

# Proposed Marine City Zoning Code Amendments

## Public Hearing Draft

Prepared by Wade Trim Associates, Inc.  
September 22, 2021 – DRAFT

### Key:

Text proposed to be deleted

Text proposed to be added

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### Residential Use Language in B-1 District

#### Chapter 160 – Zoning Code (Section 160.081,(M))

160.081 PRINCIPAL USES PERMITTED (B-1, CENTRAL BUSINESS DISTRICT).

- (M) Residential units **on upper floors above permitted uses on the ground floor. ;**  
**provided they are an integral part of the structure containing a permitted use, and the**  
**residential use is subordinate to the other permitted use.**

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### Off-Street Parking Requirements

#### Chapter 160 – Zoning Code (Section 160.214,(B))

160.214 OFF-STREET PARKING REQUIREMENTS.

- (B) The number of off-street parking spaces, in conjunction with all land or building uses shall be provided, prior to the issuance of a certificate of occupancy as hereinafter prescribed.

*[No proposed changes to items (1) through (11)]*

- (12) The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule. **except that said schedule shall not apply to the erection, alteration or extension of any use or building within the developed business district bounded by Broadway Street on the north, the St. Clair River on the east, Bridge Street and the centerline of same projected easterly to the St. Clair River on the south, and the centerline of Market Street on the west; except as required in division (B)(5) above. Further, in any District where off-street parking areas have been provided through special assessments the required number of spaces as required hereinafter may be reduced by the Board of Appeals by that number of spaces which can be prorated to the use which was specially assessed. Lands within the Nautical Mile District shall be**

subject to the off-street parking requirements of Section 160.180.

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## Nautical Mile District

### Chapter 160 – Zoning Code (Sections 160.175 to 160.183)

<b>Proposed changes to the Nautical Mile District limits are shown in the enclosed map, dated July 14, 2020.</b>
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#### 160.175 INTENT.

- (A) The nautical mile is of special public interest because of its unique location along the St. Clair River as a focal point of community redevelopment activities. The Nautical Mile District (NMD) is intended to encourage the redevelopment of the Nautical Mile in a compatible mixture of housing, recreation, entertainment, commercial, office, cultural, public and hotel uses through the flexible application of land regulatory standards. Such uses may be located in various combinations of mixed-use and single-use development. It is also the intent of the District to encourage a high quality of private development with reasonable public amenities to improve the overall living, working, shopping and recreational environment of the Nautical Mile. The Nautical Mile encompasses property within the DDA District and as designated by the City's Zoning Map. **Special district objectives. The Zoning Enabling Act, Public Act 110 of 2006, as amended, allows for the creation of special land development regulations to address problems and needs in specific areas. Accordingly, the Nautical Mile was established to address the special land management and redevelopment needs of the Nautical Mile. The Nautical Mile District is an overlay district and does not replace or restrict the range of uses allowed in the underlying use district. The overlay district provides additional development options and standards which must be met.**
- (B) The establishment of special development regulations is designed to achieve the following objectives:
- (1) Ensure that development is guided by provisions of the Marine City Master Plan, the Coastal Zone Management Plan, the Downtown Development Plan and other **policy documents, as may be adopted by the City,** supporting the overall redevelopment program of the Nautical Mile;
  - (2) Encourage the development of public parks and recreation facilities which recognize and enhance the unique waterfront location, public needs and amenities of Nautical Mile;
  - (3) Provide commercial activity which will serve as an attraction draw to the regional trade area and meet the needs of local residents for convenient shopping;
  - (4) Ensure that all new construction and renovation is designed and located in a manner which capitalizes upon the unique waterfront environment **and the mid-19<sup>th</sup> to mid-20<sup>th</sup> Century charm of the district;**

- (5) Provide for unification of the area through landscaping, signage, lighting and street furniture; and
- (6) Ensure that the location, design, visual appearance and construction of individual buildings and structures is consistent with overall design objectives and redevelopment efforts.
- (7) Encourage the preservation of historic structures and resources within the district.**

#### 160.176 PRINCIPAL USES PERMITTED.

- (A) **The following land uses are permitted in the Nautical Mile District—NMD. The principal uses specified in the underlying district as well as the principal uses specified in the B-1 Central Business District shall be permitted.**
- ~~(B) The uses shall conform to standards set forth in this chapter and other applicable portions of the City Zoning Ordinance listed below:~~
  - ~~(1) Residential, R-1A, R-1B, R-M Residential; and~~
  - ~~(2) Commercial, B-1 Central Business District.~~

