

Marquette Downtown Waterfront District

A form-based code is a *method of regulating development to achieve a specific urban form*. Form-based codes create a predictable public realm by controlling physical form primarily, and land uses secondarily, through city or county regulations.

-- *Form-Based Codes Institute definition*

1.0 Introduction

The *Marquette Waterfront Form-Based Code* (also referred to herein as "the Code") is a legal document that regulates land-development by setting careful and coherent controls on building form—while employing more flexible parameters relative to building use and density. The *Waterfront Form-Based Code* uses simple and clear graphic prescriptions and parameters for height, siting, and building elements to address the necessities for defining good public space; and broad parameters for regulating use.

The standards provided in this Code were built on the foundation established in the Lower Harbor Redevelopment Plan adopted by the City in its Master Plan of May 2004, and further refined by the input received during the Public Participation Urban Design Charrette held on December 16, 2006 as well as principles of traditional place-making and urban design. The expectation is that these traditional urban standards will provide the foundation for long-term redevelopment, and accommodate change over time. Form standards recognize that the economy/market may support and/or demand different types of uses at different times, but with a sound development and building pattern—much like the historic central business district along Front and Washington Streets—the building life-cycle will be sustainable.

The proposed *Marquette Downtown Waterfront District* is roughly bounded by Lake Superior/Marquette Bay on the east, Front Street on the west, Lakeshore to the north and Baraga Street to the south. (See the REGULATING PLAN on p. 7 for specific boundaries.) *However, the principles and standards that appear herein may easily be adapted to regulate development in the greater downtown and waterfront areas.*

1.1 Guiding Principles

With proper urban form, a greater integration of building uses is natural and comfortable.

- A. Buildings form the space of the street.
- B. The street is a coherent space, with consistent building form. This agreement of buildings facing across the street-space contributes to a clear public space and street-space identity.
- C. Buildings oversee the street-space with active fronts. This overview of the street-space contributes to vital and safe public space.
- D. Property lines are physically defined as much as possible. Land should be clearly public or private—in public view and under surveillance or private and protected.
- E. Buildings are designed for towns and cities. Rather than being simply pushed

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closer together, as in many suburban developments, buildings must be designed for the urban situation within towns and cities. Views are directed to the public space as much as possible.

- F. Vehicle storage/parking, (not including on-street parking), garbage and mechanical equipment are kept away from the street-space.

1.2 Intent

- A. The *Waterfront Form-Based Code* is designed to foster infill redevelopment in a sustainable mixed-use pattern as part of a vibrant, diverse urban and working waterfront district. This Code is intended to promote traditional urban form and a lively mix of uses, allowing for shopfronts, and other commercial uses at the street level, with wide sidewalks and canopy shade trees, overlooked by upper story residences and offices, while maintaining a working waterfront. Physical access and a sense of connection to Lake Superior are very important to the future of the historic downtown.
- B. Redevelopment within the *Downtown Waterfront District* shall be regulated as set forth below in order to achieve the vision set forth during the Public Participation Charrette in December 2006 and as previously adopted in the *Lower Harbor Redevelopment Plan* for the designated area.

1.3 Conflicting Provisions

Wherever there appears to be a conflict between the *Waterfront Form-Based Code* and other sections of the *Marquette City Zoning Ordinance*, the requirements specifically set forth in the *Waterfront Form-Based Code* shall prevail. For development standards not covered by the *Downtown Waterfront Code*, the other applicable sections in the *Marquette City Zoning Ordinance* shall be used as the requirement. *Similarly, all development must comply with all relative Federal, State or local regulations and ordinances regarding health and safety.*

1.4 Components of a Form-Based Code

The primary components of this form-based code are: the REGULATING PLAN, the BUILDING FORM STANDARDS, Streetscape Principles, illustrative STREET TYPE SPECIFICATIONS, and DEFINITIONS, all of which are included in this Handbook. Many codes also include detailed *Streetscape and Architectural Standards*.

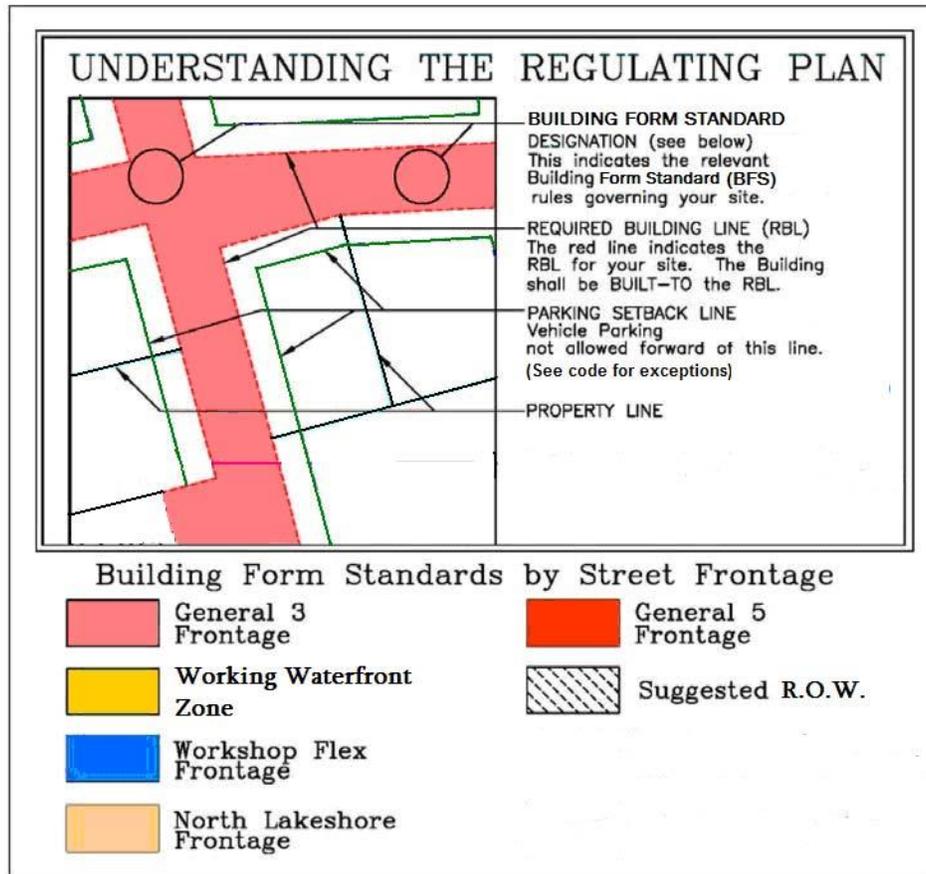
In addition, in order to fully implement the proposed Code, *Administrative Procedures* will be needed to incorporate the new standards with existing City processes and procedures.

1.4.1 The Regulating Plan

- A. Building on the *Lower Harbor Redevelopment Plan* and the public participation charrette, a REGULATING PLAN, has been produced for the *Marquette Downtown Waterfront District*.
- B. The REGULATING PLAN is the coding key for the *Downtown Waterfront District* that provides a public space master plan with specific information on permitted development for each parcel within the district. It provides standards for the disposition of each property or lot and illustrates how each relates to the adjacent properties and street-space.
- C. The REGULATING PLAN identifies the BUILDING FORM STANDARDS for all building

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sites within the Waterfront District. It shows how each lot relates to public spaces (STREET-SPACE, CIVIC GREENS, PEDESTRIAN PATHWAYS, etc.) and the surrounding neighborhoods. There may be additional regulations for special locations as identified on the REGULATING PLAN. The key below explains the elements of the REGULATING PLAN and serves as a reference when examining the REGULATING PLAN.



Building Sites are coded by their Street Frontage

D. A fully scalable REGULATING PLAN is available for review at the Marquette Community Development Department.

1.4.2 Building Form Standards

- A. The intent of the BUILDING FORM STANDARDS is to shape the public space—its specific physical and functional character—for the *Downtown Waterfront District* through controls on building form in order to frame the STREET-SPACE and maintain a working waterfront. They aim for the minimum level of control necessary to meet that goal.
- B. The BUILDING FORM STANDARDS establish basic parameters governing building form, including the envelope for building placement (in three dimensions) and certain permitted/required building elements, such as shopfronts, balconies, and STREET WALLS. The BUILDING FORM STANDARDS establish both the

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boundaries within which things may be done and specific things that must be done. The applicable standard for a building is determined by its STREET FRONTAGE, as identified on the REGULATING PLAN. This produces a coherent STREET-SPACE and allows the building greater latitude behind its street FACADE.

1.4.3 The Street-Space Principles

The purpose of the STREET-SPACE Principles is to define coherent street-space and to assist owners and builders with understanding the relationship between the public space of the Downtown Waterfront District and their own building/lot. These principles describe the parameters for the placement of STREET TREES and other amenities or appurtenances (e.g., benches, signs, street lights, etc.) on or near each building site. They also describe the general physical characteristics of a STREET-SPACE to establish an environment that encourages and facilitates pedestrian activity.

1.4.4 The Street-Type Specifications

- A. The *Street-Type Specifications* illustrate recommended configurations for streets within the *Downtown Waterfront District*. *Specifications* address vehicular traffic lane widths, curb radii, sidewalk and tree planting area dimensions, and on-street parking configurations. They also provide a comparative pedestrian crossing distance as a gauge of pedestrian comfort. These specifications may be modified by the Planning Commission to meet the needs of streets that have more or less right of way.
- B. Streets must balance the needs of all forms of traffic—auto, bicycle and pedestrian—to maximize mobility and convenience for all the citizens of Marquette and all users of the Downtown Waterfront District. While all streets will appropriately balance pedestrian and automobile needs, their character will vary with their location. Some streets will carry a large volume of traffic and provide a more active and intense urban pedestrian experience while others will provide a less active and more intimately scaled street-space.

1.4.5 Definitions

Some words used in this Code are used in a more specific way than that found in common usage, and have been defined herein. Wherever a word is in SMALL CAPITAL format, consult the *Definitions* (**Sec. 5.0** on p. 26) for the specific meaning. Words used in the *Downtown Waterfront Code*, but not defined by the *Downtown Waterfront Code*, which are defined in the *Marquette City Zoning Ordinance*, shall have the meanings set forth therein.

1.4.6 Approval Process

In order to obtain zoning compliance approval for construction within the boundaries of this district, an applicant shall follow the process outlined in section 80.62 of the City of Marquette Zoning Ordinance; however, Planning Commission review and approval of a site plan is not necessary unless otherwise provided in this code.

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1.5 How to Use this Code

In order to understand what the Code allows on property within the *Downtown Waterfront District* there are two basic steps. The Code will explain where the building will sit on the site, the parameters for its three-dimensional form, both required and allowed architectural/functional elements and the range of allowable uses. (For exact dimensions specific to your property, consult with City Staff.)

1.5.1 Initial Steps

- A. Look at the REGULATING PLAN. Find the property in question. Note the REQUIRED BUILDING LINE (RBL), the parking setback line, and the REQUIRED BUILDING ZONE (RBZ). Note the color of the fronting street-space—this determines the applicable BUILDING FORM STANDARD. (See the key at the lower right of the REGULATING PLAN.)
- B. Find the appropriate BUILDING FORM STANDARD (BFS) page in the Code. The BFS will tell you the basic parameters for building on this site in terms of *height, siting, elements, and use*.

1.5.2 Additional Information

Additional information regarding the street-space is located in **Sec. 4.1**, the *Street-Space Principles* and **Sec. 4.2**, *Street-Type Specifications*. These sections will show the general parameters for the character of the street-space including vehicular traffic lane widths, curb radii, sidewalk and tree planting area dimensions, and on-street parking configurations.

2.0 The Downtown Waterfront District Regulating Plan

2.1 Understanding the Regulating Plan

The REGULATING PLAN is the controlling document and principal tool for implementing the *Downtown Waterfront Code*. It identifies the BUILDING FORM STANDARD (BFS) for the building site, which provides standards for the disposition of each property or lot, and illustrates how each relates to the adjacent properties and the street-space.

2.2 Rules for New Development

New development in the *Downtown Waterfront District* shall integrate street (roadway) design and land development to create a complementary and connected pattern for growth and development. The rules below will establish/create a compact, mixed-use district and provide flexible opportunities for residential, employment, commerce, and recreational uses.

