in Imperial (non-metric) units as foot lamberts. Sometimes also expressed as “nits”, a colloquial reference to SI units. Can be measured by means of a luminance meter.

(40) Mansard Roof: A roof, or structure on a building imitating a roof, which is at an angle of 60 degrees or greater from the horizontal.

(41) Marquee: See Canopy, Attached.

(42) Marquee Sign: See “Projecting Sign.”



Marquee Sign

Marquee Sign

(43) Multiple-Faced Sign: A sign containing three (3) or more faces.

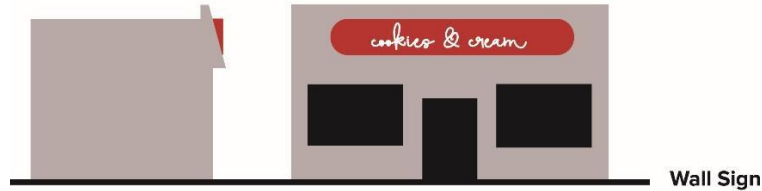
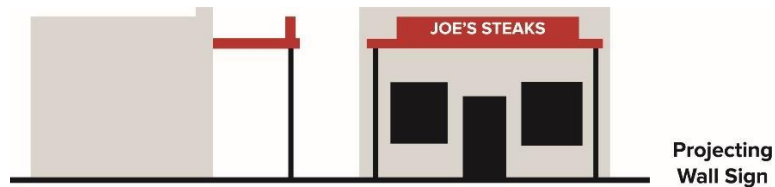
(44) Mural: An original artistic painting or texturing applied or attached to the surface of a wall or window. If the mural depicts on-premise commercial content or off-premise commercial content, the portion of the mural containing the commercial content will be considered a sign for purposes of this Ordinance, and will be regulated as such by subsection [54.1103\(B\)\(67\)](#). Commercial content included logos, images, brand names, and other lettering that references a commercial product or business, excluding images of nonspecific abstract commercial content.).

(45) Nameplate Sign: A small, flat sign attached to the building façade on which the name of a person, company, building, etc. is printed or engraved.



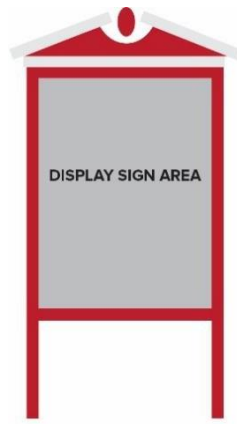
- (46) **Nit:** A photometric unit of measurement referring to luminance. One nit is equal to one cd/m^2 . See “Candela per square meter (cd/m^2).”
- (47) **Non-Commercial Sign:** A sign consisting of only non-commercial content.
- (48) **Off-Premise Commercial Sign:** A sign that contains a message related to a business or profession conducted or to a commodity, service, or activity sold or offered for sale off the premises of where the sign is located.
- (49) **On-Premise Commercial Sign:** A sign that contains a message related to a business or profession conducted or to a commodity, service, or activity sold or offered for sale upon the premises where the sign is located. Examples of on-premise commercial signs include, but are by no means limited to, real estate signs, garage sale and yard sale signs, signs advertising a permitted on-site commercial use, and signs of a contractor or other commercial entity affiliated with an on-site project under development.
- (50) **Outdoor Advertising Sign:** A permanent sign erected, maintained or used in the outdoor environment for the purpose of display of commercial or non-commercial messages not typically appurtenant to the use of, products sold on, or the sale of lease of, the property on which it is displayed. May also be referenced as an “Off-Premise Sign” or “Billboard.”
- (51) **Pennant:** A flexible piece of fabric or other material designed to attract attention or convey information. See definition of “Festoon.”
- (52) **People Sign:** A portable sign held by a person and displayed for the purposes of expressing a message.
- (53) **Permanent Sign:** A sign of durable construction and durable materials designed to remain in one location and position either through attachment to a building element or mounting on a standard secured to a below grade footing, or designed into building materials such as stonework.

