

## CHAPTER 80 - MARQUETTE CITY ZONING ORDINANCE

80.01 Short Title. This Ordinance shall be known and may be cited as the City of Marquette Zoning Ordinance.

80.02 Definitions. For the purpose of this Ordinance, certain terms, or words used herein shall be interpreted as follows: All words used in the present tense shall include the future; words in the singular number include the plural number and all words in the plural number include the singular number; and the word "building" includes the word "structure," and "dwelling" includes "residence," the word "person" includes "corporation," "co-partnership," as well as an "individual"; the word "shall" is mandatory and the word "may" is permissive; the word "lot" includes "plot" or "parcel;" the words "used" or "occupied" includes the words "intended," "designed," or "arranged to be used or occupied." Terms not herein defined shall have the meaning customarily assigned to them.

**Abutting:** Having property or district lines in common.

**Adult Foster Care Family Home:** A private residence, licensed by the State of Michigan pursuant to Act No. 218 of 1979 or Act No. 116 of 1973, with the approved capacity to receive 6 or fewer adults to be provided with foster care for 5 or more days a week and for 2 or more consecutive weeks, but not an adult foster care facility licensed by a state agency for care and treatment of persons released from or assigned to adult correctional institutions. The adult foster care family home licensee shall be a member of the household, and an occupant of the residence.

**Alley:** Any dedicated public way affording a secondary means of access to abutting property, and not intended for general traffic circulation.

**Alterations:** Any change, addition or modification to a structure or type of occupancy or use of structure or land or any change in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as "altered" or "reconstructed" or "changed".

**Basement:** A portion of the building partially underground, which has less than one third of its height measured from finished floor to finished ceiling, above the average grade of the adjoining ground.

**Bed and Breakfast:** (RM, OS, BC, CBD Districts) An owner-occupied dwelling where no more than 5 (five) guest rooms are made available for the temporary accommodation of the traveling or vacationing public. Such an establishment may offer meals only to those persons temporarily residing at the establishment.

**Bed and Breakfast Inn:** (OS, BC, CBD Districts) A structure primarily used for lodging purposes where the use as a residence is clearly secondary. A structure where more than 5 (five) but not more than 30 (thirty) guest rooms are made available for the temporary accommodation of the traveling or vacationing public. Such an establishment may offer meals to the public and persons temporarily residing at the establishment.

**Building:** A structure designed, built or occupied as a shelter or roofed enclosure for persons, animals or property. The term building shall be construed under this code as if followed by the words "or parts thereof." Roof shall include coverings of any material whether or not permanent in nature.

**Building, Accessory:** A subordinate building, the use of which is clearly incidental to that of the main building or to the use of the land, that may be used for permitted use or a customary accessory use.

**Building, Height:** The vertical distance between the average grade and the highest point of the roof surface for flat roofs, to the deck line of Mansard roofs; the average height between eaves and ridge for gable, hip and gambrel roofs; and the average height between the lowest point and the highest point on a shed roof.

**Building(s), Main:** A) Any individual structure, on a lot or site, which contains one or more principal or conditional uses. B) The separate structures, on a single site, in which one or more principal or conditional uses are located.

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

**Camping Trailer:** A vehicular portable temporary living quarters used for recreational camping or travel and of a size and weight as not to require special highway movement permits when drawn by a motor vehicle.

**Child Care Center or Day Care Center:** facility, other than a private residence, receiving 1 or more preschool or school age children for care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. Child care center or day care center includes a facility that provides care for not less than 2 consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. Includes the same provisions and exclusions as the definition in MCL 722.111

**Commercial Development:** Development for the purpose of exchanging, buying, or selling commodities on a large scale which involve transportation from place to place.

**District:** A portion of the incorporated area of the city within certain regulations and requirements or various combinations thereof apply uniformly under the provisions of this ordinance.

**Dwelling, Multiple Family:** A building or portion thereof designed or modified to contain three or more separate dwelling units, without interior access to the other dwelling units; designed for or occupied exclusively by three or more families living independently of each other.

**Dwelling, Single Family:** A building designed exclusively for use as one dwelling unit in a single-family zoning district. Not more than one family may occupy each dwelling unit.

**Dwelling, two-family (duplex):** A building containing two separate dwelling units, attached side-to-side or with one dwelling unit located above the second dwelling unit and without interior access to the other dwelling unit; designed for or occupied exclusively by two families living independently of each other. -

**Dwelling Unit:** One or more rooms, in a building, with bathroom and principal kitchen facilities, designed as a self-contained unit for permanent residential occupancy by one family for such purposes as cooking, bathing, gathering, entertainment, and sleeping. Tents, travel trailers/recreational vehicles and other structures designed for temporary occupancy are not to be used as dwelling units in the City of Marquette, with the exception of areas where they are specifically allowed, such as Tourist Park or other areas where camping may be authorized during emergencies or otherwise.

**Earthwork:** The removal of earth materials, clearing of vegetation, mass grading, or re-grading of a site.

**Erected:** Includes built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises required for construction. Excavation, fill, drainage, installation of utilities, and the like, shall be considered a part of erection.

**Essential Services:** Means the erection, construction, alteration or maintenance by public utilities or municipal departments, of overhead, surface, or underground gas, electrical, steam, fuel, or water transmission or distribution systems; collection, communication, supply or disposal systems, including towers, poles, wires, mains, drains, hydrants, and similar accessories in connection therewith, but not including building over 250 square feet in area necessary for the furnishing of such services.

**Family:** a) Any group of individuals living together as a single housekeeping unit or the functional equivalent of a family, where the residents are a close group with social, economic, and psychological commitments to each other; b) Not more than four unrelated persons living together as a single housekeeping unit; c) the tenants of a short-term rental property for which a valid permit has been issued by the Fire Department; d) The “functional equivalent of a family” shall not include any organization such as a club, fraternity, lodge, monastery, or intentional community, nor any individuals whose association is seasonal or for limited durations defined by their occupation/jobs or educational pursuits, nor shall it include a group who share a dwelling unit explicitly for financial or philosophical reasons, or include any state-licensed facility except to the extent permitted by law.

**Family Day Care Home:** A private home in which more than one but less than seven minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or guardian, except children related to an adult member of the family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four weeks during a calendar year; or a home licensed by the Michigan Department of Social Services as a family day care home.

**Fence:** A structure of definite height and location to serve as an enclosure in carrying out the requirements of this ordinance; a barrier designed to bound an area. (See Fence Ordinance also.)

**Fence, Screening:** A structure of definite height and location, maintained to prevent passage of light and to screen and separate a use from adjacent property. Unless otherwise regulated in this ordinance or as required by the Board of Zoning Appeals or the Planning Commission in carrying out the spirit and intent of this ordinance, a screening fence shall be an obscuring fence or wall not less than four feet in height.

**Floor:** The level base of the room, hollow structure, or enclosed area capable of supporting individuals of other materials, including basements.

**Floor Area:** The total gross area of all floors, as measured to the outside surfaces of exterior walls.

**Foster Family Home:** A private home in which 1 but not more than 4 minor children, who are not related to an adult member of the household by blood or marriage, or who are not placed in the household pursuant to the adoption code, chapter X of Act No. 288 of the Public Acts of 1939, being sections 710.21 to 710.70 of the Michigan Compiled Laws, are given care and supervision for 24 hours a day, for 4 or more days a week, for 2 or more consecutive weeks, unattended by a parent or legal guardian.

**Foster Family Group Home:** A private home in which more than 4 but fewer than 7 minor children, who are not related to an adult member of the household by blood or marriage, or who are not placed in the household pursuant to chapter X of Act No. 288 of the Public Acts of 1939, are provided care for 24 hours a day, for 4 or more days a week, for 2 or more consecutive weeks, unattended by a parent or legal guardian.

**Fraternity of Sorority House:** A building occupied and maintained exclusively for students affiliated with and formally recognized as a group by an academic or professional college or university or other recognized institution of higher learning.

**Grade:** The average level of the finished surface levels of the ground adjacent to all exterior walls of those buildings more than five feet from a right-of-way. For buildings closer than five feet to a right-of-way the grade is the curb elevation at the center of the building. If there is no curb, the City Engineer shall establish the grade.

**Ground Coverage Ratio:** The ratio of the area covered by the maximum horizontal cross section of a building or buildings to the area of the site (i.e. 20 square feet of building cross section on 100 square feet of land would give a ratio of 20/100 or 0.20).

**Group Day Care Home:** A private home in which more than 6 but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by

blood, marriage, or adoption. Group day care home includes a home that gives care to an unrelated minor child for more than 4 weeks during a calendar year.

**Group Residential Facilities:** Group residential facilities shall be defined to include the following:

- (1) **Halfway House:** A house licensed by a State Agency for the continued care, treatment and counseling of individuals who have successfully completed institutional treatment and who will benefit from a controlled atmosphere in a residential setting.
- 2) **Adult Foster Care Facility:** A governmental or nongovernmental establishment that provides foster care to adults. Includes facilities and foster care family homes for adults who are aged, mentally ill, developmentally disabled, or physically disabled who require supervision on an ongoing basis but who do not require continuous nursing care. This definition includes other provisions and limitations appearing in MCL 400.703.
- 3) **Spouse Abuse Shelter:** A home for the temporary residence of victims of domestic violence.

**Heavy Manufacturing:** Heavy manufacturing means primarily moderate-and-high-impact industrial uses that need to be separated from residential and other uses due to potential land use conflicts. Heavy manufacturing usually means continuous processing, as in the assembly of motor vehicles or the manufacture of chemicals, and may involve the manufacture, processing or packaging of materials which are inherently dangerous or hazardous due to flammability, radioactivity, explosiveness, or toxicity.

**Home Occupation:** An occupation of profession, carried on in a dwelling unit by members of the immediate family residing on the premises which are clearly incidental or secondary to the use of the dwelling for dwelling purposes.

**Homeless Shelter:** A residential facility that provides temporary accommodations and support services for persons or families requiring interim housing arrangements and who would otherwise be without safe overnight shelter.

**Homestay:** An owner occupied single family home, or a dwelling unit in a duplex or multi-family dwelling structure, or any other dwelling unit, in which as many as three single bedrooms with bathroom access for overnight accommodations for periods as short as one overnight stay. Meals are not provided with rental, but kitchen and/or dining facilities may be available for guests to prepare their own meals. Only properties that have received approval of a rental registration application are recognized as a Homestay for purposes of complying with City of Marquette ordinances.

**Hospital Hospitality Houses:** A noncommercial use of a residential structure where rooms are let to transient patients of a local hospital concurrent with the patient's treatment at the hospital.

**Hotel:** A commercial establishment offering lodging to travelers and sometimes permanent residents, and often having amenities such as restaurants, swimming pools, stores, etc., that may be available to the public.

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

**Landscaping:** The modification of the landscape for an aesthetic or functional purpose. It includes the preservation of existing vegetation and the continued maintenance thereof together with the installation of minor structures and appurtenances.

**Lessee:** a person or party to whom a lease is granted; a tenant under a lease. Also a renter.

**Lessor:** a person, group, etc., who grants a lease. Also a landlord.

**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 manufacture is most often associated with batches or discrete production runs. Normally absent from light manufacturing facilities are any type of heavy machinery, welding operations, cranes, or hazardous materials. The manufacturing of clothes, furniture, consumer electronics, household items, jewelry, pottery, food, and beverages are some examples of light manufacturing.

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

**Lot:** For purpose of this ordinance a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area to provide such yards and other open spaces as are herein required. Such a lot shall have its front line abutting a public street or a private street meeting the standards of an approved PUD and may consist of:

1. A single lot of record;
2. a portion of a lot of record;
3. A combination of complete lots of record, complete lots of record and portions of lots of record, or of portions of lots of record; or
4. A parcel of land described by metes and bounds.

**Lot, Non-conforming:** A lot, the size, width or other characteristic of which fails to meet requirements of the Zoning District in which it is located and which was conforming ("of record") prior to enactment of this ordinance.

**Lot of Record:** A lot which is part of a plat or a lot or parcel described by metes and bounds recorded in the Office of the County Register of Deeds at the time of adoption of this ordinance.

**Lot, Corner:** A lot where the interior angle of two adjacent sides at the intersection of two streets is less than one hundred and thirty five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of the ordinance, if the arc is of less radius than one hundred fifty (150) feet and the tangents to the curve, at the two points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than one hundred thirty five (135) degrees.

**Lot, Interior:** A lot other than a corner lot.

**Lot, Through:** An interior lot having frontage on two more or less parallel streets as distinguished from a corner lot. All sides of said lots adjacent to streets shall be considered frontage, and front yards shall be provided as required.

**Lot Lines:** The line abounding a lot as defined herein:

1. Lot Line, Front: Those lines separating the lot from any right-of-way.
2. Lot Line, Rear: In the case of a corner lot, the rear lot line shall be opposite either front lot line at the discretion of the property owner.
3. Lot Line, Side: Any lot line not a front lot line or not a rear lot line.

**Lot Width:** The horizontal distance between the side lot lines, measured at the interior front yard lines. For corner lots, which have only one side lot line, the distance shall be measured from that side lot line to the opposing front lot line.

**Major Street:** Any street designated as a major street pursuant to Act 51 of the public Acts of 1951.

**Master Plan:** Comprehensive land use plan adopted by the Planning Commission pursuant to Act 285, Laws of 1931.

**Minor Street:** Any street designated as a minor street pursuant to Act 51 of the Public Acts of 1951.

**Motel:** A series of rental units, each containing at least a bedroom and bathroom, provided for compensation to the traveling public for overnight lodging.

**Mobile Home:** A mobile home is a structure, transportable in one or more sections, that is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. When occupied as a dwelling unit, such home must be located in an area which was approved in accordance with City ordinances, specifically to accommodate this type of housing.

**Nearest vertical plane/ exterior wall of the structure:** For the purposes of determining the size of required yards, the "nearest vertical plane/ exterior wall of the structure" is that exterior wall of any living space, including cladding, which is closest to the nearest property line (or right-of-way line). This includes any cantilevered walls which do not extend to the ground. Not included are items identified in §5(a.-g): Allowed Encroachments into Required Yards.

**Non-Conforming:** Refer to buildings, non-conforming; lots, non-conforming; and uses, non-conforming. See also Section 80.44 for non-conforming uses and non-conforming buildings. See Section 80.45 for non-conforming lots.

**Nursing Home, Convalescent Home, Extended Care Facility:** An establishment which provides full-time convalescent, or extended care, or both for three or more individuals who are not related by blood or marriage to the operator and, who, by reason of chronic illness or infirmity are unable to care for themselves. Surgical and obstetrical services and care for the acutely ill are not available on the premises.

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

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

**Office:** A building or portion of a building wherein services are performed including, predominantly administrative, professional, or clerical operations.

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

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

**Nearest Vertical plane/ exterior wall of the structure:** For the purposes of determining the size of required yards, the "nearest vertical plane/ exterior wall of the structure" is that exterior wall of any living space, including cladding, which is closest to the nearest property line (or right-of-way line). This includes any cantilevered walls which do not extend to the ground. Not included are items identified in Sec.5 a-g: Allowed encroachments into required yards.

**Parking Lot:** A hard surfaced, dust free area with well defined entrances and exit lanes for unencumbered access to individual parking spaces.

**Parking Space:** A defined area of at least 10 feet X 20 feet for the storage or parking of a single permitted vehicle. This area is to be exclusive of drives, driveways, isles or entrances giving access to the space from the public right-of-way.

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

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

**Public Utility:** Any person, firm or corporation, municipal department, board or commission duly authorized to furnish and furnishing under Federal, State, or Municipal regulation to the public, gas, steam, electricity, sewage disposal communication, telegraph, transportation, or water.

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

**Retail Business:** A business which sells commodities or goods in small quantities to the ultimate consumer.

**Rooming House:** A building where sleeping accommodations are available for remuneration for periods of one week or longer. Board may or may not be included with the accommodations.

**Service:** A useful labor which does not produce a tangible commodity.

**Setback:** In this ordinance, the term setback is not used; as such term represents a distance that is established in like manner as that for yard.

**Shoreline:** The area of the shorelines where land and water meet.

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

**Sign:** Refer to City Code, Chapter 82 - Signs.

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

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

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

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

**Site Plan:** A graphic document of existing site conditions and proposed alterations and construction submitted in compliance with the requirements of this ordinance.

**Street:** A dedicated public right-of-way which affords the principal means of vehicular access to abutting property. A street includes the entire right-of-way and any improvements constructed thereon.

**Structure:** Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground, except driveways and pavement.

**Tent:** A structure whose walls and roof are entirely or primarily made of fabric.

**Tenant:** A person entitled only under the terms of a rental agreement to occupy a dwelling unit to the exclusion of others. Tenant shall not include (i) an authorized occupant, (ii) a guest or invitee, or (iii) any person who guarantees or cosigns the payment of the financial obligations of a rental agreement but has no right to occupy a dwelling unit.

**Travel Trailer/Recreational Vehicle:** A vehicular, portable structure mounted on wheels and of a size and weight as not to require special highway movement permits alone or when drawn by a stock passenger automobile or a fifth wheel hitch mounted on a motor vehicle, and is primarily designed, and used for temporary residential occupancy during recreational camping or travel. For the purposes of this ordinance, a travel trailer is not to be used as a single family dwelling unit in residential zoning districts.

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

**Use, Accessory:** Any use of land and/or structures which may customarily accompany the permitted uses within each zoning district as the principal use to which it is accessory.

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

**Use, Non-Conforming:** Any structure, use of a structure or land use which was lawfully established prior to the time of passage of this ordinance (or any amendments thereto) and which does not conform to all of the applicable regulations contained in the ordinance (or its amendments).

**Use, Permitted:** A use by right which is specifically authorized in a particular zoning district.

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

**Uses Subject to Appeal:** A use which may be approved by decision of the Zoning Administrator, which decision may be appealed to the Planning Commission following the procedure for review of conditional uses.

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

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

**Yard, Front:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance permitted between the front lot line/right-of-way line and the nearest vertical plane/exterior wall of the main structure.

**Yard, Rear:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance permitted between the rear lot line and the nearest vertical plane/exterior wall of the main structure. In the case of a corner lot, the rear yard may be opposite either street frontage, but there shall only be one rear yard.

**Yard, Side:** An open space extending the distance between the front yard and the rear yard, the depth of which is the minimum horizontal distance permitted between the side lot line and the nearest vertical plane/exterior wall of the main structure.

**Yard, Transitional:** A required yard located on sites abutting zoning district boundaries for the purpose of creating a buffer zone to reduce conflict between incompatible districts.

**Zoning Variance:** A modification of the literal provisions of the Zoning Ordinance granted by the Board of Appeals when in its judgment the strict enforcement of the Zoning Ordinance would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted.

80.03 Application of the Ordinance. No structure, or part thereof, shall be constructed, erected, placed, altered, or maintained, and no land use or earthwork greater than 40,000 square feet in size commenced or continued within the City of Marquette, except as specifically, or by necessary implication, authorized by this ordinance. Within each zoning district no structure or use of any structure or land shall be lawful except the Principal Uses and Conditional Uses provided for in Section 80.44 of this ordinance. Conditional Uses are allowed on permit granted by the City Planning Commission. Where a lot is devoted to a Principal Use, customary accessory uses and structures are authorized except as prohibited specifically or by necessary implication.



80.04 Vested Rights. Nothing in this ordinance shall be interpreted or construed to give rise to any permanent vested rights in the continuation on any particular use, district, zoning classification or any permissible activities therein, and they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety and welfare.

80.05 Establishment of Zoning Districts and Boundaries.

1. For the purpose of this ordinance the city is hereby divided into zoning districts as named and described in sections 80.20 through 80.39.
2. The boundaries of said districts are hereby established as shown on the Official Zoning Map.
  - A. The Official Zoning Map shall be identified by the signatures of the Mayor and City Clerk.
  - B. The Official Zoning Map shall be kept in the office of the Zoning Administrator whose responsibility it shall be to enter on the map all amendments adopted by the City Commission.
3. Unless otherwise shown the boundaries of said districts shall be interpreted as follows:
  - A. Boundaries approximately following public, railroad, utility, or other rights-of-way, streams, rivers, or canals, shall be construed to follow the center lines of such features.
  - B. Boundaries approximately platted lot lines, or the city limits shall be construed as following these lines.
  - C. Projections from the shoreline into unzoned water areas shall be subject to the regulations of the zoning district of the land at the shoreline.
4. Areas annexed to the city shall be subject to the regulations of the districts in this ordinance which most closely approximate their zoning, as determined by the Zoning Administrator.
  - A. Within four months the City Commission shall upon recommendation of the City Planning Commission either concur with the districts which the Zoning Administrator has chosen, or following a public hearing, designate a different district.
5. Public ways vacated by the City Commission action shall be construed as being in the zoning district which applies to the lands to which they become attached.