2.2.1 Streets, Blocks and Alleys

- A. Connectivity of the street grid throughout the *Downtown Waterfront District*, specifically intersection alignments, is regulated by this Code. Where a street stub-out is shown on the REGULATING PLAN, no other curb cut/intersecting street is permitted within 50 feet.
- B. Curb cuts shall be limited to no more than one per 100 feet of street frontage (minimum centerline separation distance of 50 feet).
- C. All lots, except those found in the WORKING WATERFRONT, shall share a frontage line with a STREET-SPACE.
- D. All lots and/or all contiguous lots shall be considered to be part of a BLOCK for this purpose. No block face shall have a length greater than 400 feet without

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an ALLEY, common drive or access easement, or PEDESTRIAN PATHWAY providing through-access to another street, ALLEY or common access easement, STREET-SPACE, or conservation restricted land. Individual lots with less than 75 feet of frontage are exempt from the requirement to interrupt the block face; those with over 250 feet of frontage shall meet the requirement within their lot, unless already satisfied within that block face.

- E. Where designated on the REGULATING PLAN, except where lots are on a perimeter common to non-developable, lakeshore, or conservation lands:
 - 1. ALLEYS shall provide access to the rear of all lots. ALLEY construction is required as part of the redevelopment project within the rear setback, unless an ALLEY already exists. ALLEYS shall be constructed to meet the City construction standards in order to be suitable for emergency and service vehicle access.
 - 2. ALLEYS shown on the REGULATING PLAN represent suggested & approximate configurations. Access through the BLOCK and to the rear of lots within the BLOCK is required. The specific configuration may include shared parking areas and other uses so long as reasonable service access is relatively unimpeded.
 - 3. Where an alley does not exist and is not feasible to construct at the time of redevelopment of any property, the applicant is required to maintain the area within the rear setback by, at a minimum:
 - a. Sodding and providing routine landscape maintenance to the area.
 - b. Keeping the area clear of debris, stored materials, and vehicles.
- F. Stub streets shown on the REGULATING PLAN are not considered to be established until the City of Marquette obtains the property. Until this occurs, the RBL/RBZ will be the current property line.

2.2.2 Buildings

- A. The maximum building floor-plate (footprint) is 25,000 square feet; beyond that limit a Site Plan Review in accordance with section 80.62 of the City Zoning Ordinance is required.
- B. Building FACADES are the public "face" of every building. (The private, interior portions of the lots allow commercial operators to utilize these spaces as efficient working environments unseen by the public and allow residents to have private and semi-private (for apartment and condominium buildings) gardens and courtyards.)
- C. For each block face within the Waterfront District, building(s) along an RBL shall present a complete and discrete vertical FAÇADE composition (i.e., a new façade design) at an average street frontage length of no greater than 70 feet. Each FAÇADE composition shall include a functioning, primary street-space entry. The entry requirement may be satisfied through the use of liner shops—small shops with direct access onto the fronting sidewalk—wrapping large floor-plate/footprint buildings. Individual infill projects on lots with frontage of less than 100 feet are exempted from the FAÇADE composition requirement.
- D. When the BUILDING FORM STANDARD (BFS) designation changes along the RBL of a lot, the property owner has the option of applying either BFS for a maximum additional distance of 50 feet in either direction along the RBL of that lot.
- E. All buildings shall be designed to minimize the shedding of snow and rain runoff into the STREET-SPACE.

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- F. Cladding materials shall be of typical wood finish materials, typical masonry materials (e.g. brick, stone, concrete, cement, tile, stucco, granite, limestone, cast stone), and non-polished metals, unless otherwise designated by the individual building form standards. Glass curtain walls, reflective glass, and other high-reflectance materials are prohibited due to the undesirable blinding effect compounded by snow. Metal cladding shall be limited to not more than 40% of the non-fenestrated facade area, except in the Working Waterfront and Workshop Flex subdistricts.

2.2.3 Streetscape Requirements

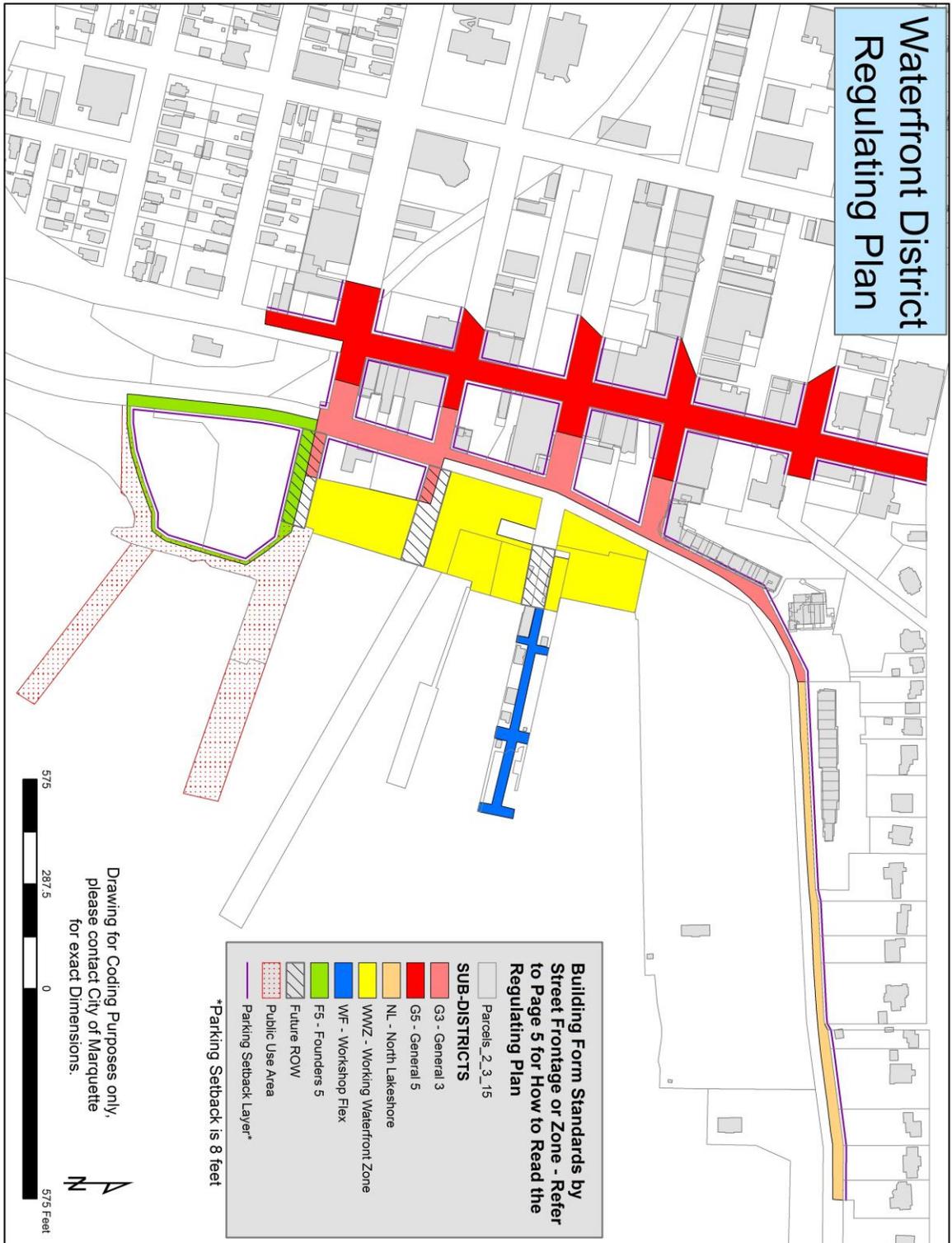
At the time of, and within, new or infill development:

- A. STREET TREES shall be planted at an average spacing of no greater than 30 feet on the side(s) of the STREET-SPACE being developed (dependent available right of way width).
- B. The developer is required to install sidewalks if none currently exist.

2.2.4 Parking

- A. Parking goals for the *Downtown Waterfront District* are to:
 - 1. Promote a “park once” environment that will enable people to conveniently park and access a variety of commercial and civic enterprises in pedestrian friendly environments by encouraging shared parking.
 - 2. Reduce fragmented, uncoordinated, inefficient, single-purpose reserved parking.
 - 3. Avoid adverse parking impacts on neighborhoods adjacent to the Waterfront District
 - 4. Maximize on-street parking wherever possible.
 - 5. Increase visibility and accessibility of publicly available parking.
 - 6. Provide flexibility for redevelopment of small sites.
 - 7. Promote early prototype projects using flexible and creative incentives.
 - 8. Incorporate convenient bicycle parking.
- B. A minimum of 1 and 1/8 parking space per residential unit, of which a minimum of 1/8 parking space per residential unit shall be provided as shared parking. There are no maximum limits on shared parking.
- C. Achieving Parking:
 - 1. Parking requirements may be met either on-site or within a 600 foot radius of the development parcel.
 - 2. Shared parking shall be designated by appropriate signage and markings as required by City policy.
 - 3. Vehicular parking spaces may not be placed over a public utility easement without the approval of the City Engineer and the Zoning Administrator, except where Planning Commission approval is required.

2.3 Regulating Plan



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3.0 Building Form Standards

The REGULATING PLAN identifies the BUILDING FORM STANDARD (BFS) for all building sites within the *Downtown Waterfront District*. The goal of the BFS is the creation of a healthy and vital public realm through good STREET-SPACE. Deviations from the BFS can be approved only through a variance process as provided for in section 80.64.4.B of the Marquette City Zoning Ordinance. The BFS set the basic parameters governing building construction, including the building envelope (in three dimensions) and certain required and/or permitted elements, such as stoops, balconies, porches, and STREET WALLS. Any elements encroaching on the public right of way require a license from the City of Marquette.

3.1 Individual Building Form Standard Pages

Each BFS provides parameters for *height*, *siting*, and *elements* as well as broad *use* categories. The *Waterfront Form-Based Code* includes six sub-districts with BUILDING FORM STANDARDS: GENERAL 5, GENERAL 3, WORKING WATERFRONT ZONE, WORKSHOP FLEX, NORTH LAKESHORE, and FOUNDERS 5. These standards appear on the following pages (pp. 11-25).

3.1.1 Exemptions

Permits shall not be required for safety fences/railings that prevent passage into a dangerous area and/or which are required by the construction code requirements enforced by the County of Marquette. These fences/railings are allowed in all of the sub-districts.

3.2 Limited and Prohibited Uses (within the Downtown Waterfront District)

3.2.1 Uses permitted *By Right*

See the individual BFS pages.

3.2.2 CONDITIONAL USES (RESIDENTIAL USE areas – see definitions):

- A. Group Day Care Home
- B. Foster Family Group Home
- C. Halfway House
- D. Homeless Shelter

3.2.2.1 REQUIRED CONDITIONS FOR THE CONDITIONAL USES

- A. Group Day Care Home
 - 1. Group Day Care Homes shall be licensed as either a group day care home or a day care center by the Michigan Department of Social Services prior to commencement of the use.
- B. Foster Family Group Home
 - 1. Adult foster care family homes shall be licensed by the State of Michigan or a state authorized agency prior to commencement of the use.
- C. Halfway House
 - 1. Shall have a manager on duty at all times.
 - 2. Shall have a minimum of three off-street parking spaces, or one space for each tenant with a vehicle plus one space for each staff member on duty whichever is greater. In authorizing construction of new structures, the

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Planning Commission may require sufficient yard area to be reserved as potential parking to facilitate conversion to a permitted use in the district, should the halfway house cease to operate.

3. All residents shall have met the sponsoring agency's referral specifications and participate in all required treatment and counseling programs.
4. Existing structures shall meet all the minimum property maintenance and site plan requirements; plans need to be reviewed by the Fire Inspector, along with a statement of intent to comply with any required changes to bring the structure into compliance. Applications for new building shall include a site plan, floor plan, and elevations.
5. Approval of the conditional use permit shall specify compliance with the number of occupants. Violation of this condition shall result in a public hearing before the Planning Commission and shall be grounds for revocation of the Conditional Use Permit.
6. In applying the administrative standards (Section 80.60 of the Zoning Ordinance) the Commission shall consider the density of similar uses. In no case shall a halfway house be permitted within 500 feet of another similar facility.
7. Prior to application for zoning approval, the applicant shall meet with the Planning Department and is encouraged to inform the neighbors of plans for the halfway house.