#### 160.177 USES SUBJECT TO SPECIAL CONDITIONS.

- (A) **The special condition uses specified in R-1A, R-1B, R-M and B-1 Central Business Districts. The special condition uses specified in the underlying district as well as the special condition uses specified in the B-1 Central Business District** shall be permitted, subject to the conditions imposed by each use and subject further to the review and approval of the Planning Commission.
- (B) The following uses shall not be permitted in this zone:
  - (1) Junkyards and other mobile home parks;
  - (2) Storage or parking or use of moving vans and the like;
  - (3) Outdoor storage or parking of wrecked or partially dismantled vehicles;
  - (4) Drive-in theaters;
  - (5) Drive-in restaurants; and
  - (6) Automotive wash establishments.

#### 160.178 DEVELOPMENT REVIEW AND SITE PLANS.

- (A) **Site plan review and approval of all development proposals within the Nautical Mile District is required in accordance with the provisions of Section 160.300. Prior to the issuance of a building permit for any multifamily and commercial building to be built or modified, a site plan shall be approved as provided for hereunder. Site plans shall be**

required for all permitted uses hereunder and all uses subject to special conditions.

(B) The site plan submission shall contain the following information:

- (1) Existing topography recorded at a minimum contour interval of 2 feet showing all natural features, such as trees, rivers and open areas; all features shall be identified as to which remain and which will be removed or altered. Topography shall extend 50 feet beyond all property lines;
- (2) General soils information;
- (3) Location and size of buffer areas;
- (4) Use and general class of each different type of structure;
- (5) The site plan shall be at a scale of not greater than 1 inch equals 20 feet nor less than 1 inch equals 50 feet;
- (6) The site plan shall show all signage and provisions for pedestrian circulation, both on the site and to and from it;
- (7) Name and address of all property owners, as listed by the City Assessor or the county's Register of Deeds;
- (8) Statement of interest in the property, including conditions for sale or purchase of parcel, such as deed restrictions, reservations of land for other uses or other conditions which may have bearing on the total land development;
- (9) Vicinity map of all property within 300 feet of the proposed development, showing streets, zonings and land uses at a scale no greater than 1 inch equals 200 feet;
- (10) Elevation drawings of typical proposed structures and improvements, including signs, except for single family detached homes;
- (11) Proposed agreements, deed restrictions, bylaws or articles of incorporation which relate to the preservation or maintenance of open space and associations created to preserve and maintain the open space;
- (12) Proposed grading shall show 1 foot contour intervals;
- (13) All existing vegetation 4 inch caliper and over must be located on the plans;
- (14) Total amount of open space required by this chapter;
- (15) Total amount of landscape area required by this chapter;
- (16) A map showing the drainage area of all land which drains onto or across the site and estimated runoff of the entire drainage area. Show existing runoff and estimated runoff after construction;

~~(17) Location and dimension of all curb cuts; and~~

~~(18) The Zoning Commission may refer requests for special approval land uses or site plans to professional consultants and other public bodies for review and comment.~~

#### 160.179 ARCHITECTURAL STANDARDS AND NAUTICAL MOTIF.

(A) **New or remodeled buildings within the Nautical Mile District shall be designed in harmony with the guidelines set forth in the Marine City Master Plan or a Nautical Mile District Sub-Area Plan, as may be adopted by the City.** ~~Wherever possible, new or remodeled buildings shall incorporate building designs consistent with the nautical theme. The styles should be similar to those design recommendations presented within the Nautical Mile Coastal Zone Plan and within the plans developed by the Downtown Development Authority.~~

~~(B) In an NMD Nautical Mile District, no exterior portion of any commercial building or structure (including walls, fences, light fixtures, steps, pavement or other appurtenant features) or aboveground utility structures shall be erected, altered, restored, moved or demolished without the review of the Planning Commission prior to the issuance of a building permit.~~

**(B) (C) Design review shall occur by the City as part of site plan review in accordance with Section 160.300.** ~~The review of the Planning Commission shall be advisory to the Building Inspector in the issuance of a building permit.~~ The purpose of ~~the Planning Commission~~ **design** review is to advise on actions which may or may not be compatible with the desirable nautical theme, architectural or cultural aspects of the District. The ~~Planning Commission~~ **City** may consider Standards for Rehabilitation and Guidelines for Rehabilitation of Historic Buildings, prepared by the U.S. Department of Interior, for reviewing actions within the NMD.