- (54) **Plaque, Commemorative:** An inscribed tablet of brass or other non-corrosive metal or stone, identifying a place of historical or cultural significance.
- (55) **Portable Message Sign:** A sign attached to or pulled by a vehicle that includes a manual and/or electronic changeable copy sign, an electronic graphic display sign, a video display sign, or multi-vision/tri-vision sign that may be displayed or affixed to a movable object such as but not limited to a car, truck, trailer, or similar transportation device. A "Portable Message Sign" shall not include a "Vehicle Sign."
- (56) **Portable Sign:** Any sign not permanently attached to the ground and can be removed without the use of tools.
- (57) **Premises:** A "lot" in the same ownership or control which is not divided by a street.
- (58) **Projector-Image Sign:** A sign that is displayed through light by a projector.
- (59) **Projecting Sign:** A sign which is attached directly to the building wall, and which extends more than fifteen (15) inches from the face of the wall. A "Projecting Sign" is differentiated from a "Wall Sign" based on the distance the sign projects from the surface of the building. See also: "Awning Sign," "Blade Sign," "Canopy Sign," and "Marquee Sign."
- (60) **Revolving Sign:** An animated sign that revolves around an external axis driven by wind, or electromechanical devices.
- (61) **Roof Sign:** A sign mounted on the main roof portion of a building or on the uppermost edge of a parapet wall of a building and which is wholly or partially supported by such building. Signs mounted on mansard façades, pent eaves, and architectural projections such as canopies or marquees shall not be considered to be roof signs.



NOT ROOF SIGNS

- (62) **Rotating Sign:** An animated sign that rotates around an internal axis driven by wind, or electromechanical devices.
- (63) **Shopping Center:** A shopping center shall mean a unified commercial development occupied by a group of five (5) or more separate retail businesses occupying substantially separate divisions of a building or buildings fronting on a privately owned common mall or parking lot rather than a public street.
- (64) **SI (International System of Units):** The modern metric system of measurement; abbreviated SI for the French term "Le Systeme International d'Unites."
- (65) **Sidewalk Sign:** A portable Temporary Sign or sign board that is freestanding and not permanently anchored or secured to either a building, structure, or the ground. Often referred to as "sandwich board signs," sidewalk signs include, but are not limited to, so called "A" frame, "T" shaped, or inverted "T" shaped stands, or with swinging type construction. See also "Yard Sign."



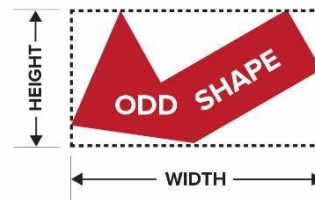
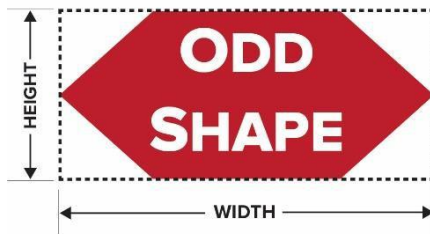
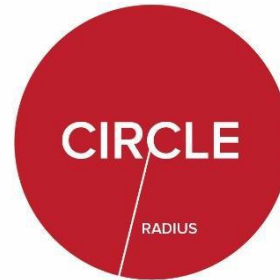
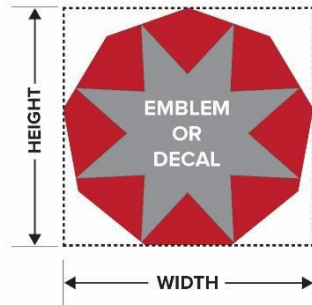
SIDE WALK SIGN



(66) Sign: A name, identification, image, description, display, message, or illustration which is affixed to, painted, or otherwise located, set upon, in, or on, a building, structure, or piece of land and which directs attention to an institution, organization, object, product, place, activity, person, idea, message, or business and which is visible from any street, right-of-way, sidewalk, alley, park, other public property, or any adjacent property. Customary displays of merchandise or objects and material placed behind a store window are not signs or parts of signs.