D. Homeless Shelter

1. The homeless shelter must be associated with a charitable association, such as a 501 (c) organization or a governmental agency.
2. Staff must be located on site during open hours for programs that provide on site overnight sleeping accommodations.
3. The homeless shelter applicant and the operator will provide adequate measures for safeguarding the public and the facility residents. Such measures shall include intake screening, supervision, and security.
4. Operators shall keep a list of the names of all persons staying at the facility and the register shall be available for inspection by City Officials at any time.
5. Number of Beds: The number of beds in the homeless shelter shall not exceed thirty (30), except in an emergency situation (as declared by local emergency management officials), and with the approval of the Fire Inspector to add more beds as appropriate given the occupancy constraints of the building.
6. Overnight sleeping accommodations shall be offered for little or no financial compensation, and shall be operated in a manner that encourages short-term occupancy by residents.
7. Such facility may include accessory support services but shall not be operated in such a manner that changes its primary function to any alternative uses such as a community corrections facility, a hospital, an assisted living facility, a group home, a rehabilitation center for the disabled, or a residence for older adults.
8. Prior to occupancy, the homeless shelter must be approved by the City of Marquette's fire/life safety code inspector, and by all relevant Marquette County building code inspectors.
9. There shall be a written fire safety and emergency escape plan.

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3.2.3 USES SUBJECT TO APPEAL (RESIDENTIAL USE areas – see definitions):

- A. Home Occupations or Home Offices
 1. Shall not occupy more than 25% of the floor area of the dwelling unit or a maximum of 500 square feet, whichever is smaller
 2. No persons who are not lawful residents of the dwelling unit may be employed
 3. There shall be no signs or display of goods used to indicate the presence of the Home Occupation or Office
 4. Persons other than residents of the dwelling unit shall not visit the Home Occupation for business purposes
 5. Approval of a Home Occupation or Office shall vest only in the person making the application and is non-transferable to another person
 6. Shall require approval from the Marquette City Community Development via a Home Occupation or Home Office Permit

3.2.4 Appeals of the Building Form Standards

Deviations from the Building Form Standards can be approved only through a variance process as provided for in section 80.64.4.B of the MARQUETTE CITY ZONING ORDINANCE.

3.2.5 Other Appeals

All questions of interpretation and enforcement of this ordinance shall be first presented to the Zoning Administrator, and such questions shall be presented to the Board of Zoning Appeals only on appeal from the decision of the Administrator. Recourse from the decisions of the Board of Appeals shall be to the courts as provided by law and particularly by Section 601 of Act 110 of 2006.

3.2.6 Ordinance Text and Map Amendments

Requests to amend the ordinance text or map/graphics should be directed to the Zoning Administrator. Text/map amendments may only be approved by the City Commission after public hearings before both the Planning Commission and City Commission.

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Side Lot Setbacks

There are no side lot setbacks.

Garage and Parking

1. GARAGE ENTRIES or driveways shall be located at least 50 feet away from any BLOCK CORNER or another GARAGE ENTRY on the same BLOCK, unless otherwise designated on the REGULATING PLAN.
2. GARAGE ENTRIES shall have neither a clear height greater than 16 feet nor a clear width exceeding 24 feet.
3. Vehicle parking areas on private property shall be located behind the PARKING SETBACK LINE, except where parking is provided: 1) inside or below the building; or 2) behind a masonry wall that is at most three feet behind the REQUIRED BUILDING LINE and is between three and four feet in height.
4. These requirements are not applicable to on-street parking.

ALLEYS

There is no required setback from ALLEYS.

Corner Lots

Corner lots shall satisfy the code requirements for the full RBL length – unless otherwise specified in this code.

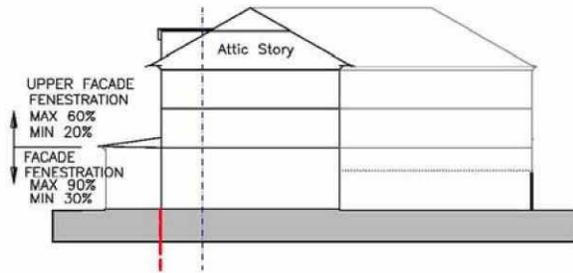
Unbuilt REQUIRED BUILDING LINE and COMMON LOT LINE Treatment

1. A STREET WALL no greater than 18 feet in height may be constructed along any RBL frontage that is not otherwise occupied by a building, except on the east side of Lakeshore Boulevard, The STREET WALL shall be located not more than 8 inches behind the REQUIRED BUILDING LINE.
2. A vehicle entry gate no wider than 18 feet or a pedestrian entry gate no wider than 5 feet shall be permitted within any required STREET WALL.
3. PRIVACY FENCES may be constructed along that portion of a COMMON LOT LINE not otherwise occupied by a building, except on the east side of Lakeshore Boulevard.
4. DECORATIVE FENCES of not more than 4 feet in height with not more than 50% of the fence area comprised of solid matter or closed construction, may be constructed along that portion of a common lot line not otherwise occupied by a building.

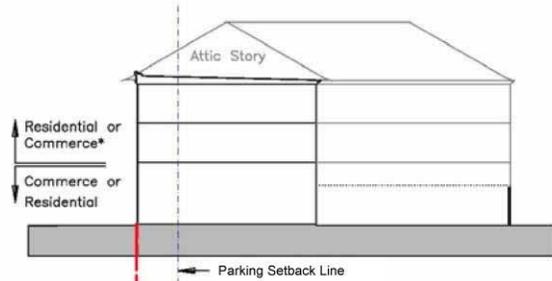
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Marquette Waterfront - General 3

ELEMENTS



USE



FENESTRATION

1. Blank lengths of wall exceeding 20 linear feet are prohibited on all REQUIRED BUILDING LINES (RBL).
2. FENESTRATION on the ground story FACADES shall comprise at least 30%, but not more than ninety 90%, of the FACADE (measured as a percentage of the FACADE between floor levels).
3. FENESTRATION on the upper STORY FACADES shall comprise at least 20%, but no more than 60%, of the FACADE area per STORY (measured as a percentage of the FACADE between floor levels).

Building Projections

1. Balconies and STOOPS shall not project closer than 5 feet to a COMMON LOT LINE.
2. No part of any building, except overhanging EAVES, awnings, balconies, bay windows, STOOPS, porches, and shopfronts as specified by the code, shall encroach beyond the REQUIRED BUILDING LINE.
3. Awnings shall project a minimum of 6 feet and a maximum of within 1 foot of back of curb (where there are no STREET TREES) or 1 foot into the tree lawn (where there are STREET TREES.)
4. Awnings that project over the sidewalk portion of a STREET-SPACE shall maintain a clear height of at least 10 feet.
5. Awnings may have supporting posts at their outer edge provided that they:
6. Have a minimum of 8 feet clear width between the FACADE and the support posts or columns of the awnings.

7. Provide for a continuous public access easement at least 4 feet wide running adjacent and parallel to the awning columns/posts.

Doors/Entries

1. At least one functioning entry door(s) shall be provided along the GROUND STORY FACADE of each building and at intervals not greater than 60 linear feet.
2. Doors shall not swing out past the RBL.

Roofs

Where the roof is not hidden from the adjacent STREET-SPACE by a PARAPET wall, its pitch shall be between 4:12 and 12:12.

GROUND STORY

The GROUND STORY shall house COMMERCE or RESIDENTIAL uses. See height specifications above for specific requirements unique to each use.

Upper STORIES

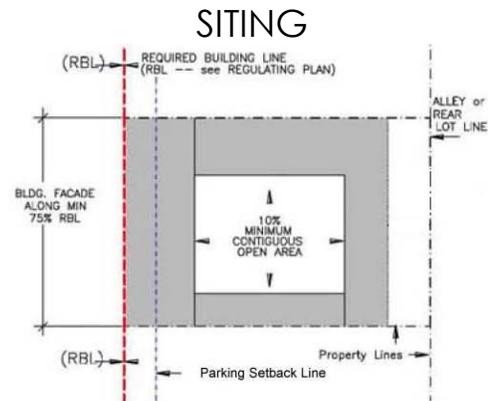
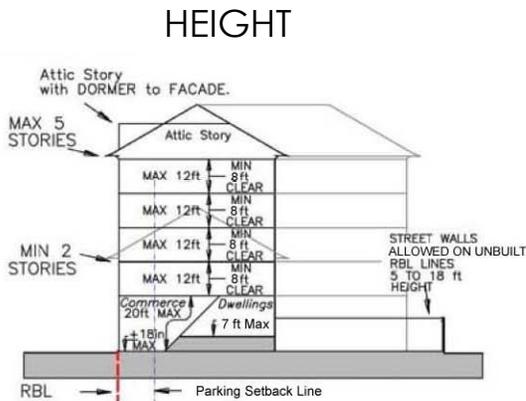
1. The upper STORIES shall house RESIDENTIAL or COMMERCE uses. No retail sales uses shall be allowed in upper STORIES unless they are second STORY extensions equal to or less than the area of the GROUND STORY use.
2. No COMMERCE use is permitted above a RESIDENTIAL use.
3. Additional habitable space is permitted within the roof where the roof is configured as an ATTIC STORY.
4. Additional habitable space is permitted within a TOWER STORY.

Permitted Uses

RESIDENTIAL, COMMERCE, and LIGHT MANUFACTURING uses as defined by this code.

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Marquette Waterfront - General 5



Building Height

1. The height of the building is measured in STORIES.
2. Each principal building shall be at least 2 STORIES in height, but no greater than 5 STORIES in height, except as otherwise provided on the REGULATING PLAN.
3. An ATTIC STORY shall not count against the maximum STORY HEIGHT.
4. An additional TOWER STORY is allowed above the maximum building STORY height, within the following parameters:
 - A. The footprint of the tower shall not exceed 400 square feet.
 - B. No horizontal FAÇADE dimension of the tower shall exceed 20 feet.
 - C. STORY HEIGHTS are the same as those for Upper Stories (see below.)
 - D. No ATTIC STORY is permitted above a TOWER STORY.

Parking Structure Height

Where a parking structure is within 40 feet of any principal building (built after 2007) that portion of the structure shall not exceed the building's eave or PARAPET HEIGHT.

GROUND STORY Height: COMMERCE Uses

1. The average GROUND STORY finished floor elevation shall be equal to, or greater than the exterior sidewalk elevation in front of the building, to a maximum finished floor elevation of 18 inches above the sidewalk.
2. The GROUND STORY shall have at least 10 feet of clear interior height (floor to ceiling) contiguous to the REQUIRED BUILDING LINE frontage for a minimum depth of at least 25 feet, except for parking structures.
3. The maximum STORY HEIGHT for the GROUND STORY is 20 feet.

GROUND STORY HEIGHT: RESIDENTIAL Units

1. The average finished floor elevation shall be no more than 7 feet above the exterior

sidewalk elevation at the REQUIRED BUILDING LINE.

2. The first STORY shall have an interior clear height (floor to ceiling) of at least 8 feet and a maximum floor to ceiling STORY HEIGHT of 12 feet.

ALLEYS

There is no required setback from ALLEYS.

Corner Lots

Corner lots shall satisfy the code requirements for the full RBL length – unless otherwise specified in this code.

Unbuilt REQUIRED BUILDING LINE and COMMON LOT LINE Treatment

1. A STREET WALL no greater than 18 feet in height may be constructed along any RBL frontage that is not otherwise occupied by a building. The STREET WALL shall be located not more than 8 inches behind the REQUIRED BUILDING LINE.
2. A vehicle entry gate no wider than 18 feet or a pedestrian entry gate no wider than 5 feet shall be permitted within any required STREET WALL.
3. PRIVACY FENCES may be constructed along that portion of a COMMON LOT LINE not otherwise occupied by a building.
4. DECORATIVE FENCES of not more than 4 feet in height with not more than 50% of the fence area comprised of solid matter or closed construction, may be constructed along that portion of a common lot line not otherwise occupied by a building.

Upper STORY HEIGHT

1. The maximum floor to ceiling STORY HEIGHT for STORIES other than the GROUND STORY is 12 feet.
2. At least 80% of each upper story shall have an interior clear height (floor to ceiling) of at least 8 feet.

Marquette Downtown Waterfront Form-Based Code Handbook

Mezzanines

Mezzanines having a floor area greater than 1/3 of the floor area of the STORY in which the mezzanine is situated shall be counted as full STORIES.

Street FAÇADE

1. On each lot the building FAÇADE shall be built to the REQUIRED BUILDING LINE for at least 75% of the REQUIRED BUILDING LINE (RBL) length.
2. The building FAÇADE shall be built to RBL within 30 feet of a BLOCK CORNER. The ground floor FAÇADE, within 7 feet of the BLOCK CORNER may be chamfered to form a corner entry.
3. These portions of the building FAÇADE (the required minimum build-to) may include jogs of not more than 18 inches in depth except as otherwise provided to allow bay windows, shopfronts, and balconies.