**(C) (D)** The provisions of this section shall not be construed to prevent the ordinary maintenance or repair of any exterior feature in an NMD district. Further, the provisions of this section shall not prevent the construction, alteration, restoration or demolition of any feature which the Building Inspector certifies is required because of a threat to public safety.

#### 160.180 OFF-STREET PARKING.

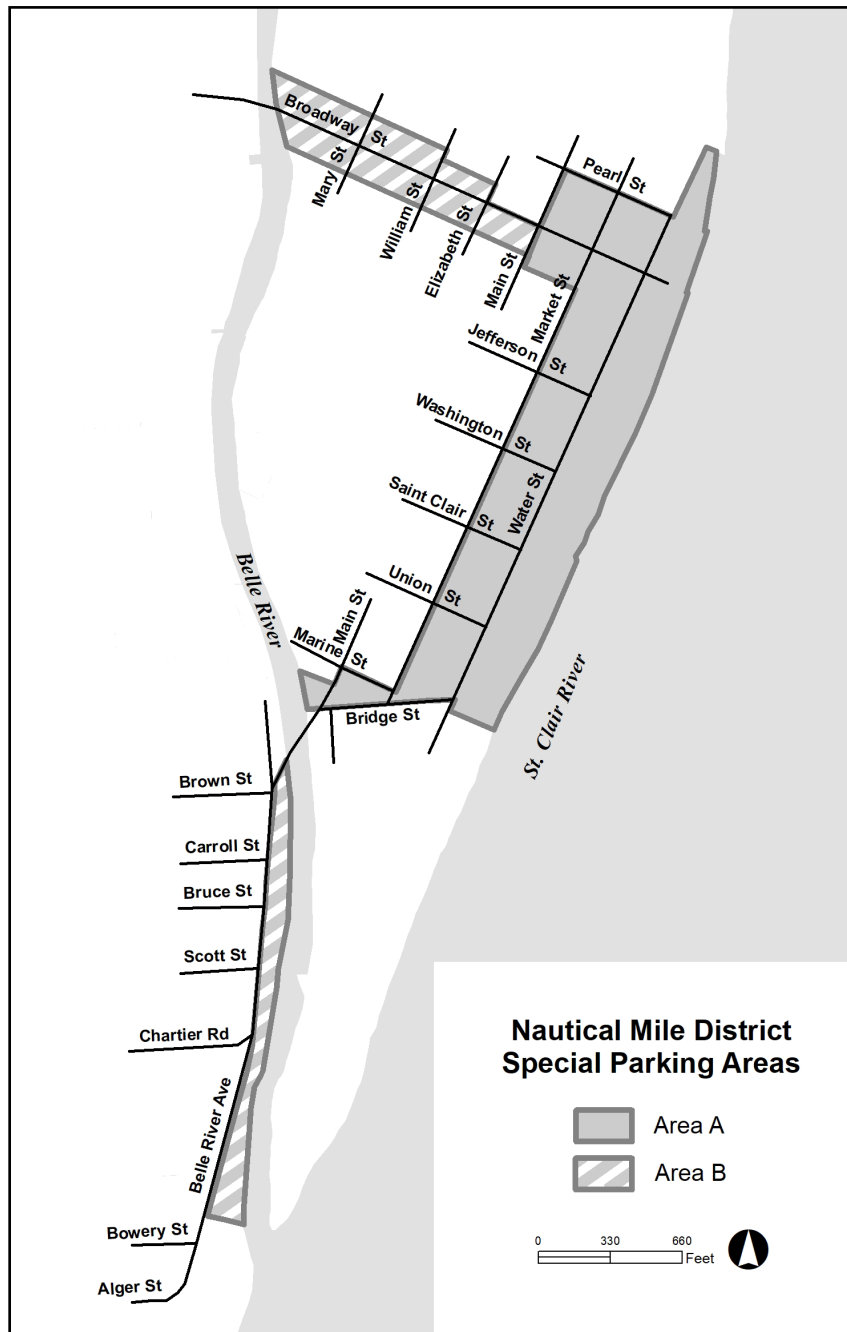
~~Off street parking facilities shall be provided as specified herein.~~ **In recognition of its pedestrian-oriented and mixed-use character, as well as the availability of public parking, the following provisions shall apply to lands within the Nautical Mile District.**

**(A) Special Parking Districts. Off-street parking shall be provided based on the Nautical Mile District Special Parking Areas map and requirements herein.**

**(1) Lands within Special Parking Area A are exempt from the off-street parking space requirements of Section 160.214,(B),(12).**

**(2) Within Special Parking Area B, a reduction of fifty percent (50%) shall be applied against the minimum number of off-street parking spaces by type as required by Section 160.214,(B),(12). The Planning Commission may further**

reduce such requirements based on upon evidence presented by the property owner showing that the reasonable ability to provide any or all of the required parking spaces does not exist.