(67) Sign Area:

(a) Area of Shape(s). The entire area within a circle, triangle, or parallelogram enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, together with any frame or other material or color forming an integral part of the display or use to differentiate the sign from the background against which it is placed; excluding the necessary supports or uprights on which such sign is placed.



COMPUTATION OF SIGN AREA

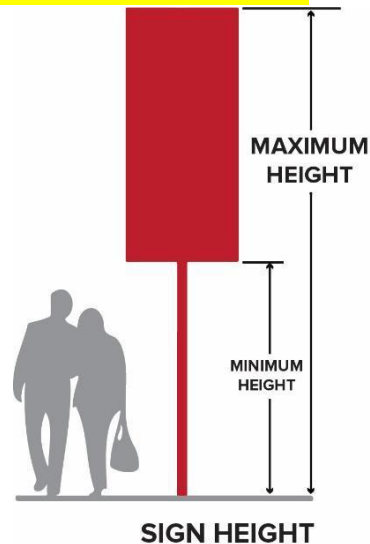
- (b) Area of Two (2) or More Sign Faces.** Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except that where two (2) such faces are placed back to back and are at no point more than two (2) feet from one another, the area of the sign shall be taken as the area of one (1) face if the two (2) faces are of equal size, or as the area of the larger face if the two (2) faces are of unequal size. The spacing between the parallel faces of a monument or pole sign may be increased to three (3) feet where there are only two (2) supports. In no case shall a support have a greater cross sectional width than 36 inches
- (c) Area of Wall Sign or Window Sign with No Border, Panel, or Background.** Where a sign consists solely of lettering, graphics, images, or other sign elements printed or mounted on a wall or window of a building without any distinguishing border, panel or background, any blank rectangular area which is more than ten percent (10%) of the area of the sign as otherwise computed shall be disregarded. All of the lettering, graphics, images, and other sign elements printed or mounted upon a wall or window of a building without any distinguishing border, panel, or background and pertaining to the same enterprise shall be treated as a single sign for purposes of area computation.

(68) Sign Erector or Sign Installer. Any person engaged in the business of erecting, altering or removing signs on a contractual or hourly basis.

(69) Sign Height:

(a) Sign Height, Maximum Height: The maximum height of the sign shall be measured from the grade to the top of the sign. The minimum height, if applicable, shall be measured from the sign grade to the bottom of the sign.

(b) Sign Height, Minimum Height: The minimum height of a sign (also known as vertical clearance), if required, shall be measured from the sign grade to the lowest point of the sign, including any framework or other embellishments.



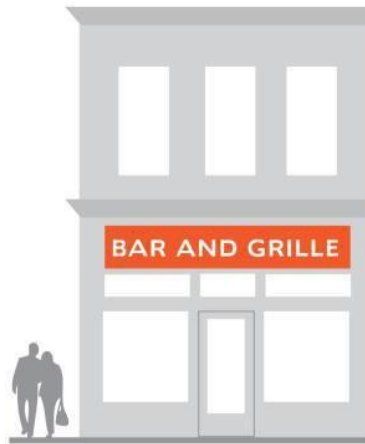
(70) Streamer: See "Pennant."

(71) Support Pole Sign: A Temporary Sign that is attached as an appendage to a sign, sign support, light pole, utility pole, or any part of a pole or support.

(72) Temporary Sign: A sign intended to display either commercial or non-commercial messages of a transitory or temporary nature. Portable signs or any sign not permanently embedded in the ground, or not permanently affixed to a building or sign structure that is permanently embedded in the ground, are considered temporary signs.

(73) Vehicle Sign: A sign painted or otherwise attached to a vehicle, including signs on a truck trailer. A "Vehicle Sign" shall not include a "Portable Message Sign."

(74) Wall Sign: A sign which is painted on or attached directly to a building wall with the face of the sign parallel to and extending not more than fifteen (15) inches from the face of the wall.