80.06 Amendment Procedure. The City Commission, the Planning Commission or the property owner may at any time originate a petition to amend or change district boundaries, or regulations contained herein, pursuant to the authority and procedure established by Act 110 of Public Acts of 2006 as Amended.

1. Procedure:
  - A. Each petition by one or more persons for an amendment shall be submitted to the Zoning Administrator. Documents to support the application may be filed with the Zoning Administrator. A fee, as established by the City Commission shall accompany each petition, except those originated by the Planning Commission or City Commission.
  - B. The Planning Commission shall set a time and date for a public hearing.
    - (1) Notice of the Public Hearing shall be given as in Section 80.64.5. B, except that if 11 or more adjacent properties are proposed for rezoning notice need not be given to individual property owners or occupants and individual property addresses need not be listed Any person may appear or be represented by duly authorized agent or attorney.
    - (2) The Planning Commission may refuse to schedule a hearing on a petition for rezoning which includes any portion of a site considered for rezoning in the previous six months.
  - C. Following the public hearing, the Planning Commission shall either make a

- recommendation to the City Commission or deny the petition.
- D. The City Commission upon recommendation shall either schedule a public hearing or deny the petition. This hearing shall be advertised in a general circulation newspaper.
  - E. Amendments shall take effect ten days after adoption by the City Commission.

80.07 Relationship to Other Laws. Whenever regulations or restrictions imposed by this ordinance are either more or less restrictive than regulations or restrictions imposed by any governmental authority through legislation, rule, or regulation, the regulations, rules, or restrictions which are more restrictive or which impose higher standards or requirements shall govern. Regardless of any other provision of this ordinance, no land shall be used and no structure erected or maintained in violation of any state or federal pollution control or environmental protection law or regulation.

80.08 Severability. This ordinance and the various parts, sections, subsections, in clauses thereof, are hereby declared to be severable. If any part, sentence, paragraph, subsection, section, or clause is adjusted unconstitutional or invalid, it is hereby provided that the remainder of the ordinance shall not be affected thereby. If any part, sentence, paragraph, subsection, or clause is adjudged unconstitutional or invalid as applied to a particular property, building, or other structure, it is hereby provided that the application of such portion of the ordinance to other property, building, or structures shall not be affected thereby. Whenever any condition of limitation is included in an order authorizing a planned unit development or any conditional use permit, variance, zoning compliance permit, certificate of occupancy, site plan approval, or designation of Class A non-conformance, it shall be "conclusively presumed" that the authorizing officer of body considered such condition or limitation necessary to carry out the spirit and purpose of this ordinance or the requirement of some provision thereof, and to protect the public health, safety, and welfare, and that the officer or board would not have granted the authorization to which the condition or limitation pertains except in the belief that the condition or limitation was lawful.

80.09 Effective Date and Repeal of Prior Ordinance. This ordinance shall take effect on April 10, 1978 said date being 10 days after adoption and publication by the City Commission. The Zoning Ordinance adopted by the City Commission on the 8th day of November, 1965 and all amendments thereto are hereby repealed as of the effective date of this ordinance. The repeal of the above ordinance does not affect or impair any act done, offense committed, or right occurring, accrued or acquired, or liability, penalty forfeiture or punishment incurred prior to the time enforces, prosecuted, or inflicted.

80.10 Uses Subject to Appeal. A use subject to appeal shall be reviewed by the Zoning Administrator as if it were a Principal use in that district, with the following exceptions:

- a. It must meet all requirements of the ordinance including any special requirements listed for that zoning district.
- b. The Zoning Administrator's decision to approve or disapprove a use subject to appeal may be appealed to the Board of Zoning Appeals.

80.11 - 80.18 Reserved For Future Use.

80.19 Eliminated by Ordinance #602

80.20 RS-Single Family Residential District.

1. **Intent.** To establish and preserve quiet, attractive neighborhoods of detached single family dwellings with a low to medium density. A limited number of public or institutional

uses which are both compatible with this intent and convenient to the residents of this district may be allowed.

2. **Principal Uses.**
  - A. Detached single family dwelling units. (See Sec. 80.40).
  - B. Accessory uses and structures. (See Sec. 80.40.3.e).
  - C. Family day care homes.
  - D. Adult Foster Care Family Home as required by Michigan Compiled Laws section 125.583b.
  - E. Foster Family Homes.
  - F. Homestays and Vacation Home Rentals.
3. **Requirements for Principal Uses.**
  - A. No more than one single family dwelling unit may be located on a lot.
  - B. One registered Homestay and/or one registered Vacation Home Rental may be permitted (by application) per street segment/block face between intersections, except where the street segment/block face is more than 500 linear feet long, in which case there may be two per street segment provided that there is at least 100 feet measured horizontally between the property lines of adjacent short-term rentals in the same street segment/block face; Corner houses are assigned to the block face/street segment that corresponds to the property street address; the Zoning Administrator shall keep a map of the registered and approved short-term rentals for purposes of verifying their location and reviewing applications for short-term rentals.
4. **Conditional Uses** (See Sec. 80.65).
  - A. Schools, churches and cemeteries.
  - B. Public recreational facilities compatible with the intent of this district.
  - C. Home occupations.
  - D. Group day care homes.
  - E. Duplex dwelling units.
  - F. Foster Family Group Homes.
5. **Uses subject to Appeal** (See Sec. 80.10).
  - A. Home offices - subject to the following conditions:
    1. The office may not occupy more than 25% of the floor area of the dwelling unit or a maximum of 500 square feet, whichever is smaller.
    2. No persons who are not lawful residents of the dwelling may be employed.
    3. There shall be no signs used to indicate the presence of the office use.
    4. Persons other than residents of the dwelling shall not visit the office for business purposes.
    5. There shall be no equipment used, the operation of which can be sensed outside of the dwelling unit.
    6. No activity related to the office shall take place in an accessory structure.
    7. Approval of a home office shall vest only in the person making application, and shall not be transferable to another person.
    8. Application for approval of a home office shall include a signature indicating approval of the property owner if that person is different from the applicant.

80.21 RG - General Residential District.

1. **Intent.** To establish and preserve medium density residential neighborhoods which present an environment acceptable to single families. Some additional non-commercial compatible uses may be allowed.
2. **Principal Uses** (See Sec. 80.40.2).
  - A. Detached single family dwellings (See Sec. 80.40.2)
  - B. Accessory uses and structures (See Sec. 80.40.2 and 3.e).
  - C. Family day care homes.

- D. Adult Foster Care Family Home as required by Michigan Compiled Laws section 125.583b.
  - E. Foster Family Homes.
  - F. Homestays and Vacation Home Rentals.
3. **Requirements for Principal Uses.**
- A. No more than one single family dwelling unit may be located on a lot.
  - B. One registered Homestay and/or one registered Vacation Home Rental may be permitted (by application) per street segment/block face between intersections, except where the street segment/block face is more than 500 linear feet long, in which case there may be two per street segment provided that there is at least 100 feet measured horizontally between the property lines of adjacent short-term rentals in the same street segment/block face; Corner houses are assigned to the block face/street segment that corresponds to the property street address; the Zoning Administrator shall keep a map of the registered and approved short-term rentals for purposes of verifying their location and reviewing applications for short-term rentals.
4. **Conditional Uses** (See Sec. 80.65).
- A. Schools, churches, cemeteries.
  - B. Public buildings and recreational facilities compatible with the intent of this ordinance.
  - C. Home occupations.
  - D. Group day care homes.
  - E. Universities.
  - F. Duplex dwelling units.
  - G. Hospital Hospitality Houses.
  - H. Foster Family Group Homes.
5. **Uses subject to Appeal** (See Sec. 80.10)
- A. Home offices - subject to the following conditions:
    - 1. The office may not occupy more than 25% of the floor area of the dwelling unit or a maximum of 500 square feet, whichever is smaller.
    - 2. No persons who are not lawful residents of the dwelling may be employed.
    - 3. There shall be no signs used to indicate the presence of the office use.
    - 4. Persons other than residents of the dwelling shall not visit the office for business purposes.
    - 5. There shall be no equipment used, the operation of which can be sensed outside of the dwelling unit.
    - 6. No activity related to the office shall take place in an accessory structure.
    - 7. Approval of a home office shall vest only in the person making application, and shall not be transferable to another person.
    - 8. Application for approval of a home office shall include a signature indicating approval of the property owner if that person is different from the applicant.

80.22 RM - Multiple Family Residential District.

- 1. **Intent.** To establish and preserve high density residential neighborhoods which will provide at least the minimum acceptable residential environment.
- 2. **Principal Uses.** (See Sec. 80.40.2)
  - A. Detached single family dwellings on lots which were platted prior to the adoption of this ordinance.
  - B. Duplexes.
  - C. Multiple family residential structures.
  - D. Family day care homes.
  - E. Customary accessory uses where the property has been developed for single family use on a lot platted prior to adoption of this ordinance.

- F. Adult Foster Care Family Home as required by Michigan Compiled Laws section 125.583b.
- G. Foster Family Homes.
- H. Homestays and Vacation Home Rentals.
- 3. **Requirements for Principal Uses.**
  - A. Short-term rentals.
    - 1. Short-term rental is limited to units owned or occupied by property owners, subletting is not allowed (tenants may not rent to other parties).
    - 2. A maximum of one unit may be rented for a short-term basis in housing structures/complexes that have up to nine units; a maximum of ten percent of units may be rented for a short-term basis in housing structures/complexes that have ten or more units.
- 4. **Conditional Uses** (See Sec. 80.40.2).
  - A. Schools, churches, cemeteries.
  - B. Public buildings and recreational facilities compatible with the intent of this district.
  - C. Home occupations.
  - D. Group day care homes.
  - E. Universities.
  - F. Hospitals, extended care facilities, convalescent homes and adult foster care homes.
  - G. Rooming houses, fraternities and sororities.
  - H. Multiple family dwelling over 35 feet in height.
  - I. Customary accessory uses and structures except as described in 80.22.2.e above.
  - J. Group Residential Facility.
  - K. Bed and Breakfasts.
  - L. Adult Foster Care Facility.
  - M. Foster Family Group Homes.
- 5. **Uses subject to Appeal** (See Sec. 80.10)
  - A. Home offices - subject to the following conditions:
    - 1. The office may not occupy more than 25% of the floor area of the dwelling unit or a maximum of 500 square feet, whichever is smaller.
    - 2. No persons who are not lawful residents of the dwelling may be employed.
    - 3. There shall be no signs used to indicate the presence of the office use.
    - 4. Persons other than residents of the dwelling shall not visit the office for business purposes.
    - 5. There shall be no equipment used, the operation of which can be sensed outside of the dwelling unit.
    - 6. No activity related to the office shall take place in an accessory structure.
    - 7. Approval of a home office shall vest only in the person making application, and shall not be transferable to another person.
    - 8. Application for approval of a home office shall include a signature indicating approval of the property owner if that person is different from the applicant.

80.23 OS - Office District.

- 1. **Intent.** To provide areas suitable for uses performed exclusively in offices.
- 2. **Principal Uses** (See Sec. 80.40.2).
  - A. Executive, administrative, and professional offices.
  - B. Medical and dental offices including clinics.
  - C. Governmental offices.
  - D. Residential units.
  - E. Churches.
  - F. Day Care Centers.
  - G. Homestays and Vacation Home Rentals.

3. **Requirements for Principal Uses.**
  - A. No more than two dwelling units shall be permitted in an office building. Such units shall not occupy more than 50% of the floor area of the building excluding the basement.
  - B. Such units must meet all the requirements of the State Building Code and the City Housing Ordinance.
  - C. There shall be no use or storage of flammable or hazardous materials in the building.
  - D. Two parking places for each such dwelling unit with direct access to the parking area from the residential unit shall be provided.
4. **Conditional Uses** (See Sec. 80.65).
  - A. Customary accessory uses.
  - B. Bed and Breakfasts.
  - C. Bed and Breakfast Inns.
  - D. Homeless Shelters.

80.24 BC - Community Business District.

1. **Intent.** The community business district is intended to encompass businesses which cater to the retail and service needs of the community, but which do not require large areas of land. These districts are encouraged to develop in clusters with common parking areas. Limited residential uses are allowed, when they accompany non business uses, for the purpose of increasing the viability of small businesses and offices.
2. **Principal Uses** (See Sec. 80.40.2).
  - A. All principal and conditional uses permitted in the OS-Office District.
  - B. Retail business and service establishments catering primarily to the local market.
  - C. Residential units.
  - D. Day Care Centers.
  - E. Homestays and Vacation Home Rentals.
3. **Requirements for Principal Uses.**
  - A. All establishments shall offer retail sales on site.
  - B. All business, servicing, storage, or processing except for off-street parking or loading shall be conducted within a completely enclosed building.
  - C. Two parking spaces for each residential dwelling unit with direct access to the parking area from the residential unit shall be provided.
  - D. Dwelling units must be located above the first floor.
4. **Parking for Principal Uses.**  
The City of Marquette and the Downtown Development Authority have undertaken studies which have recommended eliminating parking requirements for most principal uses located in this zoning district in conjunction with expansion of on-street parking. For that reason, parking requirements for principal uses in this district are eliminated, except for residential units, educational and religious uses, and cultural and recreational uses. Parking requirements for conditional uses of a residential nature must meet parking requirements. Approved conditional uses will be required to maintain required parking.
5. **Conditional Uses** (See Sec. 80.65).
  - A. Establishments selling alcoholic beverages for consumption on the premises.
  - B. Motels.
  - C. Group Residential Facilities.
  - D. Bed and Breakfasts.
  - E. Bed and Breakfast Inns.
  - F. Outdoor food and beverage service.
  - G. Light Manufacturing.
  - H. Homeless Shelters.

80.25 CBD - Central Business District.

1. **Intent.** To provide suitable regulations for the business oriented core area of the city which serves both local and regional markets such as offices, retail or wholesale sales or service, light manufacturing, and mixed uses that include residential.
2. **Principal Uses.** (See Sec. 80.40.2).  
Retail, office, and service functions which are conducted within completely enclosed buildings, and residential units.
  - A. Farmers' and other outdoor markets in accordance with Chapter 6 of the Marquette City Code.
  - B. Temporary outdoor sales and display of merchandise in conjunction with Marquette Downtown Development Authority and Downtown Marquette Association sanctioned events.
  - C. Outdoor entertainment and community events.
  - D. Homestays and Vacation Home Rentals.
3. **Requirements for Principal Uses.**
  - A. There shall be no outdoor storage.
  - B. Outdoor vehicular sales, and service areas are not permitted.
  - C. Two parking places shall be provided for each residential dwelling unit.
4. **Parking for Principal Uses.** It is recognized that the City of Marquette and the Downtown Development Authority have undertaken to provide adequate parking for the principal uses located in this zoning district. For that reason, parking requirements for principle uses, except residential units, in this district are eliminated. Conditional uses, except outdoor food and beverage service, must meet parking requirements.
5. **Conditional Uses** (See Sec. 80.65).
  - A. Motel and Hotels.
  - B. Churches.
  - C. Bed and Breakfasts.
  - D. Bed and Breakfast Inns.
  - E. Outdoor food and beverage service.
  - F. Light Manufacturing.
  - G. Homeless Shelters.

#### 80.26 BG - General Business District.

1. **Intent.** To provide suitable areas for businesses which cater to a regional market. Uses include offices, retail and wholesale businesses, services, light manufacturing, comparison shopping and land intensive establishments, which may be located so as to utilize a common parking area, or may provide their own parking separately.
2. **Principal Uses** (See Sec. 80.40.2).
  - A. All principal uses allowed in the BC district except residential uses.
  - B. All other retail sales establishments.
  - C. All other service establishments.
  - D. Wholesale trade establishments.
3. **Requirements for Principal Uses.**
  - A. Open storage of any equipment, vehicles and all materials including wastes shall be screened from public view, from public streets and from adjoining properties by an enclosure consisting of a wall or an obscuring fence of a height of not less than six (6) feet to obscure such stored materials. (See also Sec. 80.43.3).
  - B. Open storage shall not be in excess of twenty (20) feet in height.
4. **Conditional Uses** (See Sec. 80.65)
  - A. Light Manufacturing.

#### 80.27 I - Industrial District.

1. **Intent.** It is the intent of this district to regulate the establishment of industrial uses in the city in such a way as to prevent the deterioration of the environment to protect the desired qualities of adjoining districts and to exert a minimum nuisance on adjacent uses within this district.

2. **Principal Uses** (See Sec. 80.40.2).
  - A. All principal uses permitted in the BG zoning district, with the exception of residential and day care uses.
  - B. Wholesaling operations.
  - C. Warehousing, and distributive operations.
  - D. Light Manufacturing.
3. **Requirements for Principal Uses.**
  - A. Open storage of any equipment, vehicles and all materials, including wastes, shall be screened from public streets, and from adjoining properties by an enclosure consisting of a wall or an obscuring fence of a height of not less than six (6) feet to obscure such stored materials (See also Sec. 80.43.3).
  - B. Open storage shall not be in excess of twenty (20) feet in height.
4. **Conditional Uses** (See Sec. 80.65).
  - A. Heavy manufacturing.
  - B. Major repair and maintenance operations.
  - C. Bulk storage.

80.28 CR - Conservation and Recreation District.

1. **Intent.** To preserve the character of land in the city which have outstanding scenic and/or recreational qualities by restricting development not suited to this goal; to prevent development of land which has great ecological value or where there are natural hazards to development; to preserve open areas for forestry, agriculture and recreation; and to control the construction of structures along the shoreline of Lake Superior.
2. **Principal Uses** (See Sec 80.40.2).
  - A. Agriculture, including forestry.
  - B. Land, water, and wildlife conservation and/or education activities.
3. **Requirements for Principal Uses.**
  - A. Open storage of any equipment, vehicles and all materials including wastes shall be screened from public view, from public streets, and from adjoining properties by an enclosure consisting of a wall or an obscuring fence of a height not less than six (6) feet to obscure such stored materials (see also Sec. 80.43.3).
  - B. Open storage shall not be in excess of twenty (20) feet in height.
4. **Conditional Uses** (See Sec. 80.65).
  - A. Land intensive recreational uses, either public or private, including customary accessory commercial uses.
  - B. Port facilities and docks excluding warehousing and outdoor storage of materials, goods, or products.
  - C. Natural Resource Extraction operations.
  - D. Structures between the shoreline of Lake Superior and the pavement of the nearest public street or highway

80.29 DD - Deferred Development.

1. **Intent.** To reserve large undeveloped areas of the city for future development by prohibiting unplanned, scattered development which would tend to divide these areas into smaller, more difficult to develop parcels. To delay intense development until city utilities and services can be provided.
2. **Principal Uses** (See Sec. 80.40.2).
  - A. Agriculture, including forestry.
  - B. Land, water, and wildlife conservation and education operations.
3. **Conditional Uses.**
  - A. None

80.30 PUD - PLANNED UNIT DEVELOPMENT

**1. Purpose**



The Planned Unit Development (PUD) option is intended to encourage, with City approval, private or public development which is substantially in accord with the goals and objectives of the Community Master Plan.

Development permitted under this Section shall be considered as an optional means of development only upon terms agreeable to the City.

Use of the PUD option will permit flexibility in the regulation of land development and benefit the City by:

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

The PUD may be used to:

- (1) Permit nonresidential uses of residentially zoned areas.
- (2) Permit residential uses of non-residentially zoned areas.
- (3) Permit densities or lot sizes which are different from the applicable district and to permit the mixing of land uses that would otherwise not be permitted; provided that other objectives are met and the resulting development would promote the public health, safety, and welfare.

Further, it is intended that the PUD shall be laid out so various land uses and building bulk relate to each other and to adjoining existing and planned uses with no material adverse impact of one use on another.