160.181 EXTERIOR LIGHTING.

- (A) The requirement for exterior lighting is intended to protect the security and safety of pedestrians and motorists using public plazas, pedestrian corridors, off-street parking areas and other spaces open to the public located on private property.
- (B) This section is also intended to regulate the spillover of light and glare on operators of

motorized and nonmotorized vehicles, pedestrians and land uses in the proximity of the light source.

- (1) Whenever plazas, pedestrian corridors, off-street parking areas and other spaces open to the public are provided on private property, the site plan shall incorporate exterior lighting concepts **as set forth in the Marine City Coastal Zone Management Plan and provisions adopted by the Downtown Development Authority; designed in harmony with the guidelines set forth in the Nautical Mile District Design Guidelines document, as may be adopted by the City Commission.**
- (2) The site plan shall illustrate the location and type of lighting fixtures, amount of illumination provided and direction of illumination;
- (3) Exterior lighting shall provide sufficient illumination to ensure public safety and security; and
- (4) Exterior lighting shall be located and directed in a manner which does not produce a glare which is a nuisance to nearby land uses or a safety hazard to motorized and non-motorized vehicles or pedestrians.

#### 160.182 PERMITTED, SPECIAL USE SIGNAGE.

- (A) The requirement for signage is intended to protect public safety, maintain quality in the visual appearance of the Nautical Mile, protect the value and economic stability of adjacent land use and allow for the conduct of competitive commerce. The intent of this section is to regulate the height, area, number, location and style of signs within the Nautical Mile District. It is also the intent to encourage signs erected in the District to be designed in a nautical concept. **All requirements of Section 160.220 shall apply within the Nautical Mile District, in addition to the requirements of this Section.**
- (B) Application of sign requirements:
  - (1) No sign may be erected or altered without the issuance of a zoning compliance permit.
  - (2) When a site plan is required by this chapter, a scaled drawing illustrating sign details, including design, color, area and height shall be submitted. The location of all signs shall be illustrated on the site plan. Sign details and location shall be considered part of site plan review and approval.
  - (3) When a site plan is not required by this chapter, the Building Inspector shall require a zoning compliance permit for signs erected or altered in the Nautical Mile District. The application for the zoning compliance permit shall be accompanied by a scaled drawing illustrating sign details, including design, color, area and height. **The Building Inspector shall submit the application and scaled drawing to the Planning Commission for review and approval. The Planning Commission shall follow the same procedure as required for site plan review.**
- (C) General provisions:

~~(1) No sign, except those established and maintained by the city, county, state or federal governments, shall be located in, project into or overhang a public right-of-way or dedicated public easement, except as established in this section.~~

~~(2) All directional signs required for the purpose of orientation, when established by the city, county, state or federal government shall be permitted.~~

~~(3) Signs used for advertising land or buildings for rent, lease or sale shall be permitted, provided such signs are located on the property intended to be rented, leased or sold. Such signs shall conform to height and area provisions.~~

~~(4) The repainting and preventive maintenance of signs shall not be considered an alteration requiring a zoning compliance permit.~~

**(1) All sign types allowed and regulated in Section 160.220,(B),(4),(b) for the B-1, B-2, W-M and P-1 district shall be allowed within the Nautical Mile District.**

**(2)** ~~(5)~~ Projecting signs shall **also** be permitted within the Nautical Mile Overlay District for all structures other than single-family detached dwellings, subject to the following requirements:

- (a) Projecting signs shall not extend more than 4 feet from the wall of the building, and shall not be closer than 3 feet from the back of curb line.
- (b) Minimum height. No portion of any sign which extends over the public right-of-way shall be less than 8 feet from the surface below.
- (c) All projecting signs shall be safely and securely attached to structural members of the building by means of metal anchors, bolts or expansion screws. In no case shall any projecting sign be secured with wire, strips of wood or nails. The method of attachment shall be stated on the permit application. All plans for the erection of signs shall be submitted to the Building Inspector for review and approval and shall be further subject to all codes and ordinances of the city.