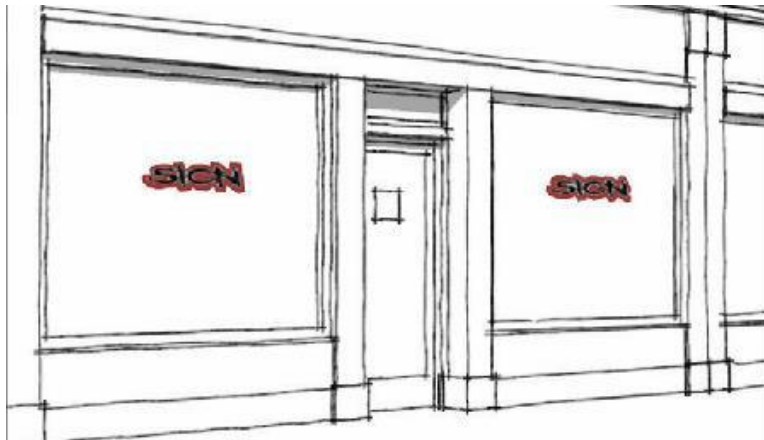
Wall Sign

(75) Wayfinding Sign: A sign, frequently off-premise, specifically designed to provide directional or destination information. Wayfinding signs are created and maintained by a public agency and are typically located in a public right-of-way.

(76) Window Sign: A sign affixed to, or located behind the surface of a window, with its message intended to be visible to the exterior environment. A sign affixed to a faux window is a wall sign and subject to the regulations thereof.



Window Sign



(77) Yard Sign. A portable Temporary Sign or sign board that is freestanding and temporarily anchored or secured to the ground. See also "Sandwich Board Sign."

Section 54.1107 Exempt Signs Permitted in All Zoning Districts

Certificates of Zoning Compliance shall not be required for the following signs provided that said signs meet all other requirements of this Ordinance, including but not limited to those in [Section 54.1109](#). Approval of the

property owner is required prior to the erection of a sign. It is the responsibility of the party erecting the sign to determine if a building permit is required.

(D) Special decorative displays used for holidays, public demonstrations or promotion of civic welfare or charitable purposes, on which there is no commercial advertising, providing the jurisdiction is held harmless for any damage resulting therefrom.

(1) Special decorative displays may include temporary signs, banners, or balloons.

(2) Length of use shall not extend more than 90 **120** days in a calendar year

(K) Any number of noncommercial flags may be located on any site. Only one (1) commercial flag or pennant may be displayed **per lot**, and **it** shall not exceed 45 sq. ft. in area, **unless the lot frontage is greater than 100 feet, in which case one such flag or pennant may be displayed for each 100 feet of frontage.** Support structures shall meet the requirements of either a freestanding flagpole or a wall-mounted flagpole.

SECTION 11. Article 12 – Nonconformities

Article 12 Nonconformities

Section 54.1202 Nonconforming Uses and Structures

If a structure or the use of a structure or of the land is lawful at the time of enactment of this Ordinance or an amendment to this Ordinances, then that structure or use may be continued although the structure or use does not conform to the Ordinance or amendment. The following sub-sections contain provisions for: classifications of different nonconforming uses and structures; repairs; maintenance; discontinuance; substitutions; expansions; and reconstruction of nonconforming structures and uses:

(A) Classifications of Nonconforming Uses and Structures. Pursuant to Section 208 of the Michigan Zoning Enabling Act (Public Act 110 of 2006, as amended), the City of Marquette establishes different classifications of nonconforming uses and structures as defined and provided for in this article. Class A Nonconforming Uses and Structures are regulated in [Section 54.1202\(B\)](#), and Class B Nonconforming Uses and Structures are regulated in [Section 54.1202\(C\)](#):

(B) Regulations Pertaining to Class A Nonconforming Use or Structure Designation.

(1) Class A Nonconforming Uses and Structures. Class A Nonconforming Uses or Structures are:

(a) One- and Two-Family Uses and Structures. One- and two-family uses and structures that are nonconforming may be maintained, repaired, altered, or added to as long as they remain otherwise conforming or reduce the extent of the non-conforming portion of the structure. Additions or alterations to the exterior of the structure shall conform to all requirements of this Ordinance.