BUILDABLE AREA

1. Buildings may occupy the portion of the lot specified by these BUILDING FORM STANDARDS.
2. A contiguous OPEN AREA equal to at least 10% of the total BUILDABLE AREA shall be preserved on every lot. Such contiguous OPEN AREA may

be located anywhere behind the PARKING SETBACK, at or above grade.

3. No part of any building, except overhanging EAVES, awnings, or balconies shall occupy the remaining lot area.

Side Lot Setbacks

There are no side lot setbacks.

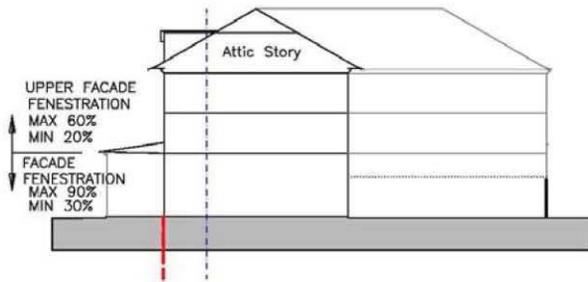
Garage and Parking

1. GARAGE ENTRIES or driveways shall be located at least 50 feet away from any BLOCK CORNER or another GARAGE ENTRY on the same BLOCK, unless otherwise designated on the REGULATING PLAN.
2. GARAGE ENTRIES shall have neither a clear height greater than 16 feet nor a clear width exceeding 24 feet.
3. Vehicle parking areas on private property shall be located behind the PARKING SETBACK LINE, except where parking is provided: 1) inside or below the building; or 2) behind a masonry wall that is at most three feet behind the REQUIRED BUILDING LINE and is between three and four feet in height.
4. These requirements are not applicable to on-street parking.

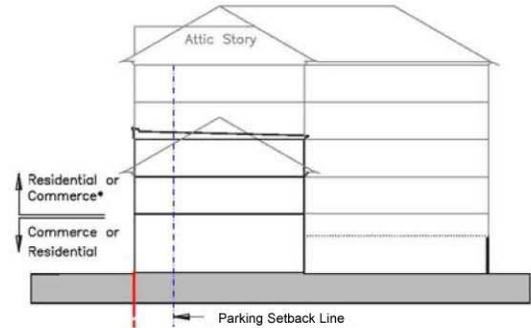
Marquette Downtown Waterfront Form-Based Code Handbook

Marquette Waterfront - General 5

ELEMENTS



USE



FENESTRATION

1. Blank lengths of wall exceeding 20 linear feet are prohibited on all REQUIRED BUILDING LINES (RBL).
2. FENESTRATION on the GROUND STORY FACADES shall comprise at least 30%, but not more than 90%, of the FACADE (measured as a percentage of the FACADE between floor levels).
3. FENESTRATION on the upper story FACADES shall comprise at least 20%, but no more than 60%, of the FACADE area per STORY (measured as a percentage of the FACADE between floor levels).

Building Projections

1. Balconies and STOOPS shall not project closer than 5 feet to a COMMON LOT LINE.
2. No part of any building, except overhanging EAVES, awnings, balconies, bay windows, STOOPS, and shopfronts as specified by the code, shall encroach beyond the REQUIRED BUILDING LINE.
3. Awnings shall project a minimum of 6 feet and a maximum of within 1 foot of back of curb (where there are no STREET TREES) or 1 foot into the tree lawn (where there are STREET TREES.)
4. Awnings that project over the sidewalk portion of a STREET-SPACE shall maintain a clear height of at least 10 feet.
5. Awnings may have supporting posts at their outer edge provided that they:
 - A. Have a minimum of 8 feet clear width between the FACADE and the support posts or columns of the awnings.

- B. Provide for continuous public access at least 4 feet wide running adjacent and parallel with the awning columns/posts.

Doors/Entries

1. At least one functioning entry door(s) shall be provided along the GROUND STORY FACADE of each building and at intervals not greater than 60 linear feet.
2. Doors shall not swing out past the RBL.

Roofs

Where the roof is not hidden from the adjacent STREET-SPACE by a PARAPET wall, its pitch shall be between 4:12 and 12:12.

GROUND STORY

The GROUND STORY shall house COMMERCE or RESIDENTIAL uses. See height specifications above for specific requirements unique to each use.

Upper Stories

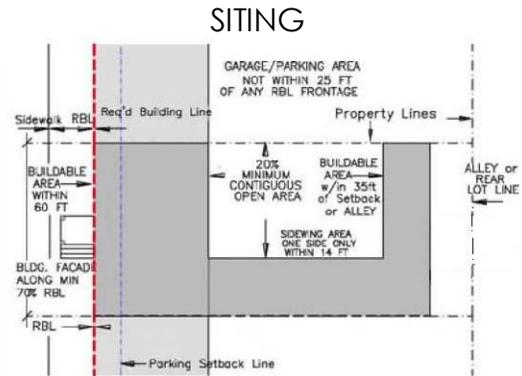
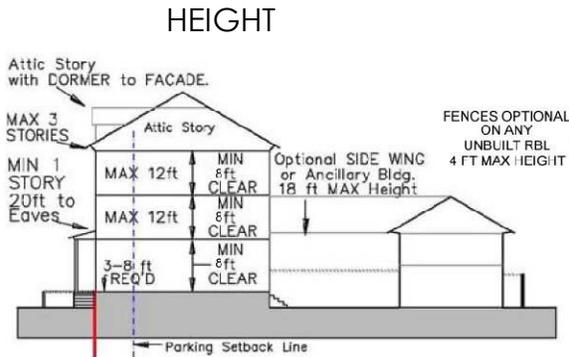
1. The upper STORIES shall house RESIDENTIAL or COMMERCE uses. No retail sales uses shall be allowed in upper STORIES unless they are second STORY extensions equal to or less than the area of the GROUND STORY use.
2. No COMMERCE use is permitted above a RESIDENTIAL use.
3. Additional habitable space is permitted within the roof where the roof is configured as an ATTIC STORY.
4. Additional habitable space is permitted within a TOWER STORY.

Permitted Uses

RESIDENTIAL, COMMERCE, and LIGHT MANUFACTURING uses as defined by this code.

Marquette Downtown Waterfront Form-Based Code Handbook

Marquette Waterfront – North Lakeshore Frontages



Building Height

1. The height of the principal building is measured in STORIES.
2. Each principal building shall be at least 1 STORY in height, but no greater than 3 STORIES in height, except as otherwise provided on the REGULATING PLAN.
3. An ATTIC STORY shall not count against the maximum STORY HEIGHT.
4. An additional TOWER STORY is allowed above the maximum building STORY height, within the following parameters:
 - A. The footprint of the tower shall not exceed 250 feet.
 - B. No horizontal FAÇADE dimension of the tower shall exceed 20 feet.
 - C. The minimum and maximum STORY HEIGHTS are the same as those for Upper STORIES (see below.)
 - D. No ATTIC STORY is permitted above a TOWER STORY.

Parking Structure Height

Where a parking structure is within 40 feet of any principal building (built after 2007) that portion of the structure shall not exceed the building's EAVE or PARAPET HEIGHT.

GROUND STORY Height

1. The average finished floor elevation shall be no more than 8 feet above the exterior sidewalk elevation at the REQUIRED BUILDING LINE.
2. The first STORY shall have an interior clear height (floor to ceiling) of at least 8 feet and a maximum floor to ceiling STORY HEIGHT of 12 feet.

Upper STORY HEIGHT

1. The maximum floor to ceiling STORY HEIGHT for stories other than the GROUND STORY is 12 feet.
2. At least 80% of each upper STORY shall have an interior clear height (floor to ceiling) of at least 8 feet.

Street FAÇADE

1. On each lot the building FAÇADE shall be built to the REQUIRED BUILDING LINE for at least 70% of the REQUIRED BUILDING LINE (RBL) length.
2. The building FAÇADE shall be built to RBL within 30 feet of a BLOCK CORNER. The ground floor FAÇADE,

- within 7 feet of the BLOCK CORNER may be chamfered to form a corner entry.
3. These portions of the building FAÇADE (the required minimum build-to) may include jogs of not more than 18 inches in depth except as otherwise provided to allow bay windows, shopfronts, and balconies.

BUILDABLE AREA

1. Buildings may occupy the portion of the lot specified by these BUILDING FORM STANDARDS.
2. A contiguous OPEN AREA equal to at least 20% of the total BUILDABLE AREA shall be preserved on every lot. Such contiguous OPEN AREA may be located anywhere behind the PARKING SETBACK, at grade.
3. No part of any building, except overhanging EAVES or balconies shall occupy the remaining lot area.

Side Lot Setbacks

There are no required side lot setbacks.

Garage and Parking

1. GARAGE ENTRIES or driveways fronting an RBL shall be located at least 50 feet away from any BLOCK CORNER or another GARAGE ENTRY on the same block, unless otherwise designated on the REGULATING PLAN.
2. GARAGE ENTRIES shall have neither a clear height greater than 9 feet nor a clear width exceeding 24 feet.
3. Vehicle parking areas on private property shall be located behind the PARKING SETBACK LINE.
4. These requirements are not applicable to on-street parking.

ALLEYS

There is no required setback from ALLEYS.

Corner Lots

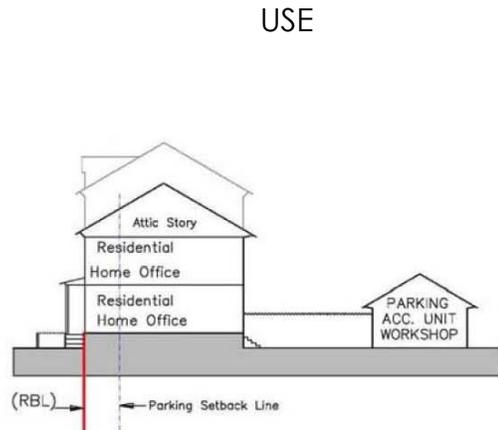
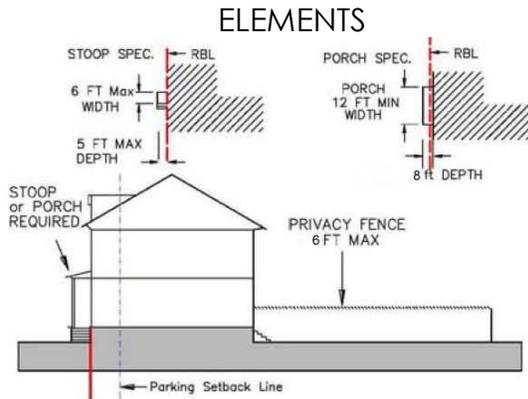
Corner lots shall satisfy the code requirements for the full RBL length – unless otherwise specified in this code.

Unbuilt REQUIRED BUILDING LINE and COMMON LOT LINE Treatment

1. PRIVACY FENCES may be constructed along that portion of a common lot line not occupied by a building.
2. DECORATIVE FENCES of not more than 4 feet in height with not more than 50% of the fence area comprised of solid matter or closed construction, may be constructed along that portion of the RBL not otherwise occupied by a building.

Marquette Downtown Waterfront Form-Based Code Handbook

Marquette Waterfront – North Lakeshore Frontages



FENESTRATION

1. Blank lengths of wall exceeding 30 linear feet are prohibited on all REQUIRED BUILDING LINES (RBL).
2. FENESTRATION on all FACADES shall comprise at least 20%, but not more than 75%, of the FACADE (measured as a percentage of the FACADE between floor levels).

Building Projections

1. Balconies and STOOPS shall not project closer than 5 feet to a COMMON LOT LINE.
2. Each lot/unit may include a STOOP of not more than 5 feet deep and 6 feet wide (plus steps) or a front PORCH, not more than 8 feet deep with a width not less than 12 feet.
3. No part of any building, except overhanging EAVES, balconies, BAY WINDOWS, PORCHES, and STOOPS as specified by the code, shall encroach beyond the REQUIRED BUILDING LINE.

Doors/Entries

At least one functioning entry door(s) shall be provided along the GROUND STORY FACADE of each building and at intervals not greater than 75 linear feet.

Roofs

Where the roof is not hidden from the adjacent STREET-SPACE by a PARAPET wall, its pitch shall be between 4:12 and 12:12.

GROUND STORY

The GROUND STORY shall house RESIDENTIAL uses.

Upper STORIES

1. The upper stories shall house RESIDENTIAL uses.
2. Additional habitable space is permitted within the roof where the roof is configured as an ATTIC STORY.
3. Additional habitable space is permitted within a TOWER STORY.