## **2. Definitions**

a. A PUD is a zoning district which shall apply to a specific parcel of land or several contiguous parcels of land, for which a comprehensive physical plan has been recommended by the Planning Commission, approved by the City Commission, and documented in a contract between the City and site owner/developer. Such plan and contracted development will establish functional use areas and density patterns; will provide a fixed system of streets, public utilities, drainage, and other essential services; and account for similar factors necessary for and incidental to the intended land uses. The Planning Commission may, but is not required to, consider parcels separated by a public street as eligible for inclusion in a PUD.

b. A Pattern Book is a document prepared by the applicant's design firm which contains specific information on the site master plan, and architectural designs for planned buildings. Information should include specifications on building materials, size, and dimensions, building elevations, and site design elements such as pedestrian walkways, lighting, landscaping, and signage.

## **3. Criteria for Qualification**

The PUD option may be permitted anywhere in the City except in the CR Zone. To be considered for the PUD option, it must be demonstrated that all of the following criteria are met:

- a. Use of this option shall not be for the purpose of avoiding applicable zoning requirements. Any permission given for any activity or building or use not normally permitted shall result in an improvement to the public health, safety and welfare in the area affected.

The PUD shall not be utilized in situations where the same land use objectives can be accomplished by application of conventional zoning provisions or standards. Problems or constraints presented by applicable zoning provisions shall be identified in the PUD application.

The PUD option may be effectuated only when proposed land use will not materially add service and facility loads beyond those contemplated in the Comprehensive Plan unless the proponent can demonstrate to the sole satisfaction of the City that such added loads will be accommodated or mitigated by the proponent as part of the PUD.

The PUD shall not be allowed solely as a means of increasing density or as a substitute for a variance request; such objectives should be pursued through the normal zoning process by requesting a zoning change or variance.

The Planned Unit Development must substantially meet, as a minimum, three or more of the following objectives. The benefits given to the developer through the flexibility of the PUD must be balanced with the benefits to the City:

- (1) To permanently preserve open space or natural features because of their exceptional characteristics or because they can provide a permanent transition or buffer between land uses.
- (2) To permanently establish land use patterns which are compatible or which will protect existing or planned uses.
- (3) To accept dedication or set aside open space areas in perpetuity.
- (4) To provide alternative uses for parcels which can provide transition buffers to residential areas.
- (5) To guarantee provision of a public improvement which could not otherwise be required that would further the public health, safety, or welfare; protect existing or future uses from the impact of a proposed use; or alleviate an existing or potential problem relating to public facilities.
- (6) To promote the goals and objectives of the Community Master Plan.
- (7) To foster the aesthetic appearance of the City through quality building design and site development; the provision of trees and landscaping beyond minimum requirements; the preservation of unique and/or historic sites or structures; and the provision of open space or other desirable features of a site beyond minimum requirements.
- (8) To bring about redevelopment of sites where an orderly change of use or requirements is determined to be desirable.
- (9) To bring about redevelopment of sites which have been identified as environmentally distressed or Brownfields.
- (10) To facilitate appropriate development of environmentally sensitive areas.

#### **4. Submittal of Concept and Request for Consideration of Project Qualifications**

- a. Any person owning or controlling land in the City may make application for consideration of a PUD. Such application shall be made by submitting a request for a preliminary determination as to whether or not a parcel qualifies for the PUD option.
- b. A written and graphic request shall be submitted to the Marquette City Planning Commission through the Community Development Department. The submission shall include information required by subparagraph c. below.
- c. Based on the documentation submitted, and following a public hearing the Planning Commission shall make a preliminary determination as to whether or not a parcel qualifies for the PUD option under the provisions of Criteria for Qualifications (80.30 #3.)

The submittal must include the following:

- (1) Substantiation that the criteria set forth in Criteria for Qualifications

(80.30 #3.) are or will be met.

- (2) A schematic land use plan containing enough detail to explain the function of open space; the location of land use areas, streets providing access to the site, pedestrian and vehicular circulation within the site; dwelling unit density and types; and buildings or floor areas contemplated, as applicable.
- (3) A plan for the protection of natural, cultural and historic features and preservation of open space, green space, or public access, as applicable.
- (4) The proposed phasing of the project.

The Planning Commission shall review the applicant's request.

To expedite minor PUD projects, of one acre or less, the Planning Commission, at its discretion, may waive submittal information required in Section 5.

### **5. Submittal and Approval of Preliminary PUD Plan**

Application may be made for consideration with the submission of the following materials:

a. Submittal of Proposed PUD Plan. An application shall be made to the Community Development Department for review and recommendation by the Planning Commission which complies with Section 80.62 Site Plans, including but not limited to the following graphic and written representations of the project at a scale not to be smaller than one (1) inch equals one hundred (100) feet unless approved by the City.

- (1) A boundary survey of the PUD boundaries being requested completed by a licensed land surveyor
- (2) A topographic map of the entire area at a contour interval of not more than one (1) foot and spot elevations at intervals not to exceed fifty (50) feet, unless waived. This map shall indicate all major stands of trees, bodies of water, wetlands, and un-buildable areas.
- (3) A proposed land use plan indicating the following:

(a) Parcel and lot lines, land use, access points, and zoning of all parcels within 100 feet of the PUD site.

(b) Vehicular circulation including major drives and location of vehicular access. Proposed project cross sections including public streets or private roads.

(c) Transition treatment, including minimum building setbacks to land adjoining the PUD and between different land use areas within the PUD.

(d) The location of nonresidential buildings and parking areas, estimated floor areas, building coverage and number of stories and heights for each structure.

(e) The location of residential unit types and densities and lot parcel or land units by frontages and areas.

(f) The location of all wetlands, water and watercourses, and proposed water detention areas.

(g) The boundaries of open space areas that are to be preserved or reserved and an indication of the proposed ownership thereof.

(h) A schematic landscape treatment plan for open space areas, streets, and border/transition areas to adjoining properties.

(i) A preliminary grading plan, indicating the extent of grading and delineating any areas which are not to be graded or disturbed.

(j) An indication of the contemplated water distribution, storm, and sanitary sewer plan.

(k) A written statement explaining in detail the full intent of the applicant, indicating the type of dwelling units or uses contemplated and resultant population, floor area, parking, and supporting documentation, including the intended schedule of development.

(l) The proposed phasing of the project, tentative development timetables, and future

ownership intentions. Each phase of the project should be capable of standing alone.

(m) Minimum of two site sections, showing major building relationships and building site features.

(4) Detailed design guidelines, drawings, and / or pattern book, which depict the design character of the project; the architectural details of proposed buildings; details on various site elements such as lights, furniture, landscaping, signage; and such other information deemed appropriate by the Planning Commission.

(5) Planning Commission Review of Proposed PUD Plan:

The Planning Commission shall give notice as provided in Sec. 80.64.5.B and hold a public hearing on the PUD and conduct a site plan review.

(a) The Planning Commission shall review the proposed PUD plan and make a determination as to the proposal's qualification for the PUD option and for adherence to the following objectives and requirements:

1. The proposed PUD adheres to the conditions for qualification of the PUD option and promotes the land use goals and objectives of the City.
2. All applicable provisions of this Section shall be met. Insofar as any provision of this Section shall be in conflict with the provisions of any other section of this ordinance, the provisions of this Section shall apply to the lands embraced within a PUD area.
3. There is, or will be, at the time of development, an adequate means of disposing of sanitary sewage and of supplying the development with water and, that the road system and storm water drainage system are or will be adequate.

b. The Planning Commission can require the applicant to submit a performance guarantee, escrow funds, or other such performance-based guarantees to the City as a condition of PUD approval. The amount of the performance guarantee shall be recommended to the Planning Commission by the City Attorney after discussion with the applicant, City Engineering Department, and other involved parties.

## **6. Final Approval of Planned Unit Development**

- a. Upon receipt of the report and recommendation of the Planning Commission, the City Commission shall hold a public hearing and review all findings. If the City Commission grants the PUD, it shall instruct the City Attorney to prepare a contract setting forth the conditions upon which such approval is based and which contract, after approval by resolution of the City Commission, shall be executed by the City and the applicant. Approval shall be granted only upon the City Commission determining that all provisions of this Section have been met and that the proposed development will not adversely affect the public health, welfare, and safety.

The agreement shall become effective upon execution after its approval. The agreement shall be recorded with the County Register of Deeds by the City Clerk.

Once an area has been included within a plan for PUD and the City Commission has approved such plan, all development must take place in accordance with such plan unless changes have been approved by the City Commission.

An approved plan may be terminated by the applicant or the applicant's successors or assigns, prior to any development within the area involved, by filing with the City Clerk and Community Development Department, and recording in the County records an affidavit so

stating. The approval of the plan shall terminate upon such recording.

No approved plan shall be terminated after development commences except with the approval of the City Commission and of all parties with interest in the land.

Within a period of one (1) year following approval of the PUD contract by the City Commission, preliminary plats and/or final site plans for an area embraced within the PUD must be submitted as hereinafter provided. If such plats or plans have not been submitted within the one-year period, the right to develop under the approved plan shall be terminated by the City. Upon the developer's showing of good cause, the Planning commission can recommend and the City Commission grant an extension of one year for submission of the preliminary plat and/or final site plan.

#### **7. Submission of Preliminary Plat, Final Site Plans; Schedule for Completion of PUD**

- a. Before any permits are issued for any activity within the area of a PUD, preliminary plats or final site plans and open space plans for a project area shall be submitted to the Community Development Department for review by the Planning Commission of the following: Review and approval of final site plans shall comply with the Marquette City Zoning Ordinance as well as this Section and the terms of the contract and approved plan.

Before approving any preliminary plat or final site plan, the Planning Commission shall determine that:

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

(b) The preliminary plats or final site plans are in substantial conformity with the approved contract and plan for the PUD.

(c) Provisions have been made in accordance with the PUD contract to provide for the financing of any improvements shown on the project area plan for open spaces and common areas which are to be provided by the applicant and that maintenance of such improvements is assured in accordance with the PUD contract.

If development of approved preliminary plats or final site plans are not substantially completed in three (3) years after approval, further final submittals under the PUD shall cease until the part in question is completed or cause can be shown for not completing same. When the developer is in default of the PUD timetable, the City Commission may, at the recommendation of the Planning Commission

(a) withdraw approval of other phases

(b) require submission of a new PUD application for those phases, and/or

(c) invoke the performance guarantees to complete the project or make necessary repairs.

As-built site plans and final plats must be filed with the City Engineering Department and the Community Development Department. Performance guarantees shall not be released until these documents have been submitted.

#### **8. Fees**

Fees for review of PUD plans under this Section shall be established by resolution of the City Commission.

#### **9. Interpretation of Approval**

Approval of a PUD under this Section shall be considered an optional method of development and improvement of property subject to the mutual agreement of the City and the applicant.

#### **10. Amendments to PUD Plan**

Proposed amendments or changes to an approved PUD plan shall be submitted to the Zoning Administrator. The Zoning Administrator shall determine whether the proposed

modification is of such minor nature as not to violate the area and density requirements or to affect the overall character of the plan, as guided by section 10 (a), and in such event may approve or deny the proposed amendment. If the Zoning Administrator determines the proposed amendment is major in nature, the Planning Commission shall review the amendment in accordance with the provisions and procedures of this Section as they relate to final approval of the PUD and make a recommendation to the City Commission to approve or deny the changes. The Zoning Administrator may refer any proposed amendment to the Planning Commission at his/her discretion for determination of minor/major amendment status.

(a) Minor Amendment. Minor amendments are those which may have no foreseeable effect beyond the property boundary, such as minor changes in the siting of buildings, the alignment of utilities and the alignment of interior roadways and parking areas. Minor amendments for good cause may be authorized by the Zoning Administrator without notice or hearing, provided no such changes shall substantially increase the size or height of structures, reduce the efficiency or number of public facilities serving the PUD, substantially reduce usable open space, reduce or increase parking areas, or encroach on natural features proposed by the plan to be protected.

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

#### 80.34 MGH - Marquette General Health Systems Overlay District Regulations

1. **Intent.** The purpose and intent of the Marquette General Health Systems Overlay District is to provide for the growth and development of Marquette General Health Systems and to encourage the development of their facilities in a campus development framework; to provide for a variety of uses that support Marquette General Health Systems; to protect such areas from encroachment of incompatible land uses that may have an adverse impact on the operation and future expansion of Marquette General Health Systems; and to allow existing uses within the overlay district boundary which are not under ownership by Marquette General Health Systems to remain conforming to underlying zoning district regulations. The regulations are also intended to protect adjacent land uses and land use districts from the potential adverse impacts of Marquette General Health Systems on these adjoining areas.

2. **Definitions.** For the purpose of this overlay district, certain terms, or words herein shall be interpreted as follows: All words used in the present tense shall include the future; words in the singular number shall include the plural number and all words in the plural number include the singular number. Terms not herein defined shall have the meaning customarily assigned to them or the meaning assigned in section 80.02 of the Marquette City Code.

**Assisted living facilities:** A residential development that provides room and board and provides assistance with activities for daily living for three or more adult residents.

**Emergency services:** Facilities that provide ambulatory and related services.

**Health services:** Establishments engaged in providing diagnostic services including general medical services, medical laboratories, and outpatient care facilities.

**Hospice:** A facility that provides residential living quarters for up to six terminally ill persons.

**Hospitals:** An institution providing health services for inpatient and/or outpatient medical or surgical care of the sick or injured and including related facilities such as, but not limited to, laboratories, outpatient departments, central staff service facilities, and staff offices which are an integral part of the institution.

**Medical related accessory uses:** Privately owned facilities that provide support for

patients, employees, and visitors of Marquette General Health Systems to include; financial institutions, insurance companies, medical equipment sales, pharmaceutical sales, barber shops, clothing rental, health clubs, photographic studios, cleaning and garment services (but not including power laundries or dry cleaning services), restaurants and cafeterias, bookstores, floral shops and gift stores provided there is no visible indication outside of any building.

**Medical related office:** A place which functions such as directing, consulting, record keeping, clerical work, and sales without the presence of merchandise of Marquette General Health Systems.

**Medical related uses:** Medical schools and associated dormitories, medical conference centers, medical appliance sales, facilities for carrying on investigation in the natural or physical sciences, or engineering and development as an extension of investigation with the objective of creating end products.

3. **Master Planning Required.** Within six months following adoption of this zoning district, and at least every five years thereafter, Marquette General Health Systems shall prepare and present to the Planning Commission for its review a master plan for the future development of its campus. The plan shall include all property owned by Marquette General Health Systems or scheduled for acquisition. The Planning Commission shall take into account the information in that master plan when making planning and zoning decisions in and around the hospital area.

4. **Applicability:** The overlay district regulations shall apply only to those properties under ownership of Marquette General Health Systems or its subsidiaries within the district boundary as herein described. The regulations contained herein shall not apply to properties not owned by Marquette General Health Systems or property owned by Marquette General Health Systems that is being used as a one or two family residence.

5. **Special Documentation:** Marquette General Health Systems shall provide the City of Marquette with a Campus Master Plan that will be kept on file at the City of Marquette Planning Department. The Plan provided by Marquette General Health Systems shall be updated every five years.

6. **Marquette General Health Systems Overlay District Boundary and Sub-areas:** The Marquette General Health Systems Overlay District is bounded by Kaye Avenue/College Avenue in the north, Park Street in the south, Seventh Street in the west, and Hebard Court/Presque Isle Avenue/Fourth Street in the east. The Marquette General Health Systems Overlay District Boundary is further segmented into three distinct sub-areas, which are designed to allow for more intense use as the distance from a residential area becomes greater, in order to provide a buffer from non-residential uses. These sub areas include:

- A. Sub-Area A: Neighborhood Protection Area
- B. Sub-Area B: Transitional Area
- C. Sub-Area C: Core/High Intensity Area

The boundary of the zoning district and the boundary for each sub-area is graphically identified on the map entitled "Marquette General Health Systems Overlay District."

7. **Principal Uses:** The following uses are permitted within the district:

- A. Assisted living facilities
- B. Emergency Services
- C. Group day care facilities
- D. Health services
- E. Hospice
- F. Hospitals
- G. Medical related accessory uses
- H. Medical related office
- I. Medical related uses
- J. Nursing Homes
- K. Pharmacy
- L. Single and two-family homes

## 8. Special Requirements for Sub-areas.

- A. Neighborhood Protection Area. An area established to maintain the integrity of the residential area along Park Street.
- (1) Building height shall be no more than thirty (30) feet.
  - (2) Building width, measured parallel with Park Street, shall be a maximum of forty (40) feet and a minimum of twenty (20) feet for all new construction.
  - (3) Minimum spacing between buildings shall be a ten (10) feet.
  - (4) Maximum building length, defined as the portion of a building that runs perpendicular to Park Street, shall be no more than sixty (60) feet for all new construction.
  - (5) The front yard requirement shall be a minimum of twenty (20) feet.
  - (6) All buildings shall have a peaked roof.
  - (7) All buildings shall be architecturally designed so that the front of a building resembles the residential housing in the area.
  - (8) There shall be no vehicular access from Park Street.
  - (9) All parking shall be a minimum of seventy-five (75) feet from Park Street.
  - (10) If parking is located in the Neighborhood Protection Area and behind a building, the area between buildings shall be landscaped in a manner that will completely obscure the parking lot from Park Street year round.
  - (11) For there to be parking in the Neighborhood Protection Area on a platted lot there must be a building on at least part of the lot and the requirements of A-K must be met.
  - (12) There shall be no parking allowed on a platted lot which is adjacent to any residential lot that is not owned by Marquette General Health Systems.
  - (13) No outdoor storage, including off-premise snow storage.
  - (14) No noise, vibration, dust, fumes, or other nuisance shall leave the property in a manner that affects the surrounding area.
  - (15) Fences must be made of residential design and scale.
  - (16) Exterior lighting must be appropriate for a residential area.
  - (17) Signs are allowed to display the name or function of any medical related facility may be no larger than forty (40) square feet and must be securely mounted on the north wall of the building.
- B. Transitional Area. To create an area that allows for more development with less restrictive requirements.
- (1) Maximum building height shall be Seventy-five (75) feet.
  - (2) The yard requirement for any building from Seventh Street or Fourth Street/ Presque Isle Avenue shall be one (1) foot for every one (1) foot of building height.
  - (3) The yard requirement for any building from Piqua Street shall be twenty (20) feet, however, the yard requirement in any area perpendicularly across Piqua from any non-hospital owned property shall be (1) foot for every one (1) foot of building height, but not less than 20 feet.
  - (4) The yard requirement for parking shall be a minimum of twenty (20) feet from the Fourth Street/Presque Isle Avenue and Seventh Street right of way.
  - (5) The yard requirement for parking shall be a minimum of eight (8) feet from the Piqua Street right of way.
  - (6) Landscaping is required for all yards and shall consist of grass, deciduous trees, evergreen trees, and shrubs as approved by the Planning Commission and be maintained year round.
  - (7) Where there are residential or commercial lots not owned by the hospital, the adjoining lots shall not be used for maintenance or snow storage and a minimum of fifty (50) foot side yards shall be maintained for buildings and a minimum of ten (10) foot side yards shall be maintained for parking lots.
  - (8) Light Poles shall be a maximum of twenty (20) feet in height and shall be made of a hooded design to prevent light from leaving the property.



(9) Signs shall be in accordance with Chapter 82 of the Marquette City Code for the (BC) Community Business district with the exception that pole signs are not allowed in the Transitional Area and there shall be no illuminated sign placed in the Transitional Area that is visible from Park Street.

C. Core/High Intensity Area To allow for maximum use of the area by Marquette General Health Systems.

(1) Maximum Building Height of one hundred and fifty (150) feet.

(2) Light Poles shall be a maximum of twenty (20) feet in height and shall be made of a hooded design to prevent light from leaving the property.

(3) The yard requirement for any building adjoining Seventh Street or Fourth Street/ Presque Isle Avenue shall be one (1) foot for every one (1) foot of building height.

(4) The yard requirement for parking shall be a minimum of twenty (20) feet from the Seventh Street and Fourth Street/Presque Isle Avenue right of way.

(5) Where there are residential or commercial lots not owned by the hospital, the adjoining lots shall not be used for maintenance or snow storage and a minimum of fifty (50) foot side yards shall be maintained for buildings and a minimum of ten (10) foot side yards shall be maintained for parking lots.

(6) Signs must be in accordance with Chapter 82 of the Marquette City Code for the Industrial Zoning district.