~~(D) Sign requirements for all structures except single family detached dwellings:~~

~~(1) Each structure shall be permitted 1 accessory or monolith sign and 1 of the following additional accessory sign types: Wall mounted, projecting or graphic (on private property). For multiple uses, such as shopping centers, office complexes and mixed use developments, the Planning Commission may permit 1 wall mounted, projecting or graphic accessory sign for each individual use within the development.~~

~~(2) Structures which abut more than 1 public street shall be permitted 1 additional accessory ground or monolith sign located along such abutting public street.~~

**(D) Temporary and portable signs shall be allowed subject to Section 160.220,(B),(6),(b) and (c).**



~~(E) Prohibited signs:~~

- ~~(1) Flashing, animated or moving signs, other than those signs which convey noncommercial information, such as time and temperature requiring periodic change;~~
- ~~(2) Exterior spinners, streamers or string lights, except those used for holiday decorations;~~
- ~~(3) Any sign not permanently anchored to the ground or building, except those signs used to temporarily advertise land or buildings for rent, lease or sale; and~~
- ~~(4) Any sign which is not electrically or structurally safe.~~

160.183 LANDSCAPING REQUIREMENTS.

- (A) The owner of a parking lot or vehicular use area which abuts a public right-of-way shall install and maintain landscaping between such area and such right-of-way, unless the parking lot or vehicular use area is visually screened by a building or structure or existing landscaping which meets the buffering requirements.
- (B) Where an off-street parking lot or vehicular use area in the NMD zoning district abuts a public right-of-way, screening shall be placed at all locations, excluding sidewalks and driveways, which are between any portion of the right-of-way and the parking lot or vehicular use area visible from the right-of-way as follows:
  - (1) A strip of land at least 5 feet in width located between the abutting right-of-way and the parking or vehicular use area exposed to the abutting right-of-way.
  - (2) One tree per 50 feet lineal, or fraction thereof, located between the abutting right-of-way and parking or vehicular use area.
  - (3) A hedge wall, berm, change of grade or any combination of these landscape elements forming a continuous screen at least 3 feet in height. If a wall or fence is used, a minimum average of 1 shrub or vine per 10 lineal feet of wall length shall be provided.
  - (4) Grass or ground cover shall be planted and maintained on all portions of the required landscape strip not occupied by other landscape material or existing vegetation.
  - (5) In cases where the parking areas or vehicular use areas are 50 feet or more from the public right-of-way, and provided that such an area has trees and shrubs which serve to buffer the parking area or vehicular use area, buffering (as required in this section) may be reduced, provided the intent of this section is carried out to the satisfaction of the Building Inspector.

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## Front Yard Parking

### Chapter 160 – Zoning Code (Section 160.214,(B))

#### 160.214 OFF-STREET PARKING REQUIREMENTS.

- (B) The number of off-street parking spaces, in conjunction with all land or building uses shall be provided, prior to the issuance of a certificate of occupancy as hereinafter prescribed.

*[No proposed changes to items (1) and (2)]*

- (3) Residential off-street parking spaces shall consist of a permanent hard surface parking strip, parking bay, driveway, garage, or combination thereof and shall be located on the premises they are intended to serve. **For the purposes of this section, hard surface shall mean concrete, asphalt, brick, cut stone or similar material and shall not include crushed materials, gravel, wood chips or natural surfacing.** Off-street parking for single-family and two-family dwellings shall further be subject to the following:

- (a) Off street parking shall not be permitted within the front yard, except within such parking strip, parking bay, driveway, garage, or combination thereof. This requirement shall not apply to parking for temporary special events normally associated with the residential use of the property, such as graduation and holiday parties, **or during City designated snow emergencies.**
- (b) Within the front yard, the total surface area for any parking strip, parking bay, driveway or combination thereof shall not exceed fifty percent (50%) of the total front yard area.

*[No proposed changes to items (4) through (12)]*

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## Site Plan Phasing

### Chapter 160 – Zoning Code (Section 160.300,(B))

#### 160.300 SITE PLAN REVIEW REQUIRED IN SPECIFIC DISTRICTS.

- (B) Through the application of the following provisions, the attainment of the Master Plan will be assured and the city will develop in an orderly fashion.