(i) Exception: Two single-family structures **(this does not include approved Accessory Dwelling Units)** on one lot/parcel are considered Class B Nonconforming and would need to get approval from the BZA to be classified as Class A Nonconforming.

(ii) Reconstruction of Class A Nonconforming one- and two-family structures that did not get Class A approval from the Board of Zoning Appeals: Upon application for reconstruction the proposal must show the structure will meet the side yard setbacks for the zoning district in order to be approved. In addition, if the structure encroaches over a property line, it cannot be rebuilt with the encroachment.

(b) Nonconforming Uses or Structures Designated by the Board of Zoning Appeals as Class A Nonconforming Uses or Structures. To qualify as a Class A Nonconforming Use or Structure, the Board of Zoning Appeals must make affirmative findings on all of the following:

~~(i) Continuanace thereof would not be contrary to the public health, the safety, or welfare, or to the spirit of this Ordinance.~~

~~(ii) The use of structure does not and is not likely to significantly depress the value of nearby properties.~~

~~(iii) The use or structures was lawful at the time of its inception.~~

~~(iv) No useful purpose would be served by strict application of the provisions or requirements of this Ordinance with which the use or structures does not conform. All nonconforming uses and structures not designated as Class A are Class B nonconforming uses or structures. Class A or Class B designations do not apply to nonconforming lots ([Section 54.1203](#)).~~

(i) To qualify as a Class A Nonconforming Use or Structure, the Board of Zoning Appeals must make affirmative findings on all of the following:

a. Continuanace thereof would not be contrary to the public health, the safety, or welfare, or to the spirit of this Ordinance.

b. The use of structure does not and is not likely to significantly depress the value of nearby properties.

c. The use or structures was lawful at the time of its inception.

d. No useful purpose would be served by strict application of the provisions or requirements of this Ordinance with which the use or structures does not conform. All nonconforming uses and structures not designated as Class A are Class B nonconforming uses or structures. Class A or Class B designations do not apply to nonconforming lots ([Section 54.1203](#)).

(ii) If a structure is damaged after the Board of Zoning Appeals designates a structure as Class A Nonconforming, it can only be rebuilt exactly as approved using the submitted survey, application, and attachments to the case file. Additionally, any conditions set by the Board must be followed during reconstruction.

(2) Procedure for Obtaining Class A Designation and Expansion of Class A Designation

Conditions. A written application shall be filed setting forth the name and address of the applicant, stating the nonconformity's applicability to [Section 54.1202\(B\)\(1\)](#), giving a legal description of the property to which the application pertains, and including such other information as may be necessary to enable the Board of Zoning Appeals to make a determination of the matter. The notice and hearing procedure before the Board of Zoning Appeals shall be the same as in [Section 54.1406](#). The decision shall be in writing and shall set forth the findings and reasons on which it is based. Conditions shall be attached,

including any time limit, where necessary to assure that the use or structure does not become contrary to the public health, safety, or welfare of the spirit and purpose of this Ordinance. No vested interest shall arise out of a Class A designation except as permitted by this article.

(3) Revocation of Class A Designation or Expansion of Class A Designation. Any Class A designation shall be revoked, following the same procedure required for designation, upon a finding that as a result of any change of conditions or circumstances the use or structure no longer qualifies for Class A designation.

(4) Regulations Pertaining to Class A Nonconforming Uses and Structures. No Class A nonconforming use shall be resumed if it has been discontinued for a continuous period of at least 18 months or if it has been changed to a conforming use for any period of time. No Class A structure shall be used, altered, or enlarged in violation of any condition imposed in its designation.

(5) Expansion of a Class A Nonconforming Use and Structure. No Class A use or structure shall be expanded unless approval from the Board of Zoning Appeals is first granted.

(a) To qualify for an Expansion of a Class A Nonconforming Use or Structure, the Board of Zoning Appeals must make affirmative findings on all of the following:

(i) Continuance and expansion thereof would not be contrary to the public health, the safety, or welfare, or to the spirit of this Ordinance.