[80.35](#) Downtown Waterfront District (Ordinance #554)-Amended Ord#615 3/31/14

[80.36](#) South Marquette Waterfront District (Ordinance #555) Amended Ord#615 3/31/14

### 80.37 Required Yards

#### 1. **Front Yards.**

a) Measurement. Front yards extend the full width of a lot and are measured from the street right-of-way line.

b) Through Lots (double-frontage lots). Through lots must provide a front yard on both streets.

c) Corner Lots. On a corner lot, two front yards are required. Only one rear yard setback is required. The rear lot line shall be opposite either front lot line at the discretion of the property owner.

#### 2. **Side Yards.**

a) Side yards extend from the front yard line to the rear yard line and are measured from the side lot line. If no front or rear yard is required, the side yard area must extend the full depth of the lot.

b) Side yards on through lots must run the full length of the lot between street right of way lines.

3. **Rear Yards.** Rear yards extend the full width of the lot and are measured from the rear lot line.

4. **Transition Yards.** The provision for transition yards as documented in section 80.40.1 are not modified by any of the preceding provisions.

5. **Allowed Encroachments into Required yards.** The following features may be located within required yards to the extent indicated. Under no circumstances shall any structure or attachment to a structure protrude closer than five feet from the right-of-way line and/or rear property line, or closer than three feet from the side yard property line.

a) Sidewalks and landscaping may be located in any required yard.

b) Cornices, canopies, eaves or similar architectural features may project into required yards up to 2.5 feet.

c) Unenclosed stairs or fire escapes may project into required yards, provided that they are set back at least 5 feet from the front and rear lot lines and 3 feet from the side lot lines.

d) Unenclosed balconies and unenclosed porches may project into a front or rear required yard by up to 10 feet provided they are 5 feet from the front and rear lot

lines and 3 feet from the side lot lines.

e) Bay windows and chimneys may project into required yards up to two feet, provided that such features do not occupy, in the aggregate, more than 1/3 the length of the building wall on which they are located.

f) Accessory structures may project as allowed in section 80.40.3. (e).

80.38-39 Reserved For Future Use.

80.40 Schedule of General Regulations.

1. Scope of Regulations to Limit Height, Bulk, Density, Area, and Placement by District. (See also 80.41)

A. Except as otherwise specifically provided in this ordinance, no building or structure or part thereof shall hereafter be erected, constructed, altered, or maintained, and no new use or change in use shall be made or maintained, of any building, structure or land, or part thereof, except in conformity with the provisions of this ordinance.

2. Schedule of General Regulations. (see 80.40.3 for foot notes. Dimensions are in feet except lot sizes which are in square feet.)

Zoning District	Minimum Lot Size	Minimum Lot Width	Minimum Front Yard	Minimum Side Yards	Minimum Rear Yard <sup>g</sup>	Maximum Height <sup>h,i</sup>
RS <sup>e</sup>	10,800	80	30	10	30	31.5
RG <sup>e</sup>	8,400	70	20	6 & 8	30	31.5
RM <sup>a, d, j</sup>	20,000	100	30	15	30	36.5
O	8,000	80	0	5 <sup>b</sup>	10 <sup>c</sup>	30
BC	None	None	0	5 <sup>b</sup>	10 <sup>c</sup>	30
BG	None	None	35	15	20	40
CBD	None	None	0	5 <sup>b</sup>	10 <sup>c</sup>	60
I	None	None	25	10	10	80 <sup>f</sup>
CR	None	None	50	50	50	30
DD	None	None	50	50	50	30

3. Footnotes to Schedule of General Regulations.

(a) In the RM, Multiple Family Residential District, the minimum distance between any two buildings on the same site shall be regulated according to the length and height of such buildings. The formula regulating the required minimum distance between two buildings is as follows:

$$S = L_a + L_b + 2(H_a + H_b) / 6$$

Where:

S = Required minimum horizontal distance between any wall of building A and any

wall of building B or the vertical prolongation of either.

$L_a$  = Total length of **building A**. [The total length of building A is the length of that portion or portions of a wall or walls of building A from which, when viewed directly from above, lines drawn perpendicular to building A will intersect any wall of building B.]

$L_b$  = The total length of **building B**. [The total length of building B is the length of that portion or portions of a wall or walls of building B from which when viewed directly from above, lines drawn perpendicular to building B will intersect building A.]

$H_a$  = Height of **building A**. [The height of building A at any given level is the height above natural grade level of any portion or portions of a wall or walls along the length of building A. Natural grade level shall be the mean level of the ground immediately adjoining the portion or portions of the wall or walls along the total length of the building.]

$H_b$  = Height of **building B**. [The height of building B at any given level is the height above natural grade level of any portion or portions of a wall or walls along the length of building B. Natural grade level shall be the mean level of the ground immediately adjoining the portion or portions of the wall or walls along the total length of the building.]

- (b) In the O, BC, and CBD districts the side yards may be eliminated under the following conditions:
  - a. The side walls are of fireproof construction and are wholly without opening.
  - b. The zoning of the adjacent property is O, BC, or CBD.
- (c) In the O, BC, and CBD districts the required rear yard may be measured from the center of an alley abutting the rear lot line.
- (d) Each parcel in the RM district shall have:
  - a. A maximum ground coverage ratio of 0.20.
  - b. Minimum outdoor livability space of 0.40.
- (e) Accessory buildings in the Single Family and General Residential Districts (RS & RG) shall be subject to the following regulations:
  - a. Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all yard regulations of this ordinance, applicable to main building.
  - b. Accessory building shall not be erected in any required yard, except a rear yard.
  - c. Any accessory building may occupy not more than twenty-five per cent (25%) of a required rear yard, plus twenty per cent (20%) of any non-required rear yard, provided that in no instance shall the ground exceed the ground floor area of the main building.
  - d. No detached accessory building shall be located closer than ten feet (10') to any main building nor closer than five (5) feet from a side or rear lot line, except swimming pools, which shall not be located closer than ten (10) feet from a side or rear lot line and not further forward than four (4) feet from the extreme rear line of the dwelling on the lot adjoining, nor closer than twenty (20) feet, at any one point, to the adjoining property's main structure.
  - e. No attached accessory building in a residential district shall exceed sixteen and a half (16.5) feet in height.
- (f) In no case shall the height of any structure in the industrial district exceed the horizontal distance from the structure to the property line; where the property abuts a right-of-way, up to 1/2 width of said right-of-way may be used in calculation the required yard; in no instance may the yard be less than the minimum specified in

Section 80.40.2.

(g) Repealed

(h) The Planning Board may permit conditional uses of greater height than the maximum allowed in the schedule of regulations, provided that the front, side, and rear yards specified as conditions (Sec. 80.65.4) are increased by one foot for each foot of building height that exceeds the maximum allowed. This requirement shall not apply to hospitals (Sec. 80.64.4.A(9)) where different yard widths are required.

(i) There shall be no height restriction on chimneys, flag poles, public monuments, and wireless transmission or reception towers except when they are part of a conditional use.

(j) For lots plotted prior to the adoption of this ordinance the requirements for duplexes shall be: minimum lot area of 6,000 square feet with a minimum front yard shall be 20 feet, the minimum side yards shall be 8 feet and the minimum rear yard shall be 30 feet. For all other lots, the requirements for duplexes shall be as specified in Section 80.65.4.A(11).

80.41 Zoning District Boundary Regulations.

1. **Intent.** It is the intent of this section to provide suitable transitional yards for the purpose of reducing the impact of and conflicts between incompatible land uses abutting district boundaries.

2. **Schedule.** On any lot abutting a zoning district boundary, no structure, building or part thereof shall hereafter be erected, constructed, altered or maintained closer to the district boundary line than specified in the following schedule: 80.41.2 .A (See Section 80.41.3)

DISTRICT IN WHICH TRANSITIONAL YARD	<u>ABUTTING DISTRICT</u>									
	RS	RG	RM	OS	BC	CBD	BG	I	CR	DD
IS REQUIRED	RS	RG	RM	OS	BC	CBD	BG	I	CR	DD
Single Family Residential - RS	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.
General Residential - RG	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.
Multiple Family Residential -RM	30	30	N.A.	35	35	35	35	40	-0-	-0-
Office District - OS	15	15	15	N.A.	-0-	-0-	-0-	20	-0-	-0-
Community Business BC	15	15	15	-0-	N.A.	-0-	-0-	10	-0-	-0-
Central Business CBD	15	15	15	-0-	-0-	N.A.	-0-	10	-0-	-0-
General Business BG	40	40	40	-0-	-0-	-0-	N.A.	20	-0-	-0-
Industry I	40	40	40	25	25	25	25	N.A.	-0-	-0-
Conservation-Recreation CR	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.
Deferred Development DD	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.

3. Exceptions to Schedule.

- A. Where the district boundary is the centerline of a right-of-way, the transitional yard requirements shall be measured from the lot line.
- B. In all cases where transitional yards are not indicated, the required yard is the same as the minimum yard requirements in Section 80.40.2, Schedule of General Regulations.
- C. Where an industrial district abuts any residential district a screening fence, not to exceed 12 feet in height shall be erected on the industrial property to obscure the industrial use and storage from the adjacent residential property.
- D. Where a business district or office district (BC, BG, CBD, O) abuts any residential district a fence at least four (4) feet in height shall be erected within the business district boundary, except where the boundary is a public right-of-way.

80.42 Off-Street Parking and Loading Zone Requirements.

1. **Intent.** It is hereby determined that the provision of off-street parking spaces is necessary to reduce traffic hazards and the congestion of streets. It is also determined that regulation of location, design, maintenance, and other features of off-street parking lots is in the interest of public safety and welfare.

2. **Required Parking.** (For uses in the Central Business District see also Sec. 80.25.4)

A. SCHEDULE OF PARKING REQUIREMENTS

In all districts there shall be provided off-street parking for motor vehicles. When a public parking lot has been provided by special assessment, the required parking may be reduced by the number of spaces in the public lot representing the same percentage as the property's participation in the special assessment district costs. The number of spaces to be provided shall be based on the following schedule:

(1) Residential.

Single Family and two family-units	2 spaces per dwelling unit.
Multiple family units with 3 or 4 dwelling units	Two spaces per dwelling unit, minus one from the total.
Multiple family units with 5 or more dwelling units	Two spaces per dwelling unit, minus 2 from the total.
Hotels, motels	1.25 spaces per rental unit
Fraternities, Sororities, and rooming houses	1 Space for each capacity occupant
Nursing/Convalescent Homes	1 space for each three units
Homeless shelter	Established based on the needs of each facility. As a general rule, shelter facilities providing services to families will require more parking than emergency shelters that serve homeless individuals exclusively.

(2) Educational and Religious.

Public and private elementary, junior and senior high schools	1 space for each instructor, administrator or additional employee plus one space for each ten senior high school students.
Commercial and trade schools, colleges, and universities	1 space for each instructor, administrator or other employee plus 1 space for each four students
Churches	1 space for each four seats in the main unit of worship

**(3) Cultural and Recreational.**

Assembly, convention, meeting and exhibition halls, theaters, auditoriums stadiums, sports arenas, and similar places of public gathering	1 space for every 3 capacity occupants
Libraries, museums, art galleries	0.4 spaces per 100 square feet of floor area
Private clubs, and/or lodges	1 space for every 3 capacity occupants

**(4) Health Facilities.**

Hospitals	2 spaces for each bed
Medical and dental clinics, doctors' and dentists' offices with less than 20 doctors	8 spaces per doctor
Medical and dental clinics, doctors' and dentists' offices containing twenty or more doctors	6 spaces per doctor
Convalescent and nursing homes for the aged	1 space for every two beds

**(5) Transportation, Communications, and Utilities.**

Rail, bus, air and water passenger terminals	2 space per 100 square feet of terminal area
Air, rail, motor and water freight terminals	0.5 space per 100 square feet of floor area
Radio and television stations	1 space per 100 square feet
Public utility operations other than offices	0.1 space per 100 square feet of floor area plus 0.01 space per 100 square feet of site area

**(6) Industrial**

Production or processing of materials, goods, or products	0.1 space per 100 square feet of floor area plus 0.01 space per 100 square feet of site area
Testing, repairing, cleaning or servicing of materials, goods, or products	0.1 space per 100 square feet of floor area plus 0.01 space per 100 square feet of site area
Warehousing and wholesaling	0.1 space per 100 square feet of floor area plus 0.01 space for every 100 square feet of outdoor storage or sales area

**(7) Retail Trade.**

Establishments for the consumption of food or beverages on the premises	1 space for every two capacity occupants
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Establishments for the sale of motor vehicles, trailers, and large equipment of any sort	0.1 space for each 100 square feet of floor area, minimum of two spaces
All other retail	0.66 spaces for every 100 square feet of floor area, minimum of two spaces

(8) **Services.**

Offices, business and professional except as specified in Section 4.	0.5 spaces for every 100 square feet of floor area
Auto service stations and repair garages	0.35 spaces for every 100 square feet of floor area
Laundromats	2 spaces for every 100 square feet of floor area.
Personal Service Establishments (Barber and Beauty Shops)	0.66 spaces for every 100 square feet of floor area, minimum of two spaces

**B. PARKING REGULATIONS**

- (1) For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use which the Zoning Administrator considers as similar in type.
- (2) Where calculation of parking requirements with the foregoing list results in a fraction of a space, a full space shall be provided.
- (3) Two or more buildings or uses may collectively provide the required off-street parking in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately. In the instance of dual function of off-street parking spaces where operating hours of the buildings or uses do not overlap, the Board of Appeals may grant exception to the number of parking spaces required.
- (4) Any area once designated as a required off-street parking lot shall not be changed to another use unless and until equal facilities are provided elsewhere subject to the Zoning Administrator's recommendation and Planning Commission approval.
- (5) In single family residential districts (RS, RG), off-street parking may be located on a site other than the site to which it pertains. In multi-family districts (RM) and new multi-family developments in mixed-use zoning districts, the required off-street parking shall be located on the same site as the use to which it pertains.
- (6) In all districts except the residential districts parking shall be located in the same district as the use and within 400 feet of the lot on which the use is located measured from lot corner along a street or streets. If the use is located in a building the distance shall be measured along streets from the nearest point of the building to the nearest corner of the lot on which the parking is located.
- (7) In all districts, except residential, where off-street parking is located on a lot other than the lot occupied by the use which requires it, site plan approval for both lots is required.
- (8) In single family residential districts (RG, RS), no more than twenty-five (25) percent of the required rear yard may be paved for parking.
- (9) These parking requirements must be met:
  - a. At the time of construction of any new building or structure or at the time of commencement of use of any land.
  - b. If any alternatives are made in a building or structure which would require additional parking.
  - c. If the use of any building, structure, of land is altered.
- (10) Parking Reduction Formula - After calculating the number of parking spaces

necessary to meet the standards in section 80.42.2.A. the parking requirements for uses, other than residential, in the OS, BC, CBD, and BG zoning districts may be modified using the following table:

SPACES CALCULATED	PERCENTAGE ACTUALLY REQUIRED
less than 5	50%
6 - 10	60%
11 - 20	70%
21 - 30	80%
31 - 40	90%
41 - 50	100%
51 - 60	90%
61 - 70	80%
71 - 80	70%
81 or more	60%

- (10) Parking Waiver - In the BC and CBD districts the Board of Zoning Appeals may waive the above calculated and/or required parking for any non-residential use under the following conditions. Said waiver is not a variance and need not meet the statutory and judicial standards for a variance.
- a. The board must hold a public hearing with notice given as required for conditional use permit hearings.
  - b. There must be an off street municipally owned parking lot operated by the City's Parking Utility within 400' (measured along the street right of way) of the site.
  - c. The board should consider the amount of current use of the lot or lots proposed to meet this requirement, and whether adequate parking will be available for the proposed use. The board may consider that not all uses require parking at the same time in making this decision.

C. PARKING LAYOUT, DESIGN, CONSTRUCTION, AND MAINTENANCE.

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

(1) Residential

For the purpose of this section, the following definitions shall apply:

DRIVEWAY: a private approach giving vehicles access from a public way to a building or parking space(s) on the same site.

FRONT AREA: That area located between the edge of the physical street and the nearest point of the dwelling, projected parallel to the street.

HARD SURFACE: For one and two family dwellings a hard surface shall comprise of compacted gravel, concrete or asphalt pavement, pavers or other products designed for parking.

PARKING SPACE: A defined area of at least 9 feet by 18 feet for the storage or parking of a vehicle. This area is to be exclusive of drives, driveways, aisles or entrances giving access to the space from the public right-of-way.

- a. Parking is not permitted in the front area with exception of on a driveway or in a garage. All parking in the front area shall be on parking spaces which are at least 2 feet from the side lot line, at least 2 feet from the inside edge of a sidewalk, and at least 10 feet from the edge of an established street.
- b. Allowable driveway widths are 18 feet wide on a lot up to and including 50 feet in width and 24 feet wide on a lot 100 or more feet in width. Driveways on lot widths between 50 and 100 feet are prorated accordingly.
- c. A maximum of two driveway openings per site are permitted. A driveway may be widened beginning at a point 2 feet from the inside edge of a sidewalk or 10 feet from the edge of an established street without sidewalks, provided the hard surfaced areas of the driveway or driveways and parking spaces utilize no more than 30% of the front area. On



corner lots, there shall be two front areas. The overlapped area at the corner may be counted with either front area, but not both, at the discretion of the property owner. The two front areas may not be combined for the purpose of exceeding the 30% maximum hard surface within either front area.

- d) Hard surface residential parking locations approved under previous ordinance language are not subject to above language provided that the minimum safeguards are met for all parking uses where vision hazards and locations impact public safety.
  - e) The Zoning Administrator may permit parking in a front area during the winter parking ban period if deemed that the site cannot be reasonably altered to provide parking which is not in the front yard.
  - f) All one and two family residential parking spaces shall be exempt from the following standards (found in Section 80.42.2. C, subsections 3 through 15), except that site plans drawn to scale shall be submitted to the Zoning Administrator for review and approval for creation of driveways or parking spaces. Curb cut permits shall be obtained from the City Engineer when curb cuts are made or modified.
- (2) All spaces shall be laid out in the dimensions of nine feet by eighteen feet, exclusive of maneuvering lanes.
  - (3) An area equivalent to 10% of the required parking stall area shall be provided for snow storage. The snow storage area shall be landscaped and shall be located within any fence bounding the parking lot.
  - (4) Plans for the layout of the parking lot shall show the dimensions of the total lot, shall show the location and dimensions of all parking spaces, maneuvering lanes, entrances, exits, borders and snow storage areas. Means of limiting ingress and egress to the parking lot shall also be shown. One of the following patterns shall be used for the layout of parking spaces:

STALL LENGTH	ANGLE (IN DEGREES)	STALL WIDTH	MANEUVERING LANE WIDTH
23 ft.	0-15	9 ft.	12 ft.
18 ft.	16-37	9 ft.	12 ft.
18 ft.	38-57	9 ft.	15 ft.
18 ft.	58-74	9 ft.	18 ft.
18 ft.	75-90	9 ft.	24 ft.

- (5) All spaces shall be provided adequate access by means of a maneuvering lane. Backing directly onto a street is prohibited.
- (6) Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for all vehicles. There shall be a minimum of twenty five (25') between curb cuts or cuts and intersections. There shall be a clear vision triangle at each intersection, created by measuring 25 feet from the corner along each property line. Said triangle shall be clear from two feet to ten feet above the grade of the street pavement.
- (7) Each exit and entrance to and from any off-street parking lot located in an area zoned for other than single family and general residential (RS & RG) shall be at least twenty five feet (25) distant from any adjacent property located in a single family or general residential district.
- (8) The entire parking lot including parking spaces and maneuvering lanes required under this section, shall be provided with a paved surface in accordance with specifications approved by the City Engineer. The parking area shall be surfaced within (1) year of the date the permit is issued. Off-street parking lots shall be drained so as to dispose of all surface water accumulated in the parking areas in such a way as to preclude drainage of water onto adjacent property or toward buildings.
- (9) All parking spaces shall be clearly defined by use of car wheel or bumper stops and/or painted lines.
- (10) An off-street parking lot abutting a residential district shall be provided with a continuous

six foot (6') solid or stockade style screening fence. This screening fence shall be provided on all sides where the abutting zoning district is designated as a residential district.

- (11) All lighting used to illuminate any off-street parking area shall be confined within and directed onto the parking lot only. In no case may the source of light exceed twenty feet in overall height above ground level.
- (12) Maintenance. The off-street parking lot, required borders and landscaped areas shall be maintained in a litter free condition. All planting shall be in healthy growing condition neat and orderly in appearance. Snow shall be removed as necessary to permit use of all required parking spaces.
- (13) A two foot border shall be created between a parking lot, and the adjacent buildings and/or property lines. This border shall be landscaped or paved, and may be included in the required snow storage area.