*[No proposed changes to items (1) through (6)]*

- (7) *Effect of approval.* When an applicant receives final site approval, he or she must develop the site in complete conformity with the approved site plan. The site plan approval shall be valid for a period of 1 year. If the project is not under

construction with a building permit at the expiration of the approval time, the site plan approval becomes null and void and the developer shall make a new application for approval. ~~Time extension to site plan approval may be granted by the Planning Commission.~~ **Prior to the date of expiration, the applicant may request and the Planning Commission may approve an extension for a period no longer than 1 year.**

**(8) *Phasing of development.* The applicant may, at his discretion, divide the proposed development into two (2) or more phases. In such case, the site plan shall clearly indicate the location, the size, and character of each phase. The approval of the first phase shall be valid for a period of 1 year in accordance with division (7) above. As part of site plan approval, the Planning Commission may designate the time period for which the approval of any subsequent phases shall be valid. Time extensions for site plan phases may be granted by the Planning Commission in accordance with division (7) above.**

~~(8)~~ **(9)** Amendment of approved site plan. The Zoning Administrator shall have the authority to determine if a proposed change requires an amendment to an approved final site plan. A site plan may be amended upon application and in accordance with the procedure herein for a final site plan. The Zoning Administrator may approve minor changes in an approved final site plan, provided that a revised final site plan drawing (s) be submitted showing such minor changes, for purposes of record.

~~(9)~~ **(10)** Modification of plan during construction. All improvements shall conform to the final site plan. Any changes, which result in a material alteration of the site plan approved by the Planning Commission, shall require resubmittal to the Planning Commission. The Planning Commission, or Zoning Administrator may require the applicant to correct the changes so as to conform to the approved final site plan.

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## **Temporary Signage, including Tear Drop Flags**

### **Chapter 160 – Zoning Code (Section 160.220,(B),(6))**

#### **160.220 SIGNS.**

(B) It is, therefore, within the health, safety and welfare responsibility of the city that this section is promulgated.

(6) *Temporary and portable signs.*

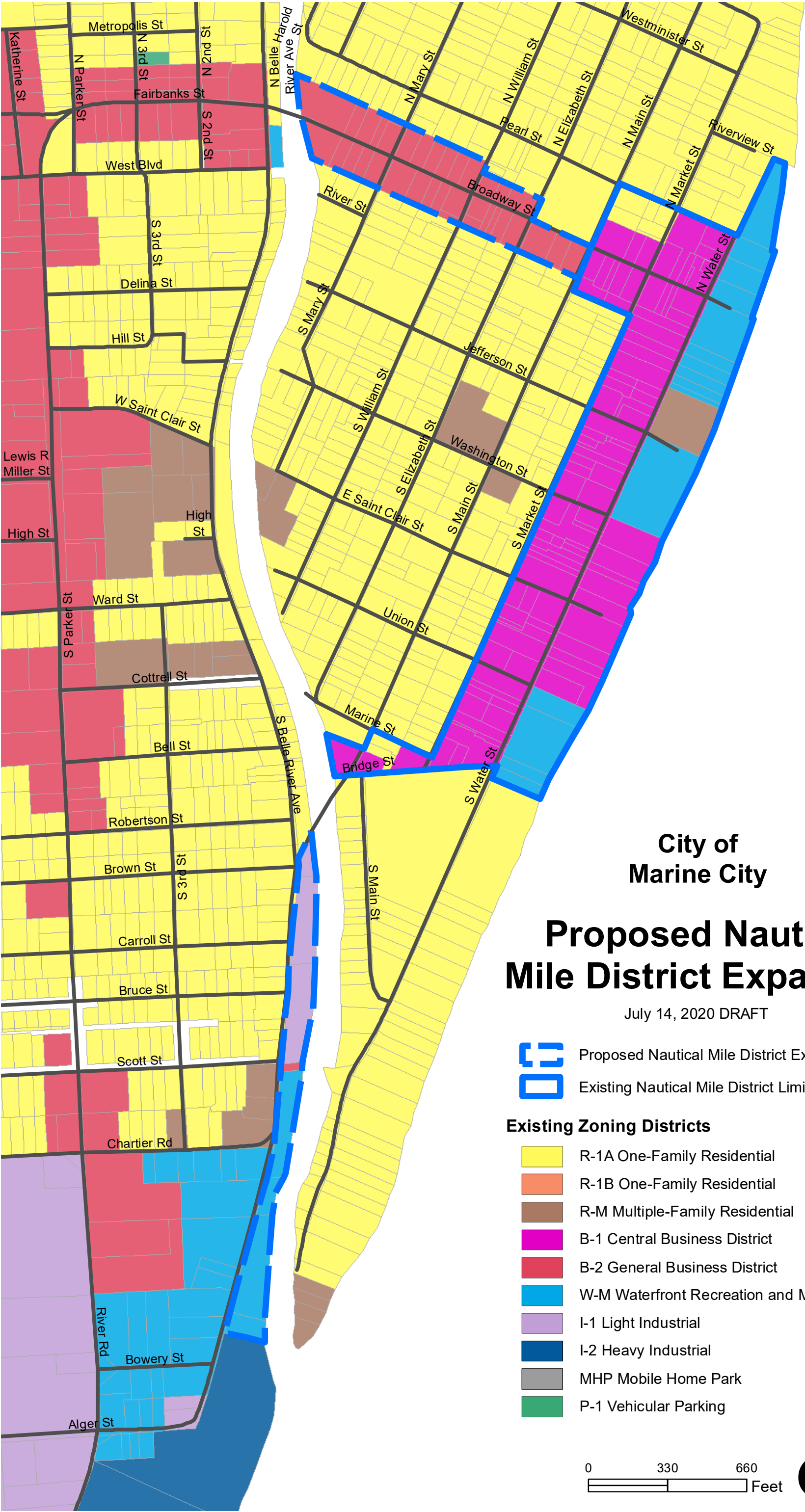
(a) Temporary signs, as defined herein, may be allowed within the R-IA, R-1B, R-M and MHP Districts, provided the following requirements are met. Portable signs, as defined herein, are not allowed within the R-IA, R-1B, R-M and MHP Districts.