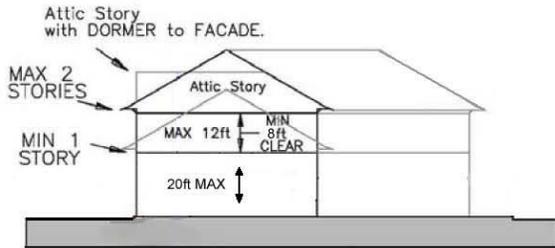
Permitted Uses

RESIDENTIAL uses as defined by this code.

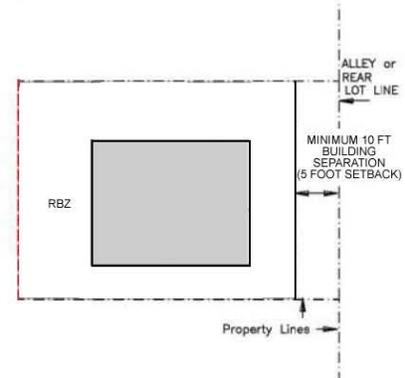
Marquette Downtown Waterfront Form-Based Code Handbook

Marquette Waterfront – Working Waterfront Zone

HEIGHT



SITING



Building Height

1. The height of the building is measured in STORIES.
2. Each principal building shall be at least 1 STORY in height, but no greater than 2 STORIES in height, except as otherwise provided on the REGULATING PLAN.
3. An ATTIC STORY shall not count against the maximum STORY HEIGHT.
4. An additional TOWER STORY is allowed above the maximum building STORY HEIGHT, within the following parameters:
 - A. The footprint of the tower shall not exceed 300 square feet.
 - B. No horizontal FAÇADE dimension of the tower shall exceed 20 feet.
 - C. STORY HEIGHTS are the same as those for Upper STORIES (see below.)
 - D. No ATTIC STORY is permitted above a TOWER STORY.

GROUND STORY HEIGHT

The maximum STORY HEIGHT for the GROUND STORY is 20 feet, except for marine service buildings which shall be limited to a maximum story height of 35 feet.

Upper STORY Height

1. The maximum floor-to-ceiling STORY HEIGHT for STORIES other than the GROUND STORY is 12 feet.
2. At least 80% of each upper STORY shall have an interior clear height (floor to ceiling) of at least 8 feet.

Mezzanines

Mezzanines having a floor area greater than 1/3 of the floor area of the STORY in which the mezzanine is situated shall be counted as full STORIES.

BUILDABLE AREA

Buildings may occupy any portion of the lot that lies within the REQUIRED BUILDING ZONE.—

Building Separation

There shall be a minimum setback of 10 feet between any structures (measured from any building projections).

Garage and Parking

1. GARAGE ENTRIES or driveways shall be located at least 50 feet away from any BLOCK CORNER or 50 feet from another garage entry on the same BLOCK, unless otherwise designated on the REGULATING PLAN.
2. GARAGE ENTRIES shall have neither a clear height greater than 16 feet nor a clear width exceeding 24 feet.
3. These requirements are not applicable to on-street parking.

ALLEYS

There is no required setback from ALLEYS.

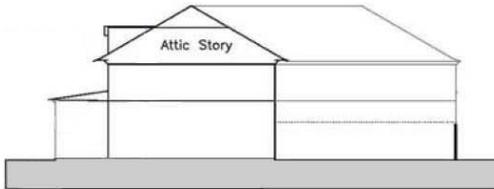
Unbuilt REQUIRED BUILDING LINE and COMMON LOT LINE Treatment

1. DECORATIVE FENCES of not more than 4 feet in height with not more than 50% of the fence area comprised of solid matter or closed construction, may be constructed along that portion of a common lot line not otherwise occupied by a building.

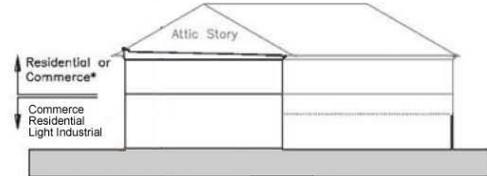
Marquette Downtown Waterfront Form-Based Code Handbook

Marquette Waterfront – Working Waterfront Zone

ELEMENTS



USE



FENESTRATION

Blank lengths of wall exceeding 20 linear feet are prohibited within the REQUIRED BUILDING ZONE.

Building Projections

1. Balconies and STOOPS shall not project closer than 5 feet to a COMMON LOT LINE.
2. No part of any building, except overhanging EAVES, awnings, balconies, bay windows, STOOPS, and shopfronts as specified by the code, shall encroach beyond the public right of way.
3. Awnings for buildings fronting on a public right of way or sidewalk may project a minimum of 6 feet and a maximum of within 1 foot of back of curb (where there are no STREET TREES) or 1 foot into the tree lawn (where there are STREET TREES.)
4. Awnings that project over the sidewalk portion of a STREET-SPACE shall maintain a clear height of at least 10 feet.
5. Awnings may have supporting posts at their outer edge provided that they:
 - A. Have a minimum of 8 feet clear width between the FACADE and the support posts or columns of the awnings.
 - B. Provide for continuous public access at least 4 feet wide running adjacent and parallel with the awning columns/posts.

Building Materials

Non-Glossy/Non-Reflective Metal may be used on the outside of structures in order to compliment or replicate the character of existing structures.

Doors/Entries

1. At least one functioning entry door(s) shall be provided along the GROUND STORY FACADE of each building and at intervals not greater than 75 linear feet.
2. Doors shall not swing out past a public right of way.

GROUND STORY

The GROUND STORY shall house COMMERCE, RESIDENTIAL, OR LIGHT INDUSTRIAL uses. See height specifications above for specific requirements unique to each use.

Upper STORIES

1. The upper STORIES shall house RESIDENTIAL OR COMMERCE USES. No retail sales uses shall be allowed in upper STORIES unless they are second STORY extensions equal to or less than the area of the GROUND STORY use.
2. No COMMERCE USE is permitted above a residential use.
3. Additional habitable space is permitted within the roof where the roof is configured as an ATTIC STORY.
4. Additional habitable space is permitted within a TOWER STORY.

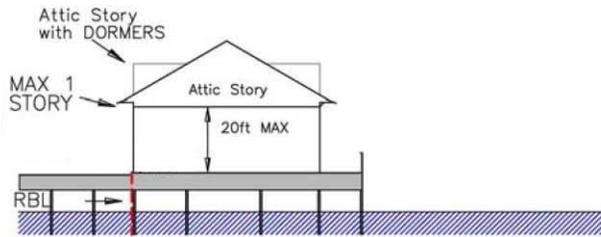
Permitted Uses

RESIDENTIAL, COMMERCE, AND LIGHT INDUSTRIAL USES as defined by this code.

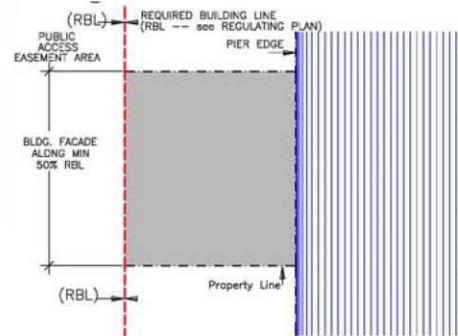
Marquette Downtown Waterfront Form-Based Code Handbook

Marquette Waterfront – Workshop Flex

HEIGHT



SITING



Building Height

1. The height of the building is measured in STORIES.
2. Buildings shall be no greater than 1 STORY or 20 feet, measured to the EAVE or top of parapet, except as otherwise provided on the REGULATING PLAN.
3. An ATTIC STORY shall not be counted towards the building height.

STORY HEIGHT

The maximum STORY HEIGHT for the GROUND STORY is 20 feet.

Mezzanines

Mezzanines having a floor area greater than 1/3 of the floor area of the STORY in which the mezzanine is situated shall be counted as full STORIES.

Street FAÇADE

On each lot the building FAÇADE shall be built to the REQUIRED BUILDING LINE (RBL) for at least 50% of the RBL length.

BUILDABLE AREA

1. Buildings may occupy the portion of the lot specified by these BUILDING FORM STANDARDS.
2. No individual building footprint shall exceed 2000 square feet.
3. No part of any building, except overhanging EAVES, awnings, or balconies shall occupy the remaining lot area.

Side Lot Setbacks

1. Each building shall be set back at least 5 feet from a COMMON LOT LINE.
2. Side lots shall not be used for parking.

Parking

There shall be no minimum vehicle parking requirements for WORKSHOP FLEX sites.

Corner Lots

Corner lots shall satisfy the code requirements for their full RBL length – unless otherwise specified in this code.

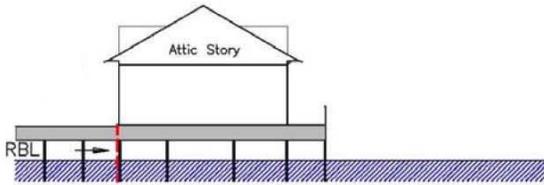
COMMON LOT LINE Treatment

PRIVACY FENCES may be constructed along that portion of a COMMON LOT LINE not otherwise occupied by a building.

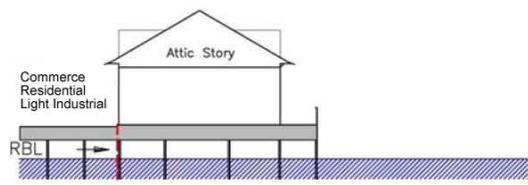
Marquette Downtown Waterfront Form-Based Code Handbook

Marquette Waterfront – Workshop Flex

ELEMENTS



USE



FENESTRATION

Blank lengths of wall exceeding 20 linear feet are prohibited on all REQUIRED BUILDING LINES (RBL).

Building Projections

1. No part of any building, except overhanging EAVES, awnings, balconies, bay windows, STOOPS, and shopfronts as specified by the code, shall encroach beyond the REQUIRED BUILDING LINE.
2. Awnings that project over the sidewalk portion of a STREET-SPACE shall maintain a clear height of at least 10 feet.

Building Materials

Non-Glossy/Non-Reflective Metal may be used on the outside of structures in order to compliment or replicate the character of existing structures.

Doors/Entries

1. At least one functioning entry door(s) shall be provided along the GROUND STORY FACADE of each building.
2. Doors shall not swing out past the RBL.

GROUND STORY

The GROUND STORY shall house COMMERCE or LIGHT INDUSTRIAL uses only.

Upper Stories

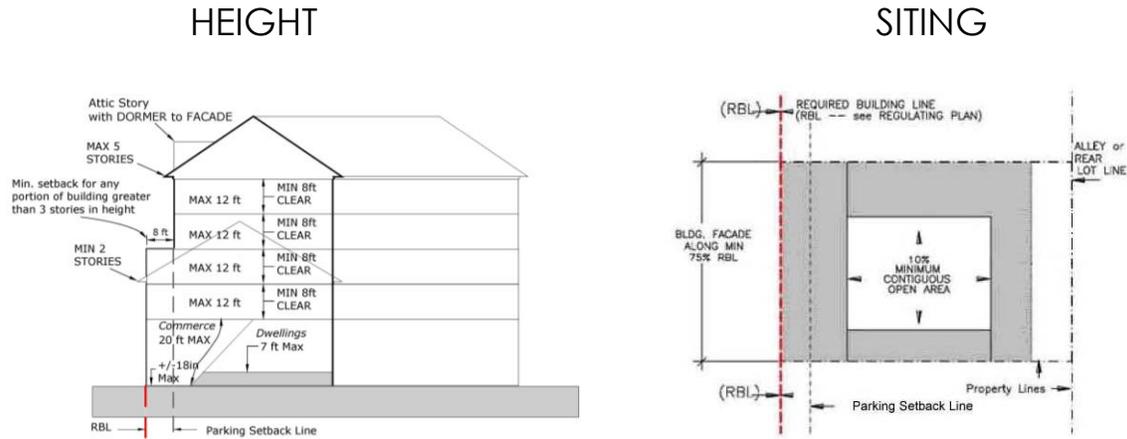
Additional habitable space is permitted within the roof where the roof is configured as an ATTIC STORY.

Permitted Uses

COMMERCE, LIGHT INDUSTRIAL, and RESIDENTIAL uses as defined by this code.