**D. Limitations on use of all parking lots except for residential uses:**

- (1) Temporary sales areas may be permitted to occupy not more than twenty-five percent (25%) of the existing or required parking spaces on the site, for a total of not more than 90 days in any 12 month period. The location of sales merchandise and/or temporary structures shall not interfere with traffic patterns or access to remaining parking spaces. Prior to placement of merchandise or erection of temporary structures, the Zoning Administrator shall be notified of the date of removal. (The location and construction of all temporary structures (including tents) erected in association with the temporary sale of merchandise shall require the approval of the Zoning Administrator and the Fire Administrator. It is the responsibility of the business owner to contact the County Building Code Administrator to determine if a building permit is required.
  - a. Mobile Food Vending Units per Chapter 35 of the City Code are exempt from section 80.42.2.D.(1).
  - b. Temporary sales areas that require a person to obtain a license from the City Clerk's Office are exempt from obtaining a Zoning Compliance Permit, but must meet the requirements of section 80.42.2.D.(1).

**3. Off-Street Loading Zones.**

A. On the same site with every building or structure in the office, business and industrial districts (OS, BC, CBD, BG, I) there shall be provided and maintained a minimum of one space for standing, loading and unloading of delivery vehicles in order to prevent interference with public use of a dedicated right-of-way.

- (1) Two or more adjacent buildings or structures may jointly share off-street loading facilities provided that adequate access to the individual uses is provided.
- (2) Loading dock approaches shall be provided with a pavement having an asphaltic or cement binder so as to provide a permanent, durable and dust free surface.
- (3) All spaces shall be laid out in the dimensions of at least ten feet by fifty feet.
- (4) Off-street parking spaces must be provided for all commercial vehicles owned by or customarily used by the business or industry. The Zoning Administrator may authorize that the off-street loading area be used for this purpose, provided that the parking of commercial vehicles does not interfere with loading activities.
- (5) Off-street loading zones shall be designated with appropriate signs and pavement marking which prohibit parking of non-commercial vehicles.

**4. Appeals.** The Board of Appeals, upon application of the property owner, may modify the requirements of this section where unusual difficulties or unnecessary hardships would result. Appeals from parking requirements in the Central Business District (CBD) are referred to in Sec. 80.65.4.D.

**80.43 Landscaping Regulations.**

1. Wherever in this ordinance a yard, or open area is created, such area shall be landscaped within six (6) months from the date of issuance of a certification of occupancy and shall thereafter be reasonably maintained.
2. Landscaping shall include ground covering material, of sufficient density to prevent the

washing, blowing or shifting of soil.

3. The use of vegetative material is also encouraged in conjunction with required screening fences.

#### 80.44 Non-conforming Uses and Structures.

1. **Definition and Classification of Non-conforming Uses and Structures.** Non-conforming uses and structures are those which do not conform to a provision or requirement of this ordinance but were lawfully established prior to the time of its applicability.

Class A non-conforming uses or structures are those which have been so designated by the Board of Zoning Appeals, after application by an interested person or the Zoning Administrator, upon findings that:

- A. Continuance thereof would not be contrary to the public health, the safety, or welfare, or to the spirit of this ordinance.
  - B. The use of structure does not and is not likely to significantly depress the value of nearby properties.
  - C. The use or structures was lawful at the time of its inception.
  - D. No useful purpose would be served by strict application of the provisions or requirements of this ordinance with which the use or structures does not conform. All non-conforming uses and structures not designated as Class A are Class B non-conforming uses or structures. Class A or Class B designations do not apply to non-conforming lots (See Sec. 80.45.).
2. **Procedure for Obtaining Class A Designation Conditions.** A written application shall be filed setting forth the name and address of the applicant, giving a legal description of the property to which the application pertains, and including such other information as may be necessary to enable the Board of Zoning Appeals to make a determination of the matter. The notice and hearing procedure before the Board of Zoning Appeals shall be the same as in Sec. 80.64.5. The decision shall be in writing and shall set forth the findings and reasons on which it is based. Conditions shall be attached, including any time limit, where necessary assure that the use or structure does not become contrary to the public health, safety, or welfare of the spirit and purpose of this ordinance. No vested interest shall arise out of a Class A designation.
  3. **Revocation of Class A Designation.** Any Class A designation shall be revoked, following the same procedure required for designation, upon a finding that as a result of any change of conditions or circumstances the use or structure no longer qualifies for Class A designation.
  4. **Regulations Pertaining to Class A Non-conforming Uses and Structures.** No Class A non-conforming use shall be resumed if it has been discontinued for a continuous period of at least 18 months or if it has been changed to a conforming use for any period. No Class A structure shall be used, altered, or enlarged in violation of any condition imposed in its designation.
  5. **Regulations Pertaining to Class B Non-conforming Uses and Structures.**
    - A. It is a purpose of this ordinance to eliminate Class B non-conforming uses and structures as rapidly as is permitted by law without payment of compensation.
      - (1) Exceptions. One and two family structures which are non-conforming on the basis of yard or height requirements may be maintained, repaired, altered, or added to as long as they remain otherwise conforming. Additions or alterations to the exterior of the structure shall conform to all requirements of this ordinance.
    - B. No Class B non-conforming use shall be resumed if it has been discontinued for a continuous period of six months or if it has been changed to conforming use for any period or if the structure in which the use is housed or conducted is damaged by casualty or neglect to the extent that the cost of reconstruction or repair exceeds the market value of the structure excluding land and other structures on the site as determined by the City Assessor using the current tax roll and field sheets.
    - C. No Class B non-conforming use shall be changed to a substantially different non-

conforming use, nor enlarged so as to make use of more land area than used at the time of becoming non-conforming.

- D. No Class B, non-conforming structure shall be enlarged or structurally altered, nor shall it be repaired or reconstructed, if damaged by casualty or neglect to the extent that the cost of reconstruction or repair exceeds the market value of the structure excluding land and other structures on the site as determined by the City Assessor using the current tax roll and field sheets.
- E. For the purpose of maintaining health and safety, Class B non-conforming structures and buildings, may be repaired and maintained. Such repair and maintenance shall not increase the non-conformity of the structure, building, or uses therein, nor shall such repair and maintenance total more than 20% of the current assessed value of the structure, and/or building in any 12 month period.
- F. In the case of mineral removal operations, existing holes or shafts may be worked and enlarged on the land which constituted the site on which operations were conducted at the time of becoming non-conforming, but no new holes or shafts shall be established.
- G. No Class B non-conforming use or structure shall be permitted to continue in existence if it was unlawful at the time of its inception.
- H. For the purpose of calculating a fair and equitable cost of repairs and reconstruction regulated by this section, the average of two bid estimates from licensed contractors shall be used. All work requiring permits under state and local regulations, and materials necessary to bring the structure up to current code shall be included. Clean up costs, demolition, furnishings and appliances shall not be included. The actual repair and reconstruction may be done by the homeowner or contractor of his choice.
- I. If the Zoning Administrator questions the accuracy of the bid estimates, or proposed work or materials, he may consult with the Building Code Department and/or refer the matter to the Board of Zoning Appeals.

80.45 Non-conforming Lots. (refer to definition of lot, non-conforming).

- 1. All lots or parcels of land created through division and/or combination with other lots or parcels of land shall conform to the requirements of this ordinance and the district in which they are located.
- 2. A non-conforming lot may not be used except as permitted in Section 80.45.3.
  - A. Contiguous, non-conforming lots simultaneously under the same ownership are considered, under the terms of this ordinance, to have been combined as necessary to eliminate the non-conformity. If all non-conformity shall be reduced as much as possible.
- 3. Exceptions to section 80.45.1 and 2.
  - A. Where structures or uses which were lawful prior to the adoption of this ordinance exist on non-conforming lots at the time of adoption of this ordinance, said non-conforming lots may be used for any of the permitted uses in the districts in which they are located providing all other requirements of this ordinance are met.
  - B. Where two contiguous non-conforming lots under the same ownership exist, and where one of said lots is vacant and the other is occupied by one, one-family dwelling, the vacant lot may be used for any of the permitted uses in the districts in which they are located providing all other requirements of this ordinance are met.
  - C. A non-conforming lot may be used for one, one family dwelling in districts where permitted if it does not fall under section 80.45.2.A. All other requirements of this district and this ordinance must be met unless a variance is granted by the Board of Zoning Appeals.

80.46 Exceptions and Exemptions.

- 1. The location of railroad tracks and yards, and the location of essential services are exempt from regulations under this ordinance.

2. Projections into required open space. Accessory structures four (4) feet in height or less, shall not be considered in computing maximum percent of lot coverage in residential district.

80.47-80.51 Reserved for Future Use.

80.52 Zoning Compliance Review Requirements.

1. Submission of Zoning Compliance Application and plans required.

No person shall commence to erect, alter, or repair any Class B non-conforming structure; or to replace or enlarge any of the uses listed below, without first obtaining Zoning Compliance and approval of plans. No use shall be carried on, nor construction undertaken, except as shown upon an approved zoning compliance application and plan. Plans shall be submitted to the Zoning Administrator or designated official.

- A. One or two family dwellings and associated accessory structures
- B. Commercial interior remodeling
- C. Paving

2. Required form of, and information on, plans.

- A. The information shown on the plan shall include:

- (1). Name and address of the applicant and plan preparation date.
- (2) Property lines of the area included in the plan and a north arrow.
- (3) The shape, size, use, location, height, eave size, floor area, parking spaces, driveways, sidewalks, exterior architectural design of all structures, the floor area and ground coverage ratios of residential structures if applicable.
- (4) All proposed and existing structures and their relationship to each other and adjacent property lines.
- (5) Any other information necessary to establish compliance with this and other ordinances.

B. If no exterior dimensional changes will result from the proposed construction or alteration, the plan may consist of the minimum applicable information in the above section A to determine compliance with the Zoning Ordinance and applicable codes.

C. Two (2) identical copies of a plan shall be submitted, except in the case of one (1) or two (2) family dwellings or structures customarily accessory to such dwellings, in which case one (1) copy of the site plan shall be submitted, each on a separate sheet of paper not exceeding 36 X 36 inches.

D. Plans for commercial interior remodeling shall be drawn to a scale of not less than 1:480 (1 inch to 40 feet) and shall be certified by a professional engineer or architect.

3. Review Procedure

A. Upon receipt of any zoning compliance application and plan, the Zoning Administrator or designated official shall review to determine whether it is in proper form, contains all of the required information and shows compliance with the ordinance. The Zoning Administrator or designated review official shall, within ten (10) days, grant approval in writing or deny approval in writing, setting forth in detail the reasons which shall be limited to any defect in form or required information, any violation of any provision of this ordinance, and any changes which would make the plan acceptable. In determining compliance with this ordinance, the Zoning Administrator or designated official shall take into consideration the administrative standards set forth in Section 80.60. In cases where compliance with these standards is not demonstrated, the Zoning Administrator or designated official shall deny approval of the plan. The applicant may appeal any denial to the Board of Zoning Appeals.

80.53-80.59 Reserved for Future Use.

80.60 Administrative Standards. For the purpose of administering this ordinance, the Zoning Administrator, the Planning Commission, the Board of Appeals and any other reviewing body or official shall consider each case as an individual case. Consideration shall be give to the

location, size, and character of a use to determine if the use will be in harmony with the intent and appropriate and orderly development of the district in which it is situated and will not be detrimental to the orderly development of adjacent districts. Consideration shall be given to the following:

1. Intent of the Zoning District.
2. Current use of adjacent lands and neighborhood.
3. Physical appearance of existing or proposed structures (location, height, bulk of building as well as construction materials).
4. The suitability of the proposed landscaping in providing ground cover, screening and decoration on the site.
5. The nature and intensity of operations involved in or conducted in connection with the proposed use.
6. The time of use, the physical and economic relationship of one type of use to another.
7. The assembly of persons or employees, which may be hazardous to the neighborhood or incongruous or conflict with normal traffic in the vicinity.
8. Vehicular and pedestrian traffic volumes and patterns, particularly of children, as well as vehicular turning movements in relation to traffic flows, intersections and site distances.
9. The physical characteristics of the site such as: area, drainage, topography, open space, landscaping, and access to minor and/or major streets.
10. Demands upon public services such as electricity, sewer, water, police, and fire protection, schools and refuse disposal.
11. The type and amount of litter, waste, noise, dust, traffic, fumes, glare and vibration which may be generated by such use.
12. Area requirements for the proposed use and the potential for the use or its area requirements to expand.
13. Other factors necessary to maintain property values in the neighborhood and guarantee safety, light, air and privacy to the principal uses in the district.
14. Compliance with the Master Plan.

#### 80.61 Fees.

1. Fees for any appeal to the Board of Appeals or petitions for Planning Commission consideration of Zoning Ordinance amendments (rezonings), site plan review, conditional use permits or planned unit development review, shall be established by resolution of the City Commission. No activity on such request or appeal shall commence until said fee has been paid. Said fees are waived for actions initiated by the City Commission or the Planning Commission.

#### 80.62 Site Plans.

1. Intent: It is the intent of this section to establish procedures and standards for the review and approval of site plan applications and to ensure proper relationships between the development features as they relate to the standards outlined in this section. This section is further intended to ensure that developments are compatible with adjacent uses of land and promote the use of land in a desirable manner that does not impair the surrounding uses by the erection of structures, additions, alterations, or site improvements that may negatively impact surrounding development, while providing for the orderly development of the City of Marquette.

2. Uses subject to site plan review:

- A. Conditional Uses;
- B. Planned Unit Developments;
- C. Any earthwork greater than 20,000 square feet in size;
- D. New construction, additions, alterations, or site improvements of any nonresidential building or buildings, including nonresidential accessory buildings or structures;
- E. Conversion of an existing building or part thereof from a residential use to a
  1. non-residential use, including site improvements that result from a change in the

- use of the building or part thereof from residential use to nonresidential use;
  - F. New construction, additions, alterations, or site improvements for multifamily residential units that contain or will contain three (3) or more unit dwellings;
  - G. Any expansion or change in an existing land use if more parking in addition to that already provided is required;
  - H. Site improvements that include landscaping, lighting, parking, and site access.
- 3. Uses exempt from site plan review: The following uses shall be exempt from site plan review:
  - A. Single family dwellings and their accessory facilities on individual parcels;
  - B. Two family dwellings and their accessory facilities on individual parcels;
  - C. Interior remodeling or interior construction;
  - D. Landscaping that is less than 25 percent of the parcel size or 5,000 square feet, whichever is less.
- 4. Site plan review procedures:
  - A. No zoning compliance or conditional use permit shall be issued for any uses subject to site plan review except in accordance with a site plan approved by the Planning Commission or Zoning Administrator, except as herein provided.
  - B. Preliminary sketches of proposed site plans may be submitted for review to the Planning Commission prior to submission for final approval. Submission of preliminary sketch plans shall be made no later than six (6) days prior to the meeting at which the review is to take place. The Planning Commission shall advise the applicant as to the general acceptability of the proposed plan, but shall not be bound by any statements or indications of acceptance to the plan. The Zoning Administrator shall determine the number of plans to be submitted. Sketch plans should include at a minimum:
    - (1) Identification of project;
      - a. The applicant's name;
      - b. Name of the development;
      - c. Date of preparation and any revisions;
      - d. North arrow;
      - e. Small scale location sketch of sufficient size and scale.
    - (2) Existing features
      - a. Property lines and dimensions drawn to scale;
      - b. Zoning and current land use of applicant's property and all abutting properties and of properties across any public or private street from the site;
      - c. Location of significant natural features;
      - d. Location of any access points on both sides of the street within one-hundred (100) feet of the site along streets where access to the site is proposed.
    - (3) Proposed construction
      - a. Building footprints, and setbacks, for all proposed structures;
      - b. Location of parking spaces;
      - c. General landscape concept;
      - d. Exterior lighting locations;
      - e. General site circulation and access including:
        - i. indication of street right of way, and pavement widths;
        - ii. access points;
        - iii. location of pedestrian paths.
  - C. Applications for final site plan approval shall be submitted to the Zoning Administrator at least twenty (20) business days prior to the meeting at which the review is to take place.
  - D. The site plan review application materials shall include all the following information, unless the Zoning Administrator determines that some of the required information is not reasonably necessary for consideration of the plan.
    - (1) Current proof of ownership or evidence of a contractual ability to acquire such land, such as an option or purchase agreement or a written statement from

- the property owner indicating permission for the filing of the application.
- (2) Twelve copies of plan sheet(s) providing the information listed below. Sheet size of submitted drawings shall be at least 24-inches by 36-inches, with graphics at an engineers scale of one (1) inch equals twenty (20) feet for sites of 20 acres or less; and one (1) inch equals fifty (50) feet for sites over 20 acres. The surrounding area drawing may be in a scale of one (1) inch equals one-hundred (100). Individual site plan requirements may be waived if deemed unnecessary by the Zoning Administrator.
- a. Identification of the project
    - i. The applicant's name;
    - ii. Name of the development;
    - iii. The preparer's name and professional seal of architect, engineer, surveyor or landscape architect indicating license in the State of Michigan;
    - iv. Date of preparation and any revisions;
    - v. North arrow;
    - vi. Complete and current legal description and size of property in acres.
  - b. Existing features
    - i. Property lines and dimensions;
    - ii. Zoning and current land use of applicant's property and all abutting properties and of properties across any public or private street from the site;
    - iii. Lot lines and all structures on the property and within one-hundred (100) feet if the site's property lines
    - iv. Locations of all significant natural features;
    - v. Location of any access points on both sides of the street within one-hundred (100) feet of the site along streets where access to the site is proposed;
    - vi. Existing topography at a minimum of two (2) foot contour intervals.
  - c. Proposed construction
    - i. Building footprints, setbacks, and elevations showing height for all proposed structures with the acreage allotted to each use. Floor area and ground coverage ratios shall be provided for residential structures;
    - ii. Proposed locations of utility services (with sizes), including storm drainage, retention or detention ponds, fire hydrants, and any public or private easements;
    - iii. Proposed topography with a site grading plan with topography at a maximum of two (2) foot contour intervals;
    - iv. Location and method of screening for all waste dumpsters;
    - v. Location and dimensions of parking spaces;
    - vi. A landscaping plan indicating proposed plant locations with common plant name, number, and size at installation. Berms, retaining walls or fences shall be shown with elevations from the surrounding average grade;
    - vii. Details of exterior lighting including locations, height, and method of shielding;
    - viii. The location of all permanent or temporary signs, existing or proposed, including their area, size, height, illumination, and the type of construction;
    - ix. Details of site circulation and access design, including:
      - (a) Indication of street right-of-way and pavement widths and pavement type;
      - (b) Street horizontal and vertical dimensions, including curve radii;
      - (c) Dimensions of access points including distance from adjacent driveways or intersecting streets, including those across a street;
      - (d) Identification of width and material to be used for pedestrian paths;
      - (e) Name and location of abutting public streets, proposed access





circulation within and to the site shall be provided. Drives, streets, and other elements shall be designed to promote safe and efficient traffic operations within the site and at its access points.

- c. The arrangement of public or common ways for vehicular and pedestrian circulation shall be connected to existing or planned street and pedestrian or bicycle pathways in the area. There shall be provided a pedestrian circulation system which is separated from the vehicular circulation system. In order to ensure public safety, special pedestrian measures, such as crosswalks, crossing signals and other such facilities may be required in the vicinity of schools, playgrounds, shopping centers, and other uses which generate a considerable amount of pedestrian traffic.
- d. The landscape shall be preserved in its natural state, insofar as practical, by removing only those areas of vegetation or making those alterations to the topography which are reasonably necessary to develop the site in accordance with the requirements of this ordinance. Landscaping shall be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding property.
- e. Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Surface water on all paved areas shall be collected so that it will not obstruct the flow of vehicular or pedestrian traffic or create standing water.
- f. All buildings or groups of buildings shall be arranged so as to permit emergency vehicle access as required by the Fire Department and Police Department.
- g. All outside storage areas, including refuse storage stations, shall be screened from the view of the street and/or adjacent residentially zoned properties. All loading and unloading areas shall be reasonably screened for residentially zoned properties.
- h. Exterior lighting shall be arranged so that it is deflected away from adjacent properties and bodies of water so that it does not impede the vision of traffic along adjacent streets or impair navigation on the waterway. Flashing or intermittent lights shall not be permitted.
- i. For consistency in areas where adjoining properties face the street, the Planning Commission may require that primary structures shall be oriented so that their main entrance faces the street upon which the lot fronts. If the development is on a corner lot, the main entrance may be oriented to either street or to the corner.
- j. No noise, vibration, dust, fumes, or other nuisance shall leave the property in a manner that affects the surrounding area.