(ii) The expansion of the use and/or structure does not and is not likely to significantly depress the value of nearby properties.

(iii) The use or structures was lawful at the time of its inception.

(iv) No useful purpose would be served by strict application of the provisions or requirements of this Ordinance with which the use or structures does not conform.

(b) Approval Period. If the petitioner has not obtained a Zoning Permit, and a Building Permit and commenced construction to implement an Expansion of a Class A Nonconforming Use or Structure within one (1) year of the date of its approval by the Board of Zoning Appeals, said Expansion of a Class A Nonconforming Use or Structure shall expire. The Board of Zoning Appeals, upon application made before expiration, may grant an extension of not more than one (1) year from the expiration date. The Board Zoning Appeals, at its discretion, may schedule a public hearing in accordance with [Section 54.1406](#) prior to granting an extension. Not more than two (2) such extensions may be granted.

(C) Regulations Pertaining to Class B Nonconforming Use or Structure Designation.

(1) Class B Nonconforming Uses and Structures. A Class B nonconforming use or structure is any nonconforming use or structure that is not a one- or two-family nonconforming use or structure (see [Section 54.1202\(B\)\(1\)\(a\)](#)) or has not been classified as a Class A nonconforming use or structure by the Board of Zoning Appeals pursuant to [Section 54.1202\(B\)](#).

(2) Prohibited Continuance of Illegally Established Class B Nonconforming Uses and Structures. No Class B nonconforming use or structure shall be permitted to continue in existence if it was unlawful at the time of its inception.

- (3) **Purpose for Class B Nonconforming Uses and Structures.** It is a purpose of this Ordinance to eliminate Class B nonconforming uses and structures as rapidly as is permitted by law without payment of compensation.
- (4) **Discontinuance of a Class B Nonconforming Use.** No Class B nonconforming use shall be resumed if it has been discontinued for a continuous period of six (6) months or if it has been changed to conforming use for any period of time. If the structure in which the use is housed or conducted is damaged by casualty or neglect to the point where the structure must be removed or reconstructed, the standards of [Section 54.1202\(C\)\(7\)](#) apply. If the Class B nonconforming use was legally in existence up until the time the structure in which the use is housed required removal or reconstruction, the owner shall have up to 24 months to re-establish the nonconforming use, provide such re-establishment shall not increase the nonconformity of the use, structure, or building.
- (5) **Prohibited Substitutions and Expansions of Class B Nonconforming Uses.** No Class B nonconforming use shall be changed to a substantially different nonconforming use, nor enlarged so as to make use of more land area than used at the time of becoming nonconforming.
- (6) **Maintenance and Repair of Class B Nonconforming Structures.** For the purpose of maintaining health and safety, Class B nonconforming structures and buildings may be repaired and maintained. Such repair and maintenance shall not increase the nonconformity of the structure, building, or uses therein, nor shall such repair and maintenance total more the market value of the structure excluding land and other structures on the site as determined by the City Assessor using the current tax roll and field sheets. The Zoning Administrator may substitute the market value of the structure based on calculation procedures of [Section 54.1202\(C\)\(8\)](#). In the event that a nonconforming structure has become destroyed or damaged to the point where the structure must be removed or reconstructed, the standards of [Section 54.1202\(C\)\(7\)](#) apply.
- ~~(7) **Reconstruction Class B Nonconforming Structures.** No Class B nonconforming structure shall be enlarged or structurally altered, nor shall it be reconstructed, if damaged by casualty or neglect to the extent that the cost of reconstruction or similar repair exceeds the market value of the structure excluding land and other structures on the site as determined by the City Assessor using the current tax roll and field sheets. The Zoning Administrator may substitute the market value of the structure based on calculation procedures of See [Section 54.1202\(C\)\(8\)](#). In the event that a nonconforming structure has become destroyed or damaged to the point where the structure must be removed or reconstructed, the owner shall have up to 24 months to rebuild the nonconforming structure, provided such reconstruction shall not increase the nonconformity of the structure, building, or uses therein. However, the owner may construct a conforming addition to a nonconforming structure, provided the addition meets all of the requirements of this Ordinance.~~
- (a) Reconstruction Due to Casualty or Neglect.** No Class B nonconforming structure shall be enlarged or structurally altered, nor shall it be reconstructed, if damaged by casualty or neglect to the extent that the cost of reconstruction or similar repair exceeds the market value of the structure excluding land and other structures on the site as determined by the City Assessor using the current tax roll and field sheets. The Zoning Administrator may substitute the market value of the structure based on calculation procedures of See [Section 54.1202\(C\)\(8\)](#). In the event that a nonconforming structure has become