Marquette Downtown Waterfront Form-Based Code Handbook

Marquette Waterfront - Founders 5



Building Height

1. Measurement of the height of a building (as described below), whether in feet or in STORIES, shall be taken from the centerline of Lakeshore Boulevard.
2. Each principal building shall be at least 2 STORIES in height, but no greater than 5 STORIES in height, except as otherwise provided on the REGULATING PLAN or in the BUILDING FORM STANDARDS.
3. Any portion of a building which lies between the REQUIRED BUILDING LINE and PARKING SETBACK LINE shall be no greater than 3 STORIES in height.
4. An ATTIC STORY shall not count against the maximum STORY HEIGHT.
5. An additional TOWER STORY is allowed above the maximum building STORY height, within the following parameters:
 - A. The footprint of the tower shall not exceed 400 square feet.
 - B. No horizontal FAÇADE dimension of the tower shall exceed 20 feet.
 - C. STORY HEIGHTS are the same as those for Upper Stories (see below.)
 - D. No ATTIC STORY is permitted above a TOWER STORY.
6. The maximum building height for all structures (including ATTIC and TOWER STORIES) shall be no more than 80 feet.

Parking Structure Height

Where a parking structure is within 40 feet of any principal building (built after 2007) that portion of the structure shall not exceed the building's eave or PARAPET HEIGHT.

GROUND STORY Height: COMMERCE Uses

1. The average GROUND STORY finished floor elevation shall be equal to, or greater than, the exterior sidewalk elevation in front of the building, to a maximum finished floor

- elevation of 18 inches above the sidewalk.
2. The GROUND STORY shall have at least 10 feet of clear interior height (floor to ceiling) contiguous to the REQUIRED BUILDING LINE frontage for a minimum depth of at least 25 feet, except for parking structures.
3. The maximum STORY HEIGHT for the GROUND STORY is 20 feet.

GROUND STORY HEIGHT: RESIDENTIAL Units

1. The average finished floor elevation shall be no more than 7 feet above the exterior sidewalk elevation at the REQUIRED BUILDING LINE.
2. The first STORY shall have an interior clear height (floor to ceiling) of at least 8 feet and a maximum floor to ceiling STORY HEIGHT of 12 feet.

ALLEYS

There is no required setback from ALLEYS.

Corner Lots

Corner lots shall satisfy the code requirements for the full RBL length – unless otherwise specified in this code.

Unbuilt REQUIRED BUILDING LINE and COMMON LOT LINE Treatment

DECORATIVE FENCES of not more than 4 feet in height with no more than 50% of the fence area comprised of solid matter or closed construction, may be constructed along that portion of a common lot line not occupied by a building or along that portion of the property line where a building is not required.

Upper STORY HEIGHT

1. The maximum floor to ceiling STORY HEIGHT for STORIES other than the GROUND STORY is 12 feet.
2. At least 80% of each upper story shall have an interior clear height (floor to ceiling) of at least 8 feet.

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Mezzanines

Mezzanines having a floor area greater than 1/3 of the floor area of the STORY in which the mezzanine is situated shall be counted as full STORIES.

Street FAÇADE

1. On each lot the building FAÇADE shall be built to the REQUIRED BUILDING LINE for at least 50% of the REQUIRED BUILDING LINE (RBL) length.
2. The building FAÇADE shall be built to RBL within 30 feet of a BLOCK CORNER. The ground floor FAÇADE, within 7 feet of the BLOCK CORNER may be chamfered to form a corner entry.
3. These portions of the building FAÇADE (the required minimum build-to) may include jogs of not more than 18 inches in depth except as otherwise provided to allow bay windows, shopfronts, and balconies.

BUILDABLE AREA

1. Buildings may occupy the portion of the lot specified by these BUILDING FORM STANDARDS.
2. A contiguous OPEN AREA equal to at least 10% of the total BUILDABLE AREA shall be preserved on every lot. Such contiguous OPEN AREA may

be located anywhere behind the PARKING SETBACK, at or above grade.

3. No part of any building, except overhanging EAVES, awnings, or balconies shall occupy the remaining lot area.

Side Lot Setbacks

There are no side lot setbacks.

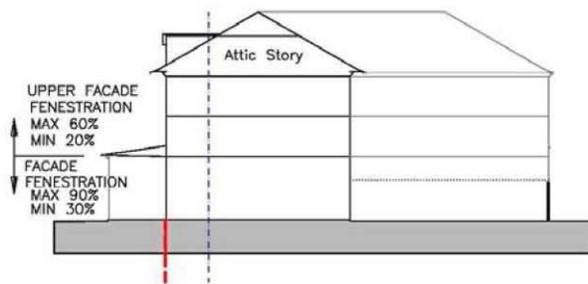
Garage and Parking

1. GARAGE ENTRIES or driveways shall be located at least 50 feet away from any BLOCK CORNER or another GARAGE ENTRY on the same BLOCK, unless otherwise designated on the REGULATING PLAN.
2. GARAGE ENTRIES shall have neither a clear height greater than 16 feet nor a clear width exceeding 24 feet.
3. Vehicle parking areas on private property shall be located behind the PARKING SETBACK LINE, except where parking is provided: 1) inside or below the building; or 2) behind a masonry wall that is at most three feet behind the REQUIRED BUILDING LINE and is between three and four feet in height.
4. These requirements are not applicable to on-street parking.

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Marquette Waterfront – Founders 5

ELEMENTS



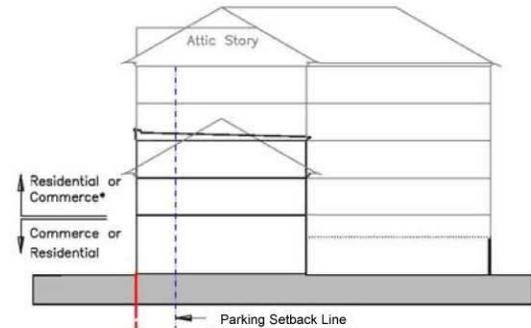
FENESTRATION

1. Blank lengths of wall exceeding 20 linear feet are prohibited on all REQUIRED BUILDING LINES (RBL).
2. FENESTRATION on the GROUND STORY FACADES shall comprise at least 30%, but not more than 90%, of the FACADE (measured as a percentage of the FACADE between floor levels).
3. FENESTRATION on the upper story FACADES shall comprise at least 20%, but no more than 60%, of the FACADE area per STORY (measured as a percentage of the FACADE between floor levels).

Building Projections

1. Balconies and STOOPS shall not project closer than 5 feet to a COMMON LOT LINE.
2. No part of any building, except overhanging EAVES, awnings, balconies, bay windows, STOOPS, and shopfronts as specified by the code, shall encroach beyond the REQUIRED BUILDING LINE.
3. Awnings shall project a minimum of 6 feet and a maximum of within 1 foot of back of curb (where there are no STREET TREES) or 1 foot into the tree lawn (where there are STREET TREES.)
4. Awnings that project over the sidewalk portion of a STREET-SPACE shall maintain a clear height of at least 10 feet.
5. Awnings may have supporting posts at their outer edge provided that they:
 - A. Have a minimum of 8 feet clear width between the FACADE and the support posts or columns of the awnings.
 - B. Provide for continuous public access at least 4 feet wide running adjacent and parallel with the awning columns/posts.

USE



Doors/Entries

1. At least one functioning entry door(s) shall be provided along the GROUND STORY FACADE of each building and at intervals not greater than 60 linear feet.
2. Doors shall not swing out past the RBL.

Roofs

Where the roof is not hidden from the adjacent STREET-SPACE by a PARAPET wall, its pitch shall be between 4:12 and 12:12.

GROUND STORY

The GROUND STORY shall house COMMERCE or RESIDENTIAL uses. See height specifications above for specific requirements unique to each use.

Upper Stories

1. The upper STORIES shall house RESIDENTIAL or COMMERCE uses. No retail sales uses shall be allowed in upper STORIES unless they are second STORY extensions equal to or less than the area of the GROUND STORY use.
2. No COMMERCE use is permitted above a RESIDENTIAL use.
3. Additional habitable space is permitted within the roof where the roof is configured as an ATTIC STORY.
4. Additional habitable space is permitted within a TOWER STORY.

Permitted Uses

1. RESIDENTIAL, COMMERCE, and LIGHT MANUFACTURING uses as defined by this code.
2. There shall be no outdoor storage of equipment or materials, or placement of any structures, in any area where a building is not permitted.

Marquette Downtown Waterfront Form-Based Code Handbook

4.0 Street-Space

Streets are a city's first and foremost public spaces and should therefore be just as carefully designed and planned for as any park or public building. The STREET-SPACE is that public domain between the building FACADES: the cartway or travel lanes between the curbs as well as the sidewalks; the public plazas as well as the urban parks and greens. The character of the STREET-SPACE—both its scale and its details—plays a significant role in determining the pedestrian quality of a given location. Streets must balance the needs of all forms of traffic—auto, bicycle and pedestrian—to maximize mobility and convenience for all the citizens of Marquette and all users of the *Downtown Waterfront District*.

4.1 General Principles

The *Street-Space Principles* define the coherence of the STREET-SPACE. They also serve to assist building owners and operators with understanding the relationship between the STREET-SPACE and their own lots. This Code requires that *Downtown Waterfront District* sites will be developed with buildings placed at the RBL, along the frontage of the lots they occupy. These principles also establish an environment that encourages and facilitates pedestrian activity. “Walkable” streets should be comfortable, efficient, safe, and interesting.

- A. The BUILDING FORM STANDARDS provide the framework in which the STREET-SPACE occurs.
 1. The RBL frontages shape the STREET-SPACE.
 2. The required building *elements* will provide active building/shopfronts.

- B. STREET TREES provide both form (canopy) and comfort (shade) to the STREET-SPACE. Native trees and plants contribute to the reduction of air and noise pollution, maintenance of natural habitat, the conservation of water, and rainwater management.
 1. STREET TREES give special character and coherence to each STREET-SPACE through their regular spacing (along the street tree alignment line) and species selection (see *Waterfront District Street Tree List* on p. 24.) Therefore, *species should be planted consistently along a given street-space. Provide species diversity by planting different streets with different trees.*
 2. Tree planting areas should be at grade (no raised or curbed planters) and maximize soil area to encourage healthy growth.
 3. STREET TREES must be maintained – watered regularly and “limbed up” as they gain appropriate maturity so as to not interfere with pedestrian or truck travel (minimum 7 feet clear over the sidewalk and 14 feet over the travel lanes of the street).
 4. Streetscape furniture (street lights, benches, bicycle racks, etc.) should contribute to the coherence and form of the street-space through its placement along the street tree alignment line.

- C. Sidewalks provide both access to the fronts of buildings and passage for pedestrians along the block.
 1. Sidewalk width should accommodate heavy pedestrian traffic, with a minimum of 5 feet clear space unless otherwise specified.
 2. Clear pedestrian passage – not blocked by light poles, raised planters, café tables – is required.