#### 6. Amendments

- A. No changes, erasures, modifications, or revisions shall be allowed for any approved site plan without prior approval by the Zoning Administrator, or the Planning Commission.
- B. The ability to approve any changes shall remain consistent with the ability to approve or deny an original site plan.

#### 7. Validity of Approved Site Plans

- A. Site plan approval shall expire one (1) year from the date of approval except for phased projects that are required to follow a project timeline.
- B. When work on a project is halted for a minimum of two months, except during winter conditions, the Zoning Administrator or designee shall inform the Planning Commission which may revoke the approval if the conditions warrant.
- C. The Planning Commission may grant a one time extension to the expiration deadline not to exceed one (1) year provided:
  - (1) The request is submitted at least 45 days prior to the expiration of the site plan approval.

- a. The approved plan conforms to zoning at the time the extension is granted
    - b. Any and all Federal and State approvals and permits are current.
  - D. Site plans whose approval has expired shall require resubmission as an initial application.
8. Compliance Guarantees:
- A. Prior to construction, the Zoning Administrator shall require that the property boundaries be staked by a licensed surveyor. At any time during construction, the Zoning Administrator may inspect the site to determine compliance with the approved site plan. If the Zoning Administrator determines that the construction is not in accordance with the approved site plan, the Zoning Administrator shall issue a stop work order and take action to ensure compliance with the approved site plan.
9. Appeals of Site Plans
- A. Any person aggrieved by the decision of the Planning Commission or Zoning Administrator with respect to an approval or denial of a site plan shall have the right of an appeal to the Board of Zoning Appeals. The appeal shall be filed in writing within thirty (30) business days of the decision.
  - B. The filing of such an appeal shall act to stay the issuance of any permit.
  - C. No new evidence may be submitted to the Board of Zoning Appeals.

80.63 The Zoning Administrator.

1. **Establishment.** The office of Zoning Administrator is hereby established. The Zoning Administrator shall be appointed by the City manager. He shall receive such compensation as the City Manager may determine. He may be provided with the assistance of such other persons as the City Manager may direct.
2. **Duties.**
  - A. Administration of ordinance. He shall administer the provisions of this ordinance and shall have all administrative powers in connection therewith which are not specifically assigned to some other officer or body. The Zoning Administrator shall be guided by the standards set forth in Section 80.60.
  - B. Certificate of Zoning Compliance. The Zoning Administrator shall review all building permits and site plans for compliance with the provision of this ordinance, or any written order from the Board of Appeals or Planning Commission.
    - (1) He shall have no power to vary or waive ordinance requirements.
    - (2) The Zoning Administrator shall not issue a statement of Zoning Compliance where it appears that any land area required to conform to any provision of this ordinance is also required as a part of any adjoining property to keep the development or use thereof in conformity with this ordinance, or to keep it from becoming more non-conforming if such land area was, at any time, subsequent to the commencement of development or use of such adjoining property, in common ownership with such adjoining property.
  - C. **Certificate of Occupancy.** The Zoning Administrator or his designee shall determine that the certificate of zoning compliance has been complied with prior to the issuance of a certificate of occupancy. Said approval shall not be granted if compliance is not demonstrated. Approval shall not be granted if compliance is not demonstrated. Approval may be waived by the Zoning Administrator for one or two family residences. The Zoning Administrator shall have ten days to determine compliance. A temporary certificate for a period of no more than 180 days may be issued at the discretion of the Zoning Administrator.
  - D. **Special Zoning Orders Book and Map.** The Zoning Administrator shall keep in his office, a book, to be known as the Special Zoning Orders Book, in which he shall list, with brief description, all variances, conditional use permits, authorizations for planned unit developments, designations of Class A non-conformance and any terminations of any of them. Each item shall be assigned a number when entered. The Zoning Administrator shall also keep a map of the City, to be known as the special zoning orders map, on which he shall record the numbers in the special

- zoning orders book to indicate the locations affected by the items in the book. The Special Zoning Orders Book and Map shall be open to public inspection.
- E. The Zoning Administrator shall keep records of all official actions, all of which shall be a public record.
  - F. The Zoning Administrator shall maintain and make available for public inspection, the official zoning map.
  - G. The Zoning Administrator shall have the power to make inspections of buildings and premises necessary to carry out his duties in the enforcement of this ordinance.
  - H. If the Zoning Administrator shall find that any of the provisions of this ordinance are being violated he shall notify in writing the person responsible for such violation, indicating the nature and location of the violation, and ordering the action necessary to correct it. He shall order discontinuance of illegal additions, alterations, or structural changes; discontinuance of any illegal additions, alterations, or structural changes; discontinuance of any illegal use; or shall take any other action authorized by this ordinance to ensure compliance with or to prevent violation of the provisions of this ordinance.
  - I. Reports and Recommendations. The Zoning Administrator shall review all request for administration or legislative action. He shall forward an analysis of site factors and other information pertaining to the request to the appropriate body. The analysis may include a recommendation for action.
  - J. The Zoning Administrator and his or her assistants are hereby authorized to issue and serve appearance tickets with respect to any apparent violation of the following ordinances:
    - (1) Marquette City Zoning Ordinance, Title XII, Chapter 80.
    - (2) The B. O. C. A.-International Property Maintenance Code, Title XII, Chapter 81.
    - (3) Marquette City Sign Ordinance, Title XII, Chapter 82.
    - (4) Marquette City Fence Ordinance, Title XII, Chapter 86.
    - (5) N. F. P. A. #101 Life Safety Code, Title V, Chapter 43.

#### 80.64 Board of Zoning Appeals (Board of Appeals).

- 1. **Intent.** It is the intent of this ordinance that all questions of interpretation and enforcement of this ordinance shall be first presented to the Zoning Administrator and that such questions shall be presented to the Board of Appeals only on appeal from the decision of the Administrator, and that recourse from the decisions of the Board of Appeals shall be to the courts as provided by law an particularly by Section 601 of Act 110 of 2006.
- 2. **Establishment.** A Board of Appeals is hereby established, which shall consist of six members to be appointed by the City Commission each for a term of three years plus one member who is also a member of the Planning Commission, who shall be appointed pursuant to Section 601 of Act 110 of 2006.

The Board of Appeals may not conduct business unless a majority of the regular members are present.

Members of the Board of Appeals must meet eligibility requirements contained in the City Charter, for officers and employees of the City. Members of the present Board of Appeals shall continue in office until the expiration of their terms. The City Commission shall appoint as necessary persons to fill vacant positions for varying terms so that not more than three terms expire in any given year.

Members of the Board of Appeals may be removed from office by the City Commission for cause upon written charges and after a public hearing.

- A. The City Commission shall appoint two alternate members to the Board of Zoning Appeals. Said alternate members shall have three-year terms under the same provisions as regular members. An alternate member shall serve under one of the following conditions:
  - (1) If a regular Board Member is unable to attend the regularly scheduled meetings

in a 30-day period, and alternate may be called to serve at that meeting.

(2) If a regular member must abstain from voting on a particular issue, an alternate may be called to serve for that issue.

- B. For an alternate to be called, the regular member must notify the Secretary of the Board of Zoning Appeals two weeks prior to the meeting which he cannot attend. The secretary shall request that an alternate attend the meeting. Alternates shall serve on an alternating basis except that if the alternate who would normally be called cannot serve the other alternate may be called. The remaining members of the Board shall formally recognize the seating of an alternate on the Board for a meeting or for a particular case. Once an alternate has started a case, he shall remain an active member of the Board for case until a final decision is reached on it.
- C. If an alternate is appointed to the Board of Zoning Appeals as a regular member, the years served as an alternate shall not be included in determining the maximum amount of time that person may serve as a regular member.

**3. Procedure.**

- A. **Proceedings.** The Board of Appeals shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this ordinance. Meetings shall be held at the call of the chairman and at such other times as the Board may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.  
The Board of Appeals shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall keep records of its examinations, all of which shall be public record and be immediately filed in the office of the Zoning Administrator.
- B. **Appeals.** Appeals to the Board of Appeals concerning interpretation of administration of this ordinance may be filed by any person aggrieved or any officer or bureau of the governing body of the city affected by any decision of the Zoning Administrator. Such appeals shall be filed within a reasonable time, not to exceed 60 days or such lesser period as may be provided by the rules of the Board, by filing with the Zoning Administrator a written notice of appeal specifying the grounds thereof. The Zoning Administrator shall transmit to the Board all papers and records regarding the appeal. The Board of Appeals shall fix a reasonable time for the hearing of the appeal as specified in Section 80.64.4.
- C. **Stay of Proceedings.** An appeal stays all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board of Appeals after the notice of appeal is filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and property. In such case proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Appeals or by a court of record on application, on notice to the Zoning Administrator and due cause shown.

**4. Powers and Duties.** The Board of Appeals shall have the following powers and duties.

- A. **Administrative Review.** To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this ordinance.
- B. **Variances: Conditions Governing Application; Procedures.** To authorize upon appeal in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance would result in practical difficulty. A variance from the terms of this ordinance shall not be granted by the Board of Appeals unless and until:
  - (1) A written application for a variance is submitted demonstrating:
    - a. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;
    - b. That literal interpretation of the provisions of this ordinance would deprive the

- applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;
- c. That the special conditions and circumstances do not result from the actions of the applicant;
  - d. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district;
  - e. That no non-conforming use of neighboring lands, structures, or buildings in the same district and no permitted or non-conforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.
- (2) All fees set by the City Commission, to cover the administrative costs of such application have been paid.
  - (3) Notice of public hearing shall be given as in Section 80.64.5. B.
  - (4) The public hearing shall be held. Any party may appear in person, or by a duly authorized agent or by attorney.
  - (5) The Board of Appeals shall make findings that the requirements of Section 80.64.4.B(1) have been met by the applicant for a variance.
  - (6) The Board of Appeals shall make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.
  - (7) The Board of Appeals shall further make a finding that the granting of the variance, will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.
  - (8) In granting any variance, the Board of Appeals shall be guided by the Administrative Standards in Section 80.60. The Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a condition of this ordinance punishable under Section 80.66 of this ordinance.
  - (9) Under no circumstances shall the Board of Appeals grant a variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by terms of this ordinance in said district.
  - (10) If action is not taken by the petitioner to implement a variance within one year of the date of its approval by the Board of Zoning Appeals, said variance shall expire. The Board of Zoning Appeals, said variance shall expire. The Board of Zoning Appeals, upon application made before said may grant an extension of not more than one year from the expiration date. The Board, at its discretion, may schedule a public hearing prior to granting an extension. Not more than two such extensions may be granted.
- C. Reversing Decision of Administrative Official. In exercising the above mentioned powers, the Board of Appeals may, so long as such action is in conformity with the terms of this ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the administrative official from whom the appeal is taken.
  - D. The concurring vote of a majority of the members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, or to decide in favor of the applicant any matter upon which they are required to pass under this ordinance, or to effect any variation in the application of this ordinance.
- 5. Public Hearings.**
- A. A public hearing shall be held on each action which is brought before the Board of

Appeals.

- B. Notice shall be given at least 15 days in advance of the public hearings. Notice shall be sent by mail or personal delivery to the owners of property for which approval is being considered. Notice shall also be sent to all persons to whom real property is assessed within 300 feet of the property and to the occupants of all structures within 300 feet of the property regardless of whether the property or occupant is located within the zoning jurisdiction.

If the request for an interpretation or appeal of an administrative decision involves a specific parcel, written notice stating the nature of the interpretation request and the time date and place of the public hearing on the interpretation request shall be sent by first class mail or personal delivery to all persons to whom real property is assessed within 300 feet of the boundary of the property in question and to the occupants of all structures within 300 feet of the boundary of the property in question. If a tenant's name is not known, the term "occupant" may be used.

Notice shall be posted in a newspaper of general circulation at least 15 days prior to the public hearing.

- C. Any party may appear in person or by duly authorized agent or attorney to comment on any variance or administrative review. Written comments may be submitted prior to the scheduled hearing.
- D. The decision of the Board shall be final. Any party aggrieved by a decision of the Board may appeal to the Circuit Court as specified in Act 110 of 2006.

**80.65 Conditional Use Permit. (Special Land Use as authorized by PA 110 of 206, Section 502)**

- 1. **Intent.** This section of the ordinance shall govern permitting of conditional uses which may be located in specific districts when particular or unique problems and all objectionable facets of the use have been overcome and eliminated by consideration of proper planning techniques. It is the purpose of this section to maintain adequate provision for the security of the health, safety, convenience and general welfare of the inhabitants and uses of the zoning district and adjoining districts.
- 2. **Procedure.** No conditional use shall be established in any zoning district except upon permit issued by the Planning Commission. The Planning Commission shall be guided in making a decision by the standards set forth in this ordinance in Section 80.60. The Planning Commission shall hear and decide only such conditional uses as specifically authorized by district and by the terms of this ordinance.
  - A. Any application for a conditional use permit shall be submitted to the Zoning Administrator and shall be accomplished by such fees as set by the City Commission.
  - B. Any person seeking a conditional use permit shall provide the Planning Commission with all information required for site plan review (Section 80.62) and additional information as the Planning Commission may reasonably require to determine whether the granting of the permit is consistent with the intent of this ordinance.
    - (1) A *Project Proposal Document* shall be submitted for Light Manufacturing in the BC, CBD, BG and I zoning districts; and for heavy manufacturing, major repair and maintenance operations, and bulk storage uses in the industrial zoning district.
  - C. A public hearing shall be held on all requests for a conditional use permit.
    - (1) Notice shall be given at least fifteen (15) days in advance of the public hearing. The owner of the property in question and owners of property within three hundred feet of the property shall be notified by mail. The current tax roll shall be used to determine ownership.
    - (2) Notice shall be posted in a newspaper of general circulation at least ten (10) days in advance of the public hearing.
    - (3) Any party may appear in person or by duly authorized agent or attorney to comment on any aspect of the conditional use. Written comments may be

submitted prior to the hearing.

- D. The Planning Commission shall hold the public hearing and consider all requests for a conditional use permit (C.U.P.) at the first or second conducted Planning Commission meeting following staff acceptance of the C.U.P. application and all other required materials, depending on submission deadline and the established schedule for hearings. The Planning Commission shall take final action within three months of the receipt of the required materials.
  - E. In permitting a conditional use, the Planning Commission shall make a finding that the conditional use will be in compliance with the general purpose of the ordinance and the intent of the district in which it is located and will not be injurious to the spirit of this ordinance and intent of the district, and will not be injurious to the neighborhood, or otherwise detrimental to the public health and welfare. A request for approval of a land use or activity shall be approved if the request is in compliance with the standards stated in this ordinance, other applicable ordinances and state and federal statutes.
  - F. In permitting any conditional use, the Planning Commission may prescribe appropriate conditions and safeguards. Violation of any conditions or safeguards, made a part of the terms of the permit, shall be deemed a violation of this ordinance, and shall be punished under section 80.66 of this ordinance. Permits issued on the basis of false information shall be void and continuance of the use shall be deemed a violation of this ordinance.
  - G. No conditional use may be commenced until all conditions have been met. A performance bond acceptable to the Zoning Administrator may be required by the Planning Commission.
  - H. Any conditional use permit may be reviewed at the discretion of the Planning Commission. A public hearing shall be held prior to alteration of conditions or revocation of a permit. The permit holder and adjacent property owners shall be notified of the public hearing as specified in Section C above.
  - I. Appeals of the Planning Commission's decision on a conditional use permit shall be filed in circuit court according to the rules for appealing Board of Zoning Appeals decisions.
  - J. If action is not taken by the petitioner to implement a conditional use permit within one year of the date of its approval by the Planning Commission, said permit shall expire. The Planning Commission, upon application made before said expiration, may grant an extension of not more than one year from the expiration date. The Commission, at its discretion, may schedule a public hearing prior to granting an extension. Not more than two such extensions may be granted.
- 3. General Guidelines.**
- A. The Planning Commission shall be guided by administrative standards in Section 80.60.
  - B. The Planning Commission shall require sufficient site area to prevent nuisance to neighboring uses and to allow for reasonable anticipated expansion of the use.
- 4. Required Conditions.**
- A. RESIDENTIAL DISTRICTS (RS, RG, RM).
    - All lighting shall be directed away from residential uses.
    - (1) Home Occupations.
      - a. Shall not employ more than one person who is not a member of the household.
      - b. Shall not involve signs or the display of goods produced or services performed on the premise.
      - c. Shall not be conducted in an accessory building.
      - d. Shall not constitute a retail store such as those permitted in the Community Business District (BC). No commodity other than that produced or processed on the premises shall be sold.
      - e. Commercial vehicles used for the home occupation cannot be used primarily



- for commercial advertising.
- (2) Group Day Care Homes and Day Care Centers 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.
  - (3) Adult foster care family homes shall be licensed by the State of Michigan or a state authorized agency prior to commencement of the use.
  - (4) Customary accessory uses for multiple family residential.
    - a. No detached accessory building may exceed 15 feet in height.
    - b. Attached accessory building shall meet the yard requirements of the Schedule of General Regulations (Sec. 80.40). Detached accessory building shall be located ten feet from the side and rear property lines. No detached accessory use shall be located in a front yard.
    - c. Outdoor swimming pools shall not be located closer than ten feet to any building or lot line. The pool area shall be enclosed with a six foot fence approved by the City Engineer. Access to the pool shall be regulated by a gate.
  - (5) Colleges, universities and institutions of higher learning.
    - a. All ingress and egress from the site shall be onto a major street having a right-of-way of at least sixty six feet.
    - b. No building or other use of land except landscaped passive areas or parking shall be situated within thirty (30) feet of the lot line.
  - (6) Churches, cemeteries, convalescent homes and extended care facilities.
    - a. Shall be located so that the site has direct ingress from and egress to a major street or a minor street no more than 400 feet from its intersection with a major street.
    - b. No building for a church or cemetery use shall be located closer than thirty feet to a lot line.
    - c. Spires shall be exempt from height requirement.
    - d. Service entrances shall be screened from the view of adjacent residential property.
  - (7) Public recreational facilities.
  - (8) Schools.
    - a. A required yard of thirty feet shall be required for all buildings.
    - b. Off-street passenger loading zones shall be provided for school buses and private vehicles.
  - (9) Multiple family dwellings over 35 feet in height.
    - a. All yards shall have a depth no less than one foot for each foot of building height.
    - b. Shall not be located closer to a single family residential district than two times the height of the structure.
    - c. Parking other than in structures shall not occupy more than 40 percent of the lot area.
    - d. The minimum requirements for outdoor livability space and maximum requirements for ground coverage must be adhered to.
  - (10) Hospitals.
    - a. Shall be so located to have at least one lot line abutting a major street. All ingress and egress to the site shall be directly onto said thoroughfare or a marginal access service drive.
    - b. No building shall be located closer than thirty feet to a lot line.
    - c. Service entrances shall be screened from the view of adjacent residential property.
    - d. Height of any structure shall not exceed 120 feet.
  - (11) Duplex dwelling units.
    - a. Each duplex shall be located on a lot having at least 75 feet of frontage and 9,000 square feet of lot area.