destroyed or damaged to the point where the structure must be removed or reconstructed, the owner shall have up to 18 months to rebuild the nonconforming structure, provided such reconstruction shall not increase the nonconformity of the structure, building, or uses therein. However, the owner may construct a conforming addition to a nonconforming structure, provided the addition meets all of the requirements of this Ordinance.

(b) Structures Not Meeting Side Yard Setbacks. If the structure currently does not meet the side yard setback requirements for the zoning district, it must meet the side yard setback requirements if rebuilt. In addition, if the structure encroaches over a property line, it cannot be rebuilt or enlarged with the encroachment.

(8) Calculation of Repairs and/or Reconstruction of Class B Nonconforming Structures. For the purpose of calculating a fair and equitable cost of repairs and reconstruction regulated by this section, the average of two (2) bid estimates from licensed contractors shall be used. All work requiring permits under state and local regulations, and materials necessary to bring the structure up to current code shall be included. Clean up costs, demolition, furnishings and appliances shall not be included. The actual repair and reconstruction may be done by the homeowner or contractor of his choice. If the Zoning Administrator questions the accuracy of the bid estimates, or proposed work or materials, he/she may consult with the Building Code Department and City Assessor, and/or refer the matter to the Board of Zoning Appeals. There shall be no cap on the value of a conforming addition to a nonconforming structure, provided the addition meets all of the requirements of this Ordinance.

(9) Permitted Continuance of Class B Nonconforming Mineral Removal Operations. In the case of mineral removal operations, existing holes or shafts may be worked and enlarged on the land which constituted the site on which operations were conducted at the time of becoming nonconforming, but no new holes or shafts shall be established.

SECTION 12. 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)~~ **fifteen (15)** 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.

54.1402 Site Plan Review

Figure 65. Site Plan Information Required in the Site Plan Set

Site Plan Information Required in the Site Plan Set	Sketch Plan	Preliminary Site Plan	Final Site Plan
Proposed Construction			
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. Tree clearing and grading is limited to the areas that are proposed and approved for a phased timeline.	•	•	•
Site Circulation Details and Access Design			
General site circulation and access including: indication of street right-of-way and pavement widths; access points; and location of pedestrian paths. See Section 54.907 .	•		
Street horizontal and vertical dimensions, including curve radii.		•	•
Dimensions of access points including distance from adjacent driveways or intersecting streets, including those across a street. See Section 54.907 .		•	•
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 <i>Section 54.907</i> .		•	
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 <u>or trails</u> .			•
Pavement widths and pavement types for all streets/roads, pedestrian and bicycle paths.			•
Written verification of access easements or agreements, if applicable.		•	•

SECTION 13. 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 54.1505 Payment of Civil Fines, Costs, or Justice System Assessments Prior to Permit Review Eligibility for Approval of a Permit or Application Request

A person is not eligible to apply City Staff cannot approve an application for a rezoning, site plan approval, special land use approval, planned unit development approval, variance, or other zoning authorization if the person is delinquent in paying a civil fine, costs, or a justice system assessment imposed by an administrative hearings bureau established by the City pursuant to the Home Rule City Act, 1909 PA 279, MCL 117.4g, the person has any other outstanding indebtedness to the City, or if the person has any unresolved violations of the City Code or state or federal law.