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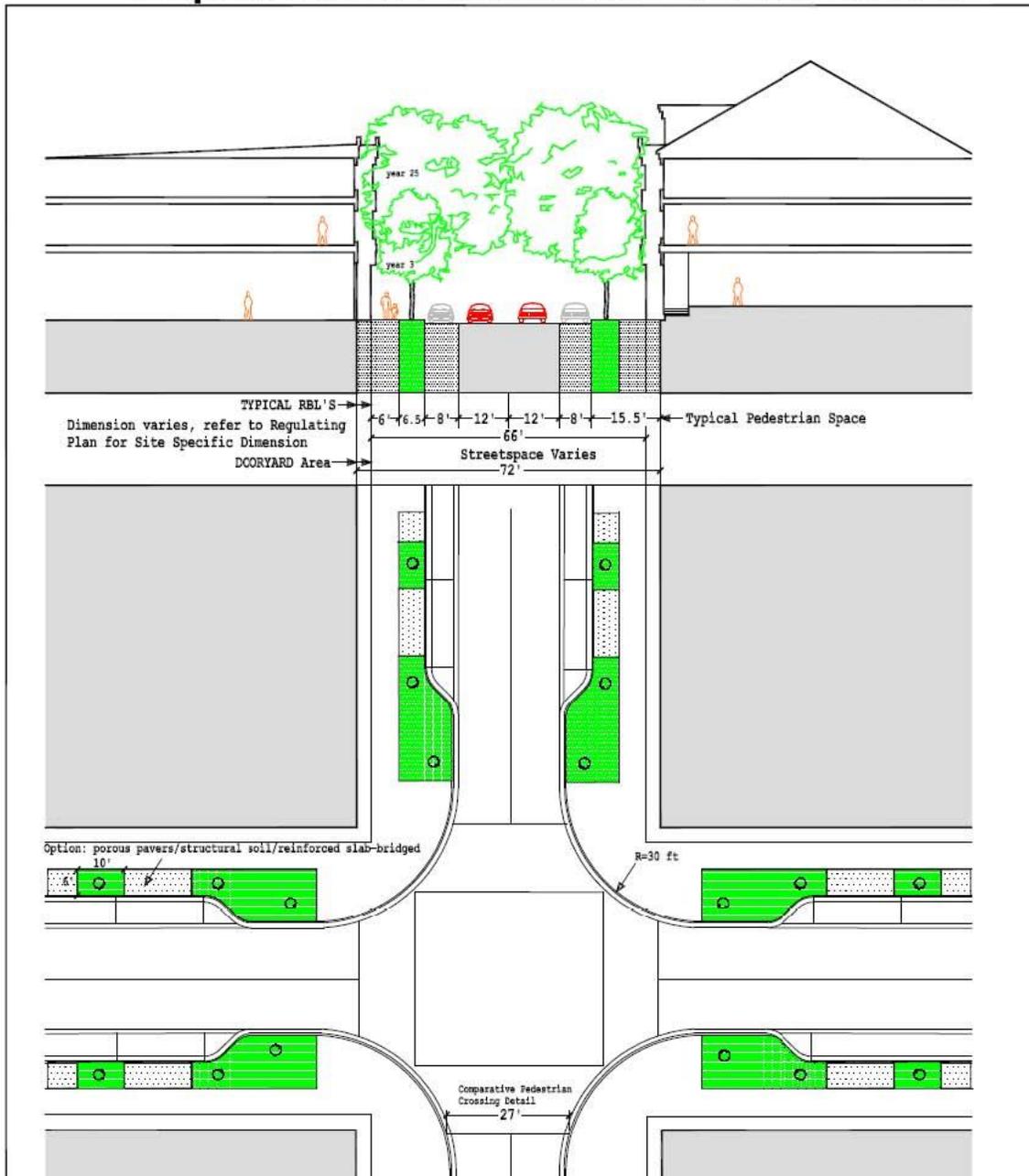
3. Dooryards provide a flexible space for periodic displays, cafes, or additional *urban* plantings such as flower boxes, as well as space for doors to swing open – all without impeding traffic.
- D. On-Street Parking is a fundamental component of a mixed-use district.
1. It increases pedestrian comfort by providing a buffer between the pedestrian and the moving traffic.
 2. It supports retail and provides visitor parking for residences.
- E. Mechanical and electrical equipment including, but not limited to, air compressors, pumps, exterior water heaters, water softeners, private garbage cans (not including public sidewalk waste bins), and storage tanks may not be stored or located within, or be visible from, any STREET-SPACE.

4.2 Street-Type Specifications

An illustrative street specification for a typical pedestrian-friendly mixed-use street appears on the following page. (p. 23). The specifications address vehicular traffic lane widths, curb radii, sidewalk and tree planting area dimensions, and on-street parking configurations. The street section also provides a comparative pedestrian crossing distance as a gauge of pedestrian comfort.

These specifications provide a basic template for streets in the *Waterfront District*. Because the existing and proposed rights-of-way (ROW) vary, the *Specification* provides for both greater and lesser widths. For ROW widths greater than 66 feet, extra dimension should be given to the pedestrian areas; where the ROW is less, the *Specification* (and the STREET-SPACE Principles above) lists recommended minimums for pedestrian areas and other parts of the STREET-SPACE.

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New Waterfront District Streets

STREETSCAPE: Varies, 53 to >66 feet. Preferred Pedestrian Area width 15.5 ft. (0.5 foot curbhead, 6 foot tree planter, sidewalks 6 foot clear, 3 foot dooryard). Tree Planters: 6 X 6 feet exposed area, connected trench. Where variations in Streetspace occur: Extra dimension should be given to the pedestrian realm, for lesser dimensions retain minimums of 6 ft. sidewalk and 6 ft. tree planter.

Comparative Pedestrian Crossing Distance 27 feet (all dimensions to face of curb).

Note: These drawings are for illustrative purposes only. Refer to the Regulation Plan for the situation specific to your site.

4.3 Downtown Waterfront District Tree List

The following list contains all species approved for use in the *Downtown Waterfront District*. It contains native and acceptable adapted species. Other species may be used for planting within a lot. Invasive exotic species may not be used anywhere on lots or other areas within the *Downtown Waterfront District*. The use of alternate species may be permitted, if approved by the Planning Commission as provided in the Marquette City Zoning Ordinance.

4.3.1 Street Tree List

The following should be viewed as an open-ended species list for planting in sidewalk “cutouts” in the City of Marquette’s Waterfront District.

The urban environment is harsh. While this concrete, glass, and man-made “harshness” can be softened with the introduction of trees and other vegetation, these very conditions make growing urban trees difficult. The life span of city trees is often very short compared to that of their woodland counterparts. This, coupled with recent studies that indicate for every four city trees that die only one is replanted, points toward a need for aggressive, appropriate, and well maintained urban planting efforts.

The palette of appropriate street-side trees for the Marquette area is rather limited: the list of trees applicable for sidewalk “cutout” plantings is even more limited. Today, the argument is often made for focusing planting efforts on “native” trees. It’s easy to argue that a tree species which is naturally found in a region--and evolved there over a long period of time--is the logical choice for replanting in a given area. An urban environment, however, seldom exhibits the characteristics of the surrounding, natural habitat. There is nothing “natural” about trying to grow a tree next to a building, in compacted fill soils, on a six foot wide strip of land, located between a bituminous driving surface and a concrete sidewalk. A four foot square cutout in a sidewalk is even less “natural”.

In an effort to diversify the tree species found within the Waterfront District, and to establish trees with the greatest likelihood of both surviving and thriving, all suitable tree species--native and non-native--should be considered for use within the District. Criteria for determining “suitable” tree species include tree characteristics (growth rate, form), site characteristics (available above-ground space, exposure), along with exterior factors such as USDA hardiness zones, microclimates, and plant availability.

COLUMNAR NORWAY MAPLE
Acer platanoides ‘Columnare’

narrow upright form for tight above-ground spaces...susceptible to winter scald injuries

ARMSTRONG FREEMAN MAPLE
Acer freemanii ‘Armstrong’

narrow form, smooth grey bark...prone to poor branching angles

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SKYLINE HONEYLOCUST <i>Gleditsia triacanthos inermis</i> 'Skyline'	ascending branches, strong central leader, filtered shade...winter tip dieback possible
PRINCETON SENTRY GINKGO <i>Ginkgo biloba</i> 'Princeton Sentry'	narrow upright pyramid form, male only (no fruit)...slow recovery from transplant
IVORY SILK JAPANESE TREE LILAC <i>Syringa reticulata</i> 'Ivory Silk'	upright branching, creamy white flowers... small tree with low branching

4.3.2 Public Space Trees

Any tree species and cultivar applicable for planting in USDA Cold Hardiness Zone 5a (-15 to -20°F average coldest winter temperature) can be considered for planting within district public squares, civic greens, and parks, with the exception of the following prohibited species.

Prohibited Tree Species

All Willows (<i>Salix</i>)	Norway Maple ... very invasive, do not use near natural areas
All Poplars (<i>Populus</i>)	Blue Spruce ... too far from natural range, disease susceptible
All Ash (<i>Fraxinus</i>)	
Silver Maple ... brittle wood, heaving/invasive roots	

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5.0 Definitions

5.1 Purpose

The following terms are defined for the purpose of the Waterfront District Code. Terms not defined here may be defined elsewhere in the Marquette City Zoning Ordinance. In such case, the definition contained in the Marquette City Zoning Ordinance will be used. Certain terms in the Waterfront District Code are used in very specific ways, often excluding some of the meanings of common usage. Wherever a word is printed in SMALL CAPITAL LETTERS, it is being used as defined herein.

5.2 Defined Terms

ALLEY/ALLEY ACCESS EASEMENT: The public right-of-way or easement for public access, for vehicles and pedestrians within a BLOCK that provides access to the rear of buildings, vehicle parking (e.g., garages), utility meters, and recycling and garbage bins. Access through the BLOCK and to the rear of lots within the BLOCK is required. The specific configuration may include shared parking areas and other uses so long as reasonable service access is relatively unimpeded.

ATTIC STORY: Habitable space within a building situated within the structure of a pitched roof and above the uppermost regular STORY. ATTIC STORIES may have only DORMER windows on their RBL façade. ATTIC STORIES are permitted for all BFS sites and do not count against the maximum STORY limit of the BFS.

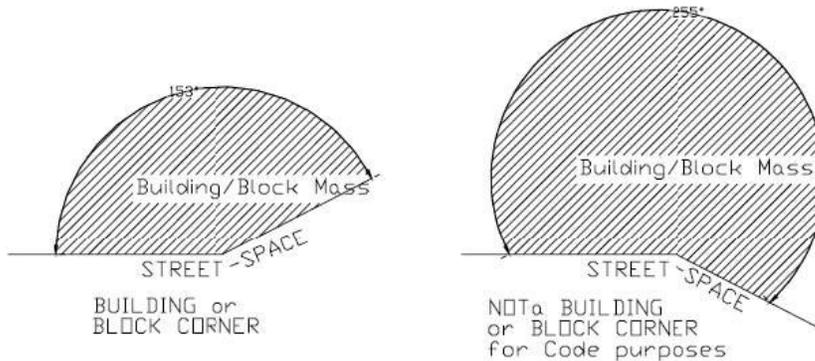
BLOCK: An increment of land comprised of lots, ALLEYS, and tracts circumscribed and not traversed by STREETS (ALLEYS, and PEDESTRIAN PATHWAYS excepted). BLOCKS shall be measured at the frontage lot lines (along the REQUIRED BUILDING LINE).

BLOCK CORNER: This refers to the outside corner of a BLOCK at the intersection of any two STREETS. Some of the requirements of the BUILDING FORM STANDARDS are specific to BLOCK CORNERS. Inside corners, where the resulting angle formed by the BLOCK face is less than 180 degrees (concave), are not considered BLOCK CORNERS for the purposes of this Code.

BUILDABLE AREA: The area of the lot that building(s) may occupy, which includes the entire area of the lot behind the RBL, exclusive of any setbacks. The BUILDABLE AREA sets the limits of the building footprint. Additions to structures must be within the designated area.

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BUILDING CORNER: This refers to the outside corner of a building where the primary building mass is within an angle less than 180 degrees. Some of the proscriptions of the BUILDING FORM STANDARD are specific to BUILDING CORNERS. Inside corners, where the exterior space of the building mass forms an angle of more than 180 degrees, are not considered BUILDING CORNERS for the purposes of this Code.



BUILDING FORM STANDARDS (BFS): The part of the Code that establishes basic parameters regulating building form, including the envelope, placement (in three dimensions) and certain permitted/required building elements, such as storefronts, BALCONIES, and STREET WALLS. The BUILDING FORM STANDARD establishes both the boundaries within which things may be done and specific things that must be done. The applicable BFS for a site is determined by its STREET FRONTAGE as per the REGULATING PLAN. This produces a coherent STREET-SPACE and allows the building greater latitude behind its street FACADE.

COMMERCE (See USE)

COMMON LOT LINES: Lot lines shared by adjacent private lots (See also REAR LOT LINES).

DECORATIVE FENCE: A fence of open construction that serves as a decorative landscape element. A fence that exhibits a decorative aspect across the entire face of the fence, through the use of multiple materials or other features that place an emphasis on the decorative character of the fence rather than the functional aspect of the fence to enclose or otherwise identify a space. Examples of DECORATIVE FENCES include, by example, picket fences, wrought iron fences, and combinations thereof. Unless expressly provided for elsewhere in this Ordinance, “decorative fence” shall not be construed to include split-rail, wire-woven, mesh-like and other similar appearing fences, including those commonly referred to as cyclone and chain-link fences, and mesh-like fences commonly used to contain farm animals irrespective of the dimensions of the mesh comprising the fence.

DOORYARD: The area, within the STREET-SPACE, between the FAÇADE of the building (generally the RBL) and the property line. STOOPS, balconies, and for appropriate COMMERCE uses, temporary displays, café seating and other encroachments as specified by the City may be placed within the DOORYARD area.

DORMERS: Small, roofed ancillary structures with windows providing light and air to habitable space within the roof. DORMERS are permitted and do not constitute a STORY so

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long as they do not break the façade plane, are individually less than 15 feet wide, and are collectively not more than 60% of the REQUIRED BUILDING LINE FAÇADE length. (See also ATTIC STORY).

EAVE HEIGHT: Where used to limit building height in the Code, EAVE HEIGHT shall be measured at the bottom of the top layer of roofing material at its outermost point from the building wall.

FAÇADE: Building face; the building elevations facing the STREET-SPACE. (Building walls facing interior courts, COMMON LOT LINES, and ALLEYS are not FACADES.)