- b. Side yards shall be no less than 10 feet on each side.
  - c. Two parking spaces for each dwelling unit, located behind the front yard shall be provided.
  - d. On each lot containing a duplex there shall be a minimum outdoor livability space ratio of 0.50.
- (12) Group residential facilities (RM and BC)
- a. Shall have a manager on duty at all times.
  - b. 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 Board may require sufficient yard area to be reserved as potential parking to facilitate conversion to a permitted use in the district, should the group home cease to operate.
  - c. All residents shall have met the sponsoring agency's referral specifications and participate in all required treatment and counseling programs.
  - d. Existing structures shall meet all the minimum property maintenance and site plan requirements for licensing as a rooming house; inspection reports from the housing inspector and the Fire Chief shall accompany the application, 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.
  - e. 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.
  - f. In applying the administrative standards (Section 80.60) the Commission shall consider the density of similar uses. In no case shall a group residential facility be permitted within 500 feet of another similar facility.
  - g. 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 group residential facility.
- (13) Rooming Houses (RM)
- a. Shall have a manager residing on the premises.
  - b. Shall comply with the yard requirements for duplexes.
  - c. Shall be inspected and licensed on a yearly basis, in compliance with the Property Maintenance Code and the City Business license section of the City Code.
  - d. One off-street parking space shall be provided for each occupant and the manager.
  - e. No rooming house shall be located within 500 feet of another rooming house.
  - f. Rooming houses shall have an outdoor livability space ratio of at least 0.50.
  - g. 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 rooming house.
  - h. Must be located on sites having at least 15,000 square feet and 100 feet of frontage.
- (14) Bed and Breakfasts.
- a. Room Size. A minimum room size of 70 Sq. Ft. for each occupant there after shall be provided.
  - b. Length of Stay. No one guest's stay is to exceed 14 consecutive days.
  - c. Parking. One space per room, plus two spaces for the owner.
  - d. Signage. An Establishment licensed under the ordinance shall be allowed one sign on the property advertising the Establishment. The sign shall be non-illuminated, mounted flush against the building, with a maximum size of five

(5) square feet. Signage for commercial districts shall be regulated by the Marquette City Sign Ordinance.

- e. Proximity. (RS, RG, RM) Establishments shall not be located within 300 lineal feet measured along the street right of way of another such Establishment.
- f. Transferability. Conditional use permits for Bed and Breakfast Establishments may not be transferred from owner to owner without Planning Commission approval.
- g. Guest Register. Owners shall keep a list of the names of all persons staying at the Establishment. The register shall be available for inspection by City Officials at any time.
- h. Code Compliance. A Bed and Breakfast Establishment shall not commence or continue to operate without compliance with all applicable code requirements. Owners shall submit to inspections of both the exterior and interior of the dwelling to ensure compliance with health, safety, and welfare regulations pursuant to all applicable city code requirements.
- i. Structure. No main building shall be removed in order to allow for a Bed and Breakfast Establishment nor shall such a structure be removed in order to provide parking for such an establishment. Building modifications or additions shall be architecturally designed to blend with the character of the existing structure and neighborhood.
- j. Site Plans. A site plan meeting the specifications of the Zoning Ordinance shall be submitted with the application prior to a public hearing for a Bed and Breakfast Establishment.
- k. Review Considerations. The Planning Commission shall be guided by the Administrative Standards set forth in Section 80.60 of the Zoning Ordinance.

(15) Hospital Hospitality Houses.

- a. General Considerations - Hospital Hospitality Houses shall be endorsed by a local hospital; require a contractual agreement to govern its occupancy; let rooms for periods of five consecutive days or less; provide parking for all patients off of the premises, let rooms primarily during weekdays; provide 24 hour management of the residence when patients are present; and provide a management plan as a part of the conditional use application.
- b. Review Considerations - In determining the granting of such a permit the Board will consider the impact on the surrounding neighborhood; physical alterations to the residence and property; and the management plan as it relates to the intent of this section.
- c. Occupancy - Occupancy will be based on the general intent of this section; the City of Marquette Property Maintenance Code; and the State of Michigan Building Code.

B. OFFICE DISTRICT (OS).

(1) Customary accessory uses.

- a. A business which is a customary accessory use to a principal office use may be permitted provided that it is located within the same structure as the use it services. Such businesses shall not occupy more than 15% of the floor area of such structure.
- b. Accessory buildings shall observe the yard requirements in the Schedule of Regulations (Sec. 80.40). Accessory buildings shall not be located closer than ten feet to the main building.

(2) Bed and Breakfasts.

- a. Room Size. A minimum room size of 70 Sq. Ft. for the first occupant and an additional 50 Sq. Ft. for each occupant thereafter shall be provided.
- b. Length of Stay. No one guest's stay is to exceed 14 consecutive days.
- c. Parking. One space per room, plus two spaces for the owner.
- d. Signage. Signage shall be regulated by the Marquette City sign ordinance.
- e. Guest Register. Owners shall keep a list of the names of all persons staying at

the Establishment. The register shall be available for inspection by City Officials at any time.

- f. Code Compliance. A Bed and Breakfast Establishment shall not commence or continue to operate without compliance with all applicable code requirements. Owners shall submit to inspections of both the exterior and interior of the dwelling to ensure compliance with health, safety, and welfare regulations pursuant to all applicable city code requirements.
  - g. Structure. No main building shall be removed in order to allow for a Bed and Breakfast Establishment nor shall such a structure be removed in order to provide parking for such an establishment. Building modifications or additions shall be architecturally designed to blend with the character of the existing structure and neighborhood.
  - h. Site Plans. A site plan meeting the specifications of the Zoning Ordinance shall be submitted with the application prior to a public hearing for a Bed and Breakfast Establishment.
  - i. Review Considerations. The Planning Commission shall be guided by the Administrative Standards set forth in Section 80.60 of the Zoning Ordinance.
- (3) Homeless shelters.
- a. The homeless shelter must be associated with a charitable association, such as a 501 (c) organization or a governmental agency.
  - b. Staff must be located on site during open hours for programs that provide on site overnight sleeping accommodations.
  - c. 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.
  - d. 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.
  - e. 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.
  - f. 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.
  - g. 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.
  - h. 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.
  - i. There shall be a written fire safety and emergency escape plan.

C. COMMUNITY BUSINESS DISTRICT (BC).

- (1) Residential Uses (for group residential facilities, see Section 80.65.4.A.(12)).
- (2) Establishments selling alcoholic beverages for consumption on the premise.
  - a. No dancing shall be allowed on the premises.
- (3) Motels with the intent to provide transient accommodations for visitors to the Community Business District or nearby facilities.
  - a. The minimum lot area shall be one acre.
  - b. The lot shall have direct access onto a major street.
  - c. The structure housing the motel shall not be closer than 100 feet from an adjacent residential district.
  - d. The site and/or structure may be shared with other uses permitted in the BC

- district providing that there is no storage of flammable materials in the structure.
  - e. The structure may not exceed two stories.
  - f. Exterior walls of the structure containing windows shall be at least ten (10) feet from the nearest lot line. Walls adjacent to streets are exempt from this provision.
  - g. Each motel shall contain no more than 30 rental units.
  - h. Any dwelling unit to be occupied by the owner or manager must comply with Section 80.65.4.C(1).
- (4) Bed and Breakfasts and Bed and Breakfast Inns.
- a. Review Considerations. A minimum room size of 70 Sq. Ft. for the first occupant and an additional 50 Sq. Ft. for each occupant thereafter shall be provided.
  - b. Length of Stay. No one guest's stay is to exceed 14 consecutive days.
  - c. Parking. Parking shall be provided in accordance with the requirements provided in the Zoning Ordinance for hotels and motels.
  - d. Signage. Signage shall be regulated by the Marquette City sign ordinance.
  - e. Guest Register. Owners shall keep a list of the names of all persons staying at the Establishment. The register shall be available for inspection by City Officials at any time.
  - f. Code Compliance. A Bed and Breakfast Establishment shall not commence or continue to operate without compliance with all applicable code requirements. Owners shall submit to inspections of both the exterior and interior of the dwelling to ensure compliance with health, safety, and welfare regulations pursuant to all applicable city code requirements.
  - g. Structure. No main building shall be removed in order to allow for a Bed and Breakfast Establishment nor shall such a structure be removed in order to provide parking for such an establishment. Building modifications or additions shall be architecturally designed to blend with the character of the existing structure and neighborhood.
  - h. Site Plans. A site plan meeting the specifications of the Zoning Ordinance shall be submitted with the application prior to a public hearing for a Bed and Breakfast Establishment.
  - i. Review Considerations. The Planning Commission shall be guided by the Administrative Standards set forth in Section 80.60 of the Zoning Ordinance.
- (5) Light Manufacturing
- a. Noise, vibration, smoke, dust, odors, glare, and similar or related nuisances shall be confined to the site to the maximum extent possible and mitigated on-site to the maximum extent possible. Any nuisances which are anticipated to not be contained to the applicant's property and not mitigated on the property shall be identified in the Project Proposal Document submitted with the Conditional Use Permit application.
  - b. Operations shall be approved only upon documentation by the applicant that no dangerous, noxious or nuisance conditions will impact any adjacent premises. The manufacture, processing or packaging of materials which are inherently dangerous or hazardous due to flammability, radioactivity, explosiveness, or severe toxicity will not be permitted.
  - c. Prior to final approval of a conditional use permit each applicant shall obtain the necessary state and federal permits, including permits or waiver for permits from the Michigan Department of Environmental Quality. The applicant shall, upon Board request forward all reports and findings from the state and federal agencies to the Zoning Administrator, along with site plans as described in Sec. 80.62.
  - d. Notice of intent to build or expand must be given to the Zoning Administrator at the same time application is made to federal or state agencies which may

require permits.

e. When industrial activity is discontinued or the site is vacated, the site shall be left in a condition free from hazards (including but not limited to dangerous excavations, and abandoned structures above or below ground).

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

(6) Homeless shelters.

a. The homeless shelter must be associated with a charitable association, such as a 501 (c) organization or a governmental agency.

b. Staff must be located on site during open hours for programs that provide on site overnight sleeping accommodations.

c. 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.

d. 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.

e. 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.

f. 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.

g. 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.

h. 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.

i. There shall be a written fire safety and emergency escape plan.

D. CENTRAL BUSINESS DISTRICT (CBD).

(1) Motels and hotels.

a. Required parking for conditional uses in the CBD shall not be waived by the Board of Appeals (Refer to 80.25.3.A)

(2) Residential uses (other than motels and hotels).

(3) Bed and Breakfasts and Bed and Breakfast Inns.

a. Room Size. A minimum room size of 70 Sq. Ft. for the first occupant and an additional 50 Sq. Ft. for each occupant thereafter shall be provided.

b. Length of Stay. No one guest's stay is to exceed 14 consecutive days.

c. Parking. Parking shall be provided in accordance with the requirements provided in the Zoning Ordinance for hotels and motels.

d. Signage. Signage shall be regulated by the Marquette City sign ordinance.

e. Guest Register. Owners shall keep a list of the names of all persons staying at the Establishment. The register shall be available for inspection by City Officials at any time.

f. Code Compliance. A Bed and Breakfast Establishment shall not commence or continue to operate without compliance with all applicable code requirements. Owners shall submit to inspections of both the exterior and interior of the dwelling to ensure compliance with health, safety, and welfare regulations pursuant to all applicable city code requirements.

g. Structure. No main building shall be removed in order to allow for a Bed and

Breakfast Establishment nor shall such a structure be removed in order to provide parking for such an establishment. Building modifications or additions shall be architecturally designed to blend with the character of the existing structure and neighborhood.

- h. Site Plans. A site plan meeting the specifications of the Zoning Ordinance shall be submitted with the application prior to a public hearing for a Bed and Breakfast Establishment.
  - i. Review Considerations. The Planning Commission shall be guided by the Administrative Standards set forth in Section 80.60 of the Zoning Ordinance.
- (4) Light Manufacturing
- a. Noise, vibration, smoke, dust, odors, glare, and similar or related nuisances shall be confined to the site to the maximum extent possible and mitigated on-site to the maximum extent possible. Any nuisances which are anticipated to not be contained to the applicant's property and not mitigated on the property shall be identified in the Project Proposal Document submitted with the Conditional Use Permit application.
  - b. Operations shall be approved only upon documentation by the applicant that no dangerous, noxious or nuisance conditions will impact any adjacent premises. The manufacture, processing or packaging of materials which are inherently dangerous or hazardous due to flammability, radioactivity, explosiveness, or severe toxicity will not be permitted.
  - c. Prior to final approval of a conditional use permit each applicant shall obtain the necessary state and federal permits, including permits or waiver for permits from the Michigan Department of Environmental Quality. The applicant shall, upon Board request forward all reports and findings from the state and federal agencies to the Zoning Administrator, along with site plans as described in Sec. 80.62.
  - d. Notice of intent to build or expand must be given to the Zoning Administrator at the same time application is made to federal or state agencies which may require permits.
  - e. When industrial activity is discontinued or the site is vacated, the site shall be left in a condition free from hazards (including but not limited to dangerous excavations, and abandoned structures above or below ground).
  - f. The Planning Commission may require additional safeguards to meet the intent of the industrial district and to assure opportunity for additional industrial uses and for growth within each area of the city which is zoned industrial.
- (5) Homeless shelters.
- j. The homeless shelter must be associated with a charitable association, such as a 501 (c) organization or a governmental agency.
  - k. Staff must be located on site during open hours for programs that provide on site overnight sleeping accommodations.
  - l. 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.
  - m. 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.
  - n. 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.
  - o. 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.

- p. 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.
- q. 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.
- r. There shall be a written fire safety and emergency escape plan.
- s. Parking permits or agreements must be obtained for any motor vehicle parking needs of staff and/or residents if off-street parking is not available on site.

E. GENERAL BUSINESS DISTRICT (BG)

(1) Light Manufacturing

- a. Noise, vibration, smoke, dust, odors, glare, and similar or related nuisances shall be confined to the site to the maximum extent possible and mitigated on-site to the maximum extent possible. Any nuisances which are anticipated to not be contained to the applicant's property and not mitigated on the property shall be identified in the Project Proposal Document submitted with the Conditional Use Permit application.
- b. Operations shall be approved only upon documentation by the applicant that no dangerous, noxious or nuisance conditions will impact any adjacent premises. The manufacture, processing or packaging of materials which are inherently dangerous or hazardous due to flammability, radioactivity, explosiveness, or severe toxicity will not be permitted.
- c. Prior to final approval of a conditional use permit each applicant shall obtain the necessary state and federal permits, including permits or waiver for permits from the Michigan Department of Environmental Quality. The applicant shall, upon Board request forward all reports and findings from the state and federal agencies to the Zoning Administrator, along with site plans as described in Sec. 80.62.
- d. Notice of intent to build or expand must be given to the Zoning Administrator at the same time application is made to federal or state agencies which may require permits.
- e. When industrial activity is discontinued or the site is vacated, the site shall be left in a condition free from hazards (including but not limited to dangerous excavations, and abandoned structures above or below ground).
- f. The Planning Commission may require additional safeguards to meet the intent of the industrial district and to assure opportunity for additional industrial uses and for growth within each area of the city which is zoned industrial.

F. INDUSTRIAL DISTRICT (I)

(1) Heavy Manufacturing

(2) Major repair and maintenance operations.

(3) Bulk Storage

- a. Noise, vibration, smoke, dust, odors, glare, and similar or related nuisances shall be confined to the site to the maximum extent possible and mitigated on-site to the maximum extent possible. Any nuisances which are anticipated to not be contained to the applicant's property and not mitigated on the property shall be identified in the Project Proposal Document submitted with the Conditional Use Permit application.
- b. Operations shall be approved only upon documentation by the applicant that no dangerous, noxious or nuisance conditions will impact any adjacent premises. The manufacture, processing or packaging of materials which are inherently dangerous or hazardous due to flammability, radioactivity, explosiveness, or severe toxicity will not be permitted.



- c. Prior to final approval of a conditional use permit each applicant shall obtain the necessary state and federal permits, including permits or waiver for permits. The applicant shall, upon Planning Commission request, forward all reports and findings from the state and federal agencies to the Zoning Administrator, along with site plans as described in Sec. 80.62.
- d. Notice of intent to build or expand must be given to the Zoning Administrator at the same time application is made to federal or state agencies which may require permits.
- e. When industrial activity is discontinued or the site is vacated, the site shall be left in a condition free from hazards (including but not limited to dangerous excavations, and abandoned structures above or below ground).
- f. The Planning Commission may require additional safeguards to meet the intent of the industrial district and to assure opportunity for additional industrial uses and for growth within each area of the city which is zoned industrial.

G . CONSERVATION AND RECREATION DISTRICT.

(1) Land intensive recreational uses.

- a. No loud speakers or public address systems shall be used except by approval of the Board, which shall determine that no public nuisance or disturbance will be established.
- b. No structure other than fencing shall be located closer than the yards specified in the Schedule of Regulations (Sec 80.40). A landscaped buffer strip of at least twenty five feet shall be located between any residential district.
- c. All lighting shall be shielded from adjacent districts.
- d. Customary accessory commercial uses shall be located on the same site as the main recreational use and shall be clearly secondary to the main use.

(2) Port facilities and docks.

- a. The applicant shall obtain from the Michigan Department of Natural Resources a permit to use the bottom lands prior to the issuing of a conditional use permit for any dock.
- b. Docks may be erected to a height of 75 feet.
- c. Marina facilities shall be designed to facilitate pedestrian and vehicular traffic and to reduce congestion at loading and launching sites.

(3) Structures between the shoreline and public streets or highways.

- a. Structures to be located along the shoreline may not exceed 15 feet in height.
- b. Structures must be placed so as to minimize conflicts with the view of the lake from the adjacent right of way.
- c. Structures must serve a public purpose and/or be accessible to the general public.
- d. The site must be landscaped in harmony with the surrounding area.

80.66 Enforcement.

1. False statements. Any zoning compliance statement based on any false statement in the application or supporting documents is absolutely void ab initio and shall be revoked. No zoning compliance statement shall remain valid if the use or structures it authorizes becomes non-conforming. The Zoning Administrator shall not refuse to issue a zoning compliance statement when conditions imposed by this and other city ordinances are complied with by the applicant despite violations of contracts, such as covenants or private agreements which may occur upon the granting of said permits.
2. Violations and Penalties. Any person who violates any provision of this ordinance or any amendment thereto, or who fails to perform any act required hereunder or does any prohibited act, shall be guilty of a civil infraction. Each and every day on which any violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. Any violation of this ordinance is hereby declared to be a public nuisance per se.

3. Procedures for reporting violations. Apparent zoning violations may be reported to the Zoning Administrator Planning or Planning Commission by any citizen.

80.67 - 80.79 Reserved For Future Use.

80.80 – Towers

1. **PURPOSE.** The purpose of this ordinance is to establish general guidelines for the siting of wireless communications towers and antennas. The goals of this ordinance are to: (1) protect residential areas and land uses from potential adverse impacts of towers and antennas; (2) encourage the location of towers in non-residential areas; (3) minimize the total number of towers throughout the community; (4) strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers; (5) encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal; (6) encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques; (7) enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently; (8) consider the public health and safety of communication towers; and (9) avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures. In furtherance of these goals, City of Marquette shall give due consideration to the City's master plan, zoning map, existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas.

2. **DEFINITIONS.** As used in this section (80.80) of the ordinance, the following terms shall have the meanings set forth below:

(a) "Alternative tower structure" means man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

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

(c) "Backhaul network" means the lines that connect a provider's towers and/or cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.

(d) "FAA" means the Federal Aviation Administration.

(e) "FCC" means the Federal Communications Commission.

(f) "Height" means, when referring to a tower or other structure regulated by this section 80 of the zoning ordinance, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.

(g) "Preexisting towers and preexisting antennas" means any tower or antenna for which a building permit or conditional use permit has been properly issued prior to the effective date of this ordinance, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.

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

3. **APPLICABILITY.**

(a) New Towers and Antennas. All new towers or antennas in the City of Marquette shall

be subject to these regulations, except as provided in Sections 3(b) through (d), inclusive. (b) Amateur Radio Station Operators and/or Receive Only Antennas. This ordinance shall not govern any tower, or the installation of any antenna, that is under seventy (70) feet in height and is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive only antennas.

(c) Preexisting Towers or Antennas. Preexisting towers and preexisting antennas shall not be required to meet the requirements of this ordinance, other than the requirements of Sections 4(f) and 4(g).

(d) AM Array. For purposes of implementing this ordinance, an AM array, consisting of one or more tower units and supporting ground system which functions as one AM broadcasting antenna, shall be considered one tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM array. Additional tower units may be added within the perimeter of the AM array by right.

#### 4. GENERAL REQUIREMENTS.

(a) Principal or Accessory Use. Antennas and towers may be considered either principal or accessory uses. A different existing use of an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot.

(b) Lot Size. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to yard or setback requirements, lot-coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lot.

(c) Inventory of Existing Sites. Each applicant for an antenna and/or tower shall provide to the Zoning Administrator an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of City of Marquette or within one mile of the border thereof, including specific information about the location, height, and design of each tower. The Zoning Administrator may share such information with other applicants applying for administrative approvals or conditional use permits under this ordinance or other organizations seeking to locate antennas within the jurisdiction of City of Marquette, provided, however that the Zoning Administrator is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

(d) Aesthetics. Towers and antennas shall meet the following requirements:

(1) Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.