FENESTRATION: Openings in the building wall, including windows and doors, allowing light and views between interior and exterior. FENESTRATION is measured as glass or open area (excluding muntins and similar window frame elements with a width dimension equal to or greater than 2 inches) for conditioned space and as open area for parking structures or other un-conditioned, enclosed space.

FIRST FLOOR (See GROUND STORY.)

GARAGE ENTRY: An opening (with curb cut) in the building FAÇADE and/or STREET WALL where vehicles may access the BLOCK interior for parking and business servicing. GARAGE ENTRIES shall not exceed 16 feet clear height and 24 feet clear width and shall be sited in accordance with section 2.2.1 of this code. GARAGE ENTRY portals may be set back up to 24 inches behind the surrounding FAÇADE.

GARDEN WALL: A masonry wall defining a property line or delineating a private area. Shall be set back (or forward) not more than 8 inches from the alignment specified in the REGULATING PLAN or BFS. A vehicle entry gate (opaque and maximum 18 feet wide) and a pedestrian entry gate (maximum 6 feet wide) are both allowed within any required GARDEN WALL length.

GENERAL FRONTAGE BUILDING: Building types as defined in the BUILDING FORM STANDARDS for both GENERAL 3 and GENERAL 5 Sites.

GROUND STORY: The first level of a building at or above grade. When a RESIDENTIAL use/unit occupies the GROUND STORY, the finished floor elevation shall be no more than 7 feet above the fronting sidewalk elevation, unless otherwise specified in the BUILDING FORM STANDARDS. The next STORY above the GROUND STORY is the second floor.

LIGHT MANUFACTURING: Light manufacturing refers to industrial activity that uses small or moderate amounts of raw or partially processed materials to produce items of relatively high value per unit weight. Light manufacturing is most often associated with batches or discrete production runs. Normally absent from light manufacturing facilities are any type of heavy machinery, welding operations, cranes, or hazardous materials. The manufacturing of clothes, furniture, consumer electronics, household items, jewelry, pottery, food, and beverages are some examples of light manufacturing

NORTH LAKESHORE FRONTAGE BUILDING: Building types as defined in the BUILDING FORM STANDARDS for NORTH LAKESHORE FRONTAGE Sites.

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OPEN AREA: The area within the BUILDABLE AREA and behind the PARKING SETBACK LINE accessible to occupants of the particular building or site as private open space and (primarily) open to the sky. Additional specifications for the OPEN AREA may be included in each BUILDING FORM STANDARD. OPEN AREA shall *not* be built upon, parked or driven upon (except for emergency access.)

PARAPET HEIGHT: Where used to limit building height in the Code, PARAPET HEIGHT shall be measured at the top of the parapet, including any coping. An additional 3 feet in height by 12 feet in width (or 15% of the subject façade, whichever is greater) is permitted for a section of the parapet emphasizing the building's primary STREET-SPACE entry or a BLOCK CORNER.

PARKING:

RESERVED: Parking not available to the public, but only to specifically identified users (either a single user per space or a set of users for a group of spaces), whether for free or at a fee.

SHARED: Parking available to the public on an unreserved basis for free or at the same fee for all users. Time limits may be imposed to ensure turn-over. Hours of public availability may also be restricted.

PARKING SETBACK LINE: A line/plane indicated on the REGULATING PLAN which generally extends vertically and parallel with the RBL. All parking shall be behind this line, except where indicated on the REGULATING PLAN, or in the BUILDING FORM STANDARDS. The PARKING SETBACK LINE is a minimum distance from the RBL and parking may be placed anywhere within the lot behind this line, except where otherwise specified in this code.

PEDESTRIAN PATHWAY: Interconnecting paved ways that provide pedestrian and bicycle passage through BLOCKS running from a STREET-SPACE to another STREET-SPACE, an ALLEY or a BLOCK interior parking area. The area within a PEDESTRIAN PATHWAY shall be a public access easement or public right-of-way. The easement width for these pathways shall not be less than 20 feet with a paved walkway not less than 10 feet wide, except where otherwise specified on the REGULATING PLAN, and shall provide an unobstructed view straight through their entire length.

PRIVACY FENCE: An opaque fence made of wood or masonry (not chain link or any other type of rolled fence) along ALLEYS and COMMON LOT LINES (where more than 10 feet away from the REQUIRED BUILDING LINE). It may be as high as 6 feet above the adjacent ground.

PORCH: The ground floor platform attached to the front or STREET-SPACE side of the main building. Required porches, as defined in the BUILDING FORM STANDARDS, must be roofed and enclosed by balustrades (railings) and posts that extend up to the roof and may not be otherwise enclosed except with insect screening.

PUBLIC ART: Art that is visually or physically accessible to the public (within the public realm e.g. a STREET-SPACE) and that is acquired by City funds, donated to the City, or provided by a private entity as a community benefit, including monuments and statues, building ornament, and visible public infrastructure such as bridges, etc.

REAR LOT LINES: Lot lines, generally COMMON LOT LINES parallel with the RBL and often

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along ALLEYS. For purposes of minimum rear setbacks prescribed in the BFS, lot lines more than 150 feet from the RBL are considered REAR LOT LINES.

REGULATING PLAN: Part of the Form-Based Code that is the coding key for the BUILDING FORM STANDARD that provides specific information for the disposition of each building. The REGULATING PLAN also shows how each site relates to adjacent STREET-SPACE, the overall Waterfront District, and the surrounding neighborhoods.

REQUIRED BUILDING LINE (RBL): A line/plane indicated on the REGULATING PLAN, defining the STREET FRONTAGE which extends vertically and generally parallel with the street, at which the building FAÇADE s shall be placed. The building shall be built-to the REQUIRED BUILDING LINE (RBL) as shown on the REGULATING PLAN. The RBL is a requirement, not a permissive minimum as is a set-back. The RBL for each site is shown on the Waterfront District REGULATING PLAN. The minimum length of building that is required to be built-to the RBL is shown on the appropriate BUILDING FORM STANDARD.

REQUIRED BUILDING ZONE (RBZ): An area indicated on the REGULATING PLAN within which buildings shall be placed, provided all other conditions of the applicable BUILDIN FORM STANDARDS are met.

RETAIL (See USE)

SIDEWING: The portion of a building extending along a side lot line toward the ALLEY or rear of the lot

STOOP: An entry platform on the RBL side of a building. STOOPS may be roofed, but they shall not be enclosed or have walls.

STORY/STORY HEIGHT: That space within a building, and above grade, that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above. STORY HEIGHT parameters are as specified by the appropriate BUILDING FORM STANDARD.

STREET FRONTAGE: That portion of the lot or building fronting on a public street that is coincident with the RBL as required by the Code.

STREET LIGHT: A luminaire installed on both sides of streets, along the STREET TREE ALIGNMENT LINE, unless otherwise designated on the REGULATING PLAN, at intervals of no more than 75 feet measured parallel with the street. STREET LIGHTS shall be between 9 and 16 feet above ground in height. Lighting standards for STREET-SPACES and ALLEYS should be developed to meet the minimum standards of the Illumination Engineering Society (with the design criteria giving equal weight to the lighting of the pedestrian areas and the automobile areas).

STREET-SPACE: Includes all space between fronting RBLs (travel-lanes, sidewalks, squares, PEDESTRIAN PATHWAYS, civic greens, sidewalks, parks)—including any transit service operator passenger platform—but not GARAGE ENTRIES or ALLEYS.

STREET TREE: A required tree listed in the Waterfront District STREET TREE List, located in Sec. 4.3 (p.24).

STREET TREES shall be planted at an average no greater than 30 feet on center

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(measured per BLOCK face). Where necessary, spacing allowances may be made to accommodate curb cuts, fire hydrants and other infrastructure elements, however, at no location shall spacing exceed 45 feet on center.

STREET TREE ALIGNMENT LINE: A line along which STREET TREES are to be planted and STREET LIGHTS and other such infrastructure are to be placed. The STREET TREE ALIGNMENT LINE is parallel with the street or SQUARE right-of-way and, unless otherwise specified, is 3 feet behind the back-of-curb. (Existing trees are not required to be relocated by this requirement.)

STREET WALL: A masonry wall set along the RBL and built to the height specified in the BUILDING FORM STANDARDS. A vehicle entry gate and a pedestrian entry gate are both allowed within any required STREET WALL length. See individual BFS for exact specifications.

TOWER STORY: An allowable additional STORY above the maximum building story height. See individual BFS for exact specifications.

USE, CIVIC: Community uses open to the public including: meeting halls; libraries; schools; police and fire stations; post offices (retail operations only, no primary distribution facilities); places of worship; museums; cultural, visual and performing art centers; transit centers; and government functions open to the public.

USE, COMMERCE: For the purpose of the Waterfront District, COMMERCE uses shall be considered to encompass all of the following:

1. Executive, Administrative, and Professional Offices
2. Medical and Dental Offices, and Clinics
3. Day Care Centers
4. On-premise Alcohol Sales
5. Outdoor Food and Beverage Service
6. All of the Civic Use Categories Except Passenger Terminals
7. All of the Retail Use Categories
8. Parking Facilities and Structures

USE, CONDITIONAL: For the purpose of the Waterfront District, CONDITIONAL USES (see Section 3.2.2 of this code) may be considered for placement in the RESIDENTIAL USE classification after review by the Planning Commission in accordance with Section 80.65 of the City of Marquette Zoning Ordinance.

USE, LIGHT INDUSTRIAL: For the purpose of the Waterfront District, LIGHT INDUSTRIAL uses shall be considered to encompass all of the following:

1. Light Manufacturing
2. Waterfront Related Repair and Maintenance
3. Mooring and Docking of Boats
4. Winter Storage of Watercraft Between the Dates of October 1st and May 30th

USE, RESIDENTIAL: For the purpose of the Waterfront District, RESIDENTIAL uses shall be

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considered to encompass all of the following:

1. Dwelling Units
2. Bed and Breakfasts
3. Bed and Breakfast Inns
4. Adult Foster Care Family Home
5. Family Day Care Homes
6. Foster Family Homes
7. Domestic Violence Shelter

USE, RETAIL: RETAIL uses shall be considered to encompass all of the following:

- RETAIL SERVICE: establishments providing services, as opposed to products, to the general public, including restaurants, hotels and motels, 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.
- 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.
- 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.

USES SUBJECT TO APPEAL: For the purpose of the Waterfront District, USES SUBJECT TO APPEAL (see Section 3.2.3 of this code) may occur in the RESIDENTIAL USE classification after approval by the Zoning Administrator. The Zoning Administrator's decision to approve or disapprove a Use Subject to Appeal may be appealed to the Board of Zoning Appeals.

"WHERE CLEARLY VISIBLE FROM THE STREET-SPACE": Many requirements of the Code apply only where the subject is "CLEARLY VISIBLE FROM THE STREET-SPACE." Note that the definition of STREET-SPACE includes squares, civic greens, parks, and all public spaces except ALLEYS. A building element more than 40 feet from the RBL /STREET-SPACE (such as elements facing a COMMON LOT LINE more than 40 feet away from a RBL and/or street) is by definition not CLEARLY VISIBLE FROM THE STREET-SPACE. Also common and/or party walls are by definition not CLEARLY VISIBLE FROM THE STREET-SPACE. This does not exempt vehicle parking spaces/lots from any BFS requirements.

WORKING WATERFRONT ZONE: Building types as defined in the BUILDING FORM STANDARDS for WORKING WATERFRONT ZONE Sites.

WORKSHOP FLEX FRONTAGE BUILDING: Building types as defined in the BUILDING FORM STANDARDS for WORKSHOP FLEX FRONTAGE Sites.

Amendments to 80.35:
Ord#559-bldg.form standard (5/26/09)
Ord#561-bldg materials in WWZ (7/27/09)

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Ord#569-height of bldg. (4/8/10)

Ord#590-light manufacturing (11/28/11)

Ord#597-homeless shelter (9/10/12)

Ord#615-remove sidewalk café references (3/31/14)

Ord#627-regulating plan update, parking setback line, bldg. materials, etc. (Repeal/readopt 5/11/15)

Ord#637-add decorative fence definition and reformat text to be capital letters, exempt safety rails/fences, fix typographical errors and addition of text under 3.1, and add decorative fence regulations to G5 and WWZ (4-11-16)

Ord#641-80.35 Downtown WFBC - add 3.2.2.1 Required Conditions for the Conditional Uses, amend 3.2.3 to add Home Office language, etc., revise uses subject to appeal definition that the appeal of Zoning Administrator is Board of Zoning Appeals, and remove Homeless Shelter from allowable residential uses (as it is under the Conditional Uses) (7-11-16)