(2) At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.

(3) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

(e) Lighting. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.

(f) State or Federal Requirements. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this ordinance shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with

such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.

(g) Building Codes; Safety Standards. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the City of Marquette concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said thirty (30) days shall constitute grounds for the removal of the tower or antenna at the owner's expense.

(h) Measurement. For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located in City of Marquette irrespective of municipal and county jurisdictional boundaries.

(i) Not Essential Services. Towers and antennas shall be regulated and permitted pursuant to this ordinance and shall not be regulated or permitted as essential services, public utilities, or private utilities.

(j) Franchises. Owners and/or operators of towers or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communication system in City of Marquette have been obtained and shall file a copy of all required franchises with the Zoning Administrator.

(k) Public Notice. For purposes of this ordinance, any conditional use request, variance request, or appeal of an administratively approved use or conditional use shall require public notice to all abutting property owners and all property owners of properties that are located within the corresponding separation distance listed in Section 7(b)(5)(ii), Table 2, in addition to any notice otherwise required by the Zoning Ordinance.

(l) Signs. No signs shall be allowed on an antenna or tower.

(m) Buildings and Support Equipment. Buildings and support equipment associated with antennas or towers shall comply with the requirements of Section 8.

(n) Multiple Antenna/Tower Plan. City of Marquette encourages the users of towers and antennas to submit a single application for approval of multiple towers and/or antenna sites. Applications for approval of multiple sites shall be given priority in the review process.

## 5. ADMINISTRATIVELY APPROVED USES.

(a) General. The following provisions shall govern the issuance of administrative approvals for towers and antennas.

(1) The Zoning Administrator may administratively approve the uses listed in this Section.

(2) Each applicant for administrative approval shall apply to the Zoning Administrator providing the information set forth in Sections 7(b)(1) and 7(b)(3) of this ordinance and a nonrefundable fee as established by resolution of the City Commission to reimburse the City for the costs of reviewing the application.

(3) The Zoning Administrator shall review the application for administrative approval and determine if the proposed use complies with Sections 4, 7(b)(4) and 7(b)(5) of this ordinance.

(4) The Zoning Administrator shall respond to each such application within sixty (60) days after receiving it by either approving or denying the application. If the Zoning Administrator fails to respond to the applicant within said sixty (60) days, then the application shall be deemed to be approved.

(5) In connection with any such administrative approval, the Zoning Administrator may, in order to encourage shared use, administratively waive any zoning district setback requirements in Section 7(b)(4) or separation distances between towers in Section 7(b)(5) by up to fifty percent (50%).

(6) In connection with any such administrative approval, the Zoning Administrator may, in order to encourage the use of monopoles, administratively allow the reconstruction of an existing tower to monopole construction.

(7) If an administrative approval is denied, the applicant shall file an application for a conditional use permit pursuant to Section 7 prior to filing any appeal that may be available under the Zoning Ordinance.

(b) List of Administratively Approved Uses. The following uses may be approved by the Zoning Administrator after conducting an administrative review:

(1) Locating a tower or antenna, including the placement of additional buildings or other supporting equipment used in connection with said tower or antenna, in any industrial zoning district.

(2) Locating antennas on existing structures or towers consistent with the terms of subsections (a) and (b) below.

[a] Antennas on existing structures. Any antenna which is not attached to a tower may be approved by the Zoning Administrator as an accessory use to any commercial, industrial, professional, or institutional structure, provided:

(i) The antenna does not extend more than thirty (30) feet above the highest point of the structure;

(ii) The antenna complies with all applicable FCC and FAA regulations; and

(iii) The antenna complies with all applicable building codes.

[b] Antennas on existing towers. An antenna which is attached to an existing tower may be approved by the Zoning Administrator and, to minimize adverse visual impacts associated with the proliferation and clustering of towers, collocation of antennas by more than one carrier on existing towers shall take precedence over the construction of new towers, provided such collocation is accomplished in a manner consistent with the following:

(i) A tower which is modified or reconstructed to accommodate the collocation of an additional antenna shall be of the same tower type as the existing tower, unless the Zoning Administrator allows reconstruction as a monopole.

(ii) Height

{a} An existing tower may be modified or rebuilt to a taller height, not to exceed thirty (30) feet over the tower's existing height, to accommodate the collocation of an additional antenna.

{b} The height change referred to in subsection (ii)(a) may only occur one time per communication tower.

{c} The additional height referred to in subsection (ii)(a) shall not require an additional distance separation as set forth in Section 7. The tower's pre-modification height shall be used to calculate such distance separations.

(iii) Onsite location

{a} A tower which is being rebuilt to accommodate the collocation of an additional antenna may be moved onsite within fifty (50) feet of its existing location.

{b} After the tower is rebuilt to accommodate collocation, only one tower may remain on the site.

{c} A relocated onsite tower shall continue to be measured from the original tower location for purposes of calculating separation distances between towers pursuant to section 7(b)(5). The relocation of a tower hereunder shall in no way be deemed to cause a violation of Section 7(b)(5).

{d} The onsite relocation of a tower which comes within the separation distances to residential units or residentially zoned lands as established in Section 7(b)(5) shall only be permitted when approved by the Zoning Administrator.

(3) New towers in non-residential zoning districts. Locating any new tower in a non-residential zoning district other than industrial, if the following conditions are met: a licensed professional engineer certifies the tower can structurally accommodate the number of shared users proposed by the applicant; the Zoning Administrator concludes the tower is in conformity with the goals set forth in Section 1 and the requirements of Section 4; the tower meets the setback requirements in Section 7(b)(4) and separation distances in Section 7(b)(5); and the tower meets the following height and usage criteria:

- (i) for a single user, up to ninety (90) feet in height;
- (ii) for two users, up to one hundred twenty (120) feet in height; and
- (iii) for three or more users, up to one hundred fifty (150) feet in height.

(4) Locating any alternative tower structure in a zoning district other than industrial that in the judgment of the Zoning Administrator is in conformity with the goals set forth in Section 1 of this ordinance.

(5) Installing a cable microcell network through the use of multiple low-powered transmitters and/or receivers attached to existing wireline systems, such as conventional cable or telephone wires, or similar technology that does not require the use of towers.

(6) Towers in a PUD district shall be explicitly in the preliminary and final development plans and may not vary from those plans unless the plan is amended.

#### 6. Towers Requiring Conditional Use Permits.

(a) General. The following provisions shall govern the issuance of conditional use permits for towers or antennas by the Planning Commission:

(1) If the tower or antenna is not permitted to be approved administratively pursuant to Section 6 of this ordinance, then a conditional use permit shall be required for the construction of a tower or the placement of an antenna in all zoning districts.

(2) Applications for conditional use permits under this Section shall be subject to the procedures and requirements of Section 80.65 of the Zoning Ordinance, except as modified in this Section.

(3) In granting a conditional use permit, the Planning Commission may impose conditions to the extent the Planning Commission concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties. The administrative standards now in the ordinance were not written with towers in mind and could prove to be more limiting than enabling in terms of Planning Commission decisions. Therefore the Planning Commission shall make use of the intent of this section rather than Section 80.60 Administrative Standards.

(4) Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer.

(5) An applicant for a conditional use permit shall submit the information described in this Section and a non-refundable fee as established by resolution of the City Commission to reimburse the City of Marquette for the costs of reviewing the application.

#### (b) Towers.

(1) Information required. In addition to any information required for applications for conditional use permits pursuant Section 80.65 of the Zoning Ordinance, applicants for a use conditional permit for a tower shall submit the following information:

- (i) A scaled site plan clearly indicating the location, type and height of the proposed tower, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), Master Plan classification of the site and all properties within the applicable separation distances set forth in Section 7(b)(5), adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structures, topography, parking, and other information deemed by the Zoning Administrator to be necessary to assess compliance with this ordinance.

- (ii) Legal description of the parent tract and leased parcel (if applicable).
- (iii) The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned properties, and un-platted residentially zoned properties.
- (iv) The separation distance from other towers described in the inventory of existing sites submitted pursuant to Section 4(c) shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing tower(s) and the owner and/or operator of the existing tower(s), if known.
- (v) A landscape plan showing specific landscape materials.
- (vi) The method of fencing, finished color and, if applicable, the method of camouflage and illumination.
- (vii) A description of compliance with Sections 4(c), (d), (e), (f), (g), (j), (l), and (m), 7(b)(4), 7(b)(5) and all applicable federal, state or local laws.
- (viii) A notarized statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennas.
- (ix) Identification of the entities providing the backhaul network for the tower(s) described in the application and other cellular sites owned or operated by the applicant in the municipality.
- (x) A description of the suitability of the use of existing towers, other structures, or alternative technology which does not require the use of towers or structures in order to provide the services which will be provided through the use of the proposed new tower.
- (xi) A description of the feasible location(s) of future towers or antennas within the City of Marquette based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.

(2) Factors Considered in Granting Conditional Use Permits for Towers. In addition to any standards for consideration of conditional use permit applications pursuant to Section 80.65 of the Zoning Ordinance, the Planning Commission shall consider the following factors in determining whether to issue a conditional use permit, although the Planning Commission may waive or reduce the burden on the applicant of one or more of these criteria if the Planning Commission concludes that the goals of this ordinance are better served thereby:

- (i) Height of the proposed tower;
- (ii) Proximity of the tower to residential structures and residential district boundaries;
- (iii) Nature of uses on adjacent and nearby properties;
- (iv) Surrounding topography;
- (v) Surrounding tree coverage and foliage;
- (vi) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
- (vii) Proposed ingress and egress; and
- (viii) Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures, as discussed in Section 7(b)(3) of this ordinance.

(3) Availability of Suitable Existing Towers, Other Structures, or Alternative Technology. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Planning Commission that no existing tower, structure, or alternative technology that does not require the use of towers or structures, can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the Planning Commission related to the availability of suitable existing towers, other structures, or alternative technology. Evidence submitted to demonstrate that no existing tower, structure, or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:

- (i) No existing towers or structures are located within the geographic area which meet applicant's engineering requirements.
- (ii) Existing towers or structures are not of sufficient height to meet applicant's

engineering requirements.

(iii) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.

(iv) The applicant's proposed antenna would cause electromagnetic interference with the antenna(s) on the existing towers or structures, or the antenna(s) on the existing towers or structures would cause interference with the applicant's proposed antenna.

(v) The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.

(vi) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

(vii) The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters and/or receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

(4) Setbacks. The following setback requirements shall apply to all towers for which a conditional use permit is required; provided, however, that the Planning Commission may reduce the standard setback requirements if the goals of this ordinance would be better served thereby:

(i) Towers must be set back a distance equal to at least seventy-five percent (75%) of the height of the tower from any adjoining lot line.

(ii) Guys and accessory buildings must satisfy the minimum zoning district setback and yard requirements.

(5) Separation. The following separation requirements shall apply to all towers and antennas for which a conditional use permit is required; provided, however, that the Planning Commission may reduce the standard separation requirements if the goals of this ordinance would be better served thereby.

(i) Separation from off-site uses and/or designated areas.

[a] Tower separation shall be measured from the base of the tower to the lot line of the off-site uses and/or designated areas as specified in Table 1, except as otherwise provided in Table 1.

[b] Separation requirements for towers shall comply with the minimum standards established in Table 1.

TABLE 1

Off-site Use or Designated Area	Separation Distance <sup>1</sup>
Existing residential zoning Districts	300% height of tower
Non-residentially zoned lands or non-residential uses	None, only setbacks apply.

<sup>1</sup>Separation measured from base of tower to closest building setback or yard line.

(ii) Separation distances between towers.

[a] Separation distances between towers shall be applicable for and measured between the proposed tower and preexisting towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan, of the proposed tower. The separation distances (listed in linear feet) shall be as shown in Table 2.



TABLE 2

Existing Towers – Types	Lattice	Guyed	Monopole 75 Ft in Height or Greater	Monopole Less Than 75 Ft in Height
Lattice	5,000	5,000	1,500	750
Guyed	5,000	5,000	1,500	750
Monopole 75 Ft in Height or Greater	1,500	1,500	1,500	750
Monopole Less Than 75 Ft in Height	750	750	750	750

(6) Security fencing. Towers shall be enclosed by security fencing not less than six feet in height and shall also be equipped with an appropriate anti-climbing device which is consistent with the Fence Ordinance; provided however, that the Planning Commission may waive such requirements, as it deems appropriate.

(7) Landscaping. The following requirements shall govern the landscaping surrounding towers for which a conditional use permit is required; provided, however, that the Planning Commission may waive such requirements if the goals of this ordinance would be better served thereby.

(i) Tower facilities shall be landscaped with a buffer of plant materials that effectively screen the view of the tower compound from property used for residences. The standard buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the compound.

(ii) In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived.

(iii) Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.

7. Buildings or Other Equipment Storage.

(a) Antennas Mounted on Structures or Rooftops. The equipment cabinet or structure used in association with antennas shall comply with the following:

(1) The cabinet or structure shall not contain more than 100 square feet of gross floor area or be more than eight feet in height. In addition, for buildings and structures which are less than 65 feet in height, the related unmanned equipment structure, if over 50 square feet of gross floor area or six and one half feet in height, shall be located on the ground and shall not be located on the roof of the structure.

(2) If the equipment structure is located on the roof of a building, the area of the equipment structure and other equipment and structures shall not occupy more than ten percent of the roof area.

(3) Equipment storage buildings or cabinets shall comply with all applicable building codes.

(b) Antennas Mounted on Utility Poles or Light Poles. The equipment cabinet or structure used in association with antennas shall be located in accordance with the following:

(1) In residential districts, the equipment cabinet or structure may be located:

(i) Behind the required yard or in a side yard provided the cabinet or structure is no greater than eight feet in height or 100 square feet of gross floor area and the cabinet or structure is located a minimum of five feet from all lot lines. The cabinet or structure shall be screened by an evergreen hedge with an ultimate height of at least 42-48 inches and a planted height of at least 36 inches.

(ii) In a rear yard, provided the cabinet or structure is no greater than eight feet in

height or 100 square feet in gross floor area. The cabinet or structure shall be screened by an evergreen hedge with an ultimate height of eight feet and a planted height of at least 36 inches.

(2) In commercial or industrial districts the equipment cabinet or structure shall be no greater than eight feet in height or 100 square feet in gross floor area. The structure or cabinet shall be screened by an evergreen hedge with an ultimate height of eight feet and a planted height of at least 36 inches. In all other instances, structures or cabinets shall be screened from view of all residential properties which abut or are directly across the street from the structure or cabinet by a solid fence six feet in height or an evergreen hedge with an ultimate height of eight feet and a planted height of at least 36 inches.

(c) Antennas Located on Towers. The related unmanned equipment structure shall not contain more than 400 square feet of gross floor area or be more than 12 feet in height, and shall be located in accordance with the minimum yard requirements of the zoning district in which located.

(d) Modification of Building Size Requirements. The requirements of Sections 8(a) through (c) may be modified by the Zoning Administrator in the case of administratively approved uses or by the Planning Commission in the case of uses permitted by conditional use, to encourage collocation.

8. Removal of Abandoned Antennas and Towers. Any antenna or tower that is not operated for a continuous period of twelve months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within ninety days of receipt of notice from the City of Marquette notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within said ninety days shall be grounds to remove the tower or antenna at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

9. Nonconforming Uses.

(a) Not Expansion of Nonconforming Use. Towers that are constructed and antennas that are installed, in accordance with the provisions of this ordinance shall not be deemed to constitute the expansion of a nonconforming use or structure.

(b) Preexisting towers. Preexisting towers shall be allowed to continue their usage as they presently exist. Routine maintenance (including replacement with a new tower of like construction and height) shall be permitted on such preexisting towers. New construction other than routine maintenance on a preexisting tower shall comply with the requirements of this ordinance.

(c) Rebuilding Damaged or Destroyed Nonconforming Towers or Antennas. Notwithstanding Section 9, bona fide nonconforming towers or antennas that are damaged or destroyed may be rebuilt without having to first obtain administrative approval or a conditional use permit and without having to meet the separation requirements specified in Sections 7(b)(4) and 7(b)(5). The type, height, and location of the tower onsite shall be of the same type and intensity as the original facility approval. Building permits to rebuild the facility shall comply with the then applicable building codes and shall be obtained within 180 days from the date the facility is damaged or destroyed. If no permit is obtained or if said permit expires, the tower or antenna shall be deemed abandoned as specified in Section 9.

80.81 - 80.99 Reserved For Future Use.

Amendments:

#544 – (readopted in entirety (5/29/07)

#545 -80.25 cbd (7/9/07)

#554-80.35 downtown wtrfront fbc (10-6-08)

#555-80,36 south mqt wtrfront fbc (12-22-08)

#559-80.35 marquette waterfront-founders 5 (5-26-09)  
 #560-80.40.2 bldg height (7/27/09)  
 #561-80.35 ext. material (7/27/09)  
 #590-80 changed and added definitions, added required yard section, added wider range of permitted and conditional uses in districts such as light manufacturing, improved on required conditions for conditional uses; 80.35 and 80.36 to provide for light manufacturing (11/28/11)  
 #594-80.02 added new definition of homeless shelter (9-20-12)  
 #595-amending sections 80.23, 80.24, 80.25, and 80.65 to provide for homeless shelters as a conditional use and the conditional use requirements (9-20-12)  
 #596-80.42 to provide for off-street parking requirements for a homeless shelter (9-20-12)  
 #597-80.35 Downtown WFBC to provide for the addition of homeless shelter to the allowable residential uses in the definitions and changing "Spouse Abuse Shelter" to be renamed as "Domestic Violence Shelter"; and provide for the conditional use of homeless shelter. (9-20-12)  
 #598- amending Section 80.30 to provide for new language for minor and major amendments to Planned Unit Developments (9-20-12)  
 #692-Section 80.02 to eliminate bluffline and high rick erosion setback definitions, Section 80.19 to be eliminated (6-20-13)  
 #615 -Sections 80.02, 80.24, 80.25, 80.35 (Downtown Waterfront Form-Based Code District), 80.36 (South Marquette Waterfront Form-Based Code District), and 80.65 to eliminate all references and regulations related to sidewalk cafes (3-31-14)  
 #627-80.35 Downtown WFBC revision of allowable building materials, district map amendment showing a more clearly defined parking setback line (5-21-15)  
 #628 – amending Sections 80.24 & 80.25 to provide for removal of vehicular parking requirements to the (BC) Community Business and the (BG) General Business Zoning Districts (7-23-15)  
 #633 – amending Section 80.42 to eliminate off street parking permits and redundancies, and fix typographical errors (12-14-15)  
 #639- amending Section 80.25 removing mobile food vending and Section 80.42 to add text for temporary sales area and eliminate food trucks from the requirements (5-31-16)  
 #640-amending Section 80.10 to revise that under uses subject to appeal, the appeal of Zoning Administrator is Board of Zoning Appeals, and 80.65 amending the conditions for Home Occupations (7-11-16)  
 #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)  
 #642-80.36 South MQT FBC- add language to 1.5 Appeals, Appendix A revise uses subject to appeal definition that the appeal of Zoning Administrator is Board of Zoning Appeals, Appendix D add and remove language for uses subject to appeal, add Required Conditions for Conditional Uses (7-11-16)  
 #650-amending Section 80.02 definitions, 80.20; RS-single family residential district 1-4; 80.21 RG-general residential district 1-4; 80.22 RM-multiple family residential district 1-4; section 80.42 off-street parking and loading zone requirements 1-2 (1) and b. parking regulations 1-8 and 80.65 conditional use permit, bed and breakfasts 14(a-k) (5-18-17)  
 #651-80.35 Downtown WFBC – Section 5.3 Defined Terms; Use, Residential (5-18-17)  
 #652-80.36 South MQT FBC – Appendix A: Definitions-Use, Multi-Family Residential, and Use, Residential (5-18-17)  
 #657- amending 80.02 Definitions (homestay and vacation home rental); 80.23 OS – Office district 1-2; 80.24 BC- Community District 1-2; and 80.25 CBD – Central Business District 1-2 (7-10-17)  
 #658 80.35 Downtown WFBC – North Lakeshore Frontages – Standards for Permitted Uses: Short-term rentals (7-10-17)  
 #659 – 80.36 South MQT FBC – Traditional Neighborhood Residential (TN-R) Elements and Use- Standards for Permitted Uses (7-10-17)