1. No more than one (1) temporary sign may be allowed per street frontage. **Up to one (1) additional temporary signs are per street frontage is** allowed during **any of the below listed certain** time periods, **as follows**:
    - a. During the time period starting when an election ballot has been certified by the County Clerk and extending 7 days after an election, **up to 3 additional signs may be allowed.**
    - b. During the time period noted on a building permit issued by Marine City allowing for construction activities to occur on the site, **1 additional temporary sign per street frontage is allowed.**
    - c. During the time period where the property is actively listed for sale, **1 additional temporary sign per street frontage is allowed.**
  2. Temporary signs shall not exceed 6 square feet of display area and 4 feet in height.
  3. Temporary signs must be safely affixed, properly maintained and not allowed to become unsightly through disrepair or action of the elements.
  4. The location of any sign permitted by this section shall not interfere with pedestrian traffic, driver safety, or handicap access.
- (b) Temporary signs, as defined herein, may be allowed within the B-1, B-2, W-M, P-1, I-1 and I-2 Districts, provided the following requirements are met:
1. No more than **one (1) ground-affixed** temporary sign **and one (1) building-affixed temporary sign** may be allowed per street frontage. **Up to one (1) additional ground-affixed or building-affixed** temporary signs **are per street frontage is** allowed during **any of the below listed certain** time periods, **as follows**:
    - a. During the time period starting when an election ballot has been certified by the County Clerk and extending 7 days after an election, **up to 3 additional temporary signs may be allowed.**
    - b. During the time period noted on a building permit issued by Marine City allowing for construction activities to occur on the site, **1 additional temporary sign per street frontage is allowed.**
    - c. During the time period where the property is actively

listed for sale, ~~1 additional temporary sign per street frontage is allowed.~~

2. Temporary signs **affixed to the ground** shall not exceed ~~9~~ **16** square feet of display area and ~~4~~ **10** feet in height. **Temporary signs affixed to a building shall not exceed 20 square feet of display area nor more than 10 feet in any single dimension.**
  3. Temporary signs must be safely affixed, properly maintained and not allowed to become unsightly through disrepair or action of the elements.
  4. The location of any sign permitted by this section shall not interfere with pedestrian traffic, driver safety, or handicap access.
  5. Additional requirements for specific temporary sign types: The following specific sign types shall require permit approval by the Zoning Administrator for specified time periods which, in total, do not exceed 60 days in any one calendar year:
    - a. Banners, provided they are affixed to a building wall, over a permanent sign, or by other means necessary so long as the banner is stationary and safely supported. ~~In no case shall more than 1 banner sign be allowed per street frontage.~~
    - ~~b. Balloon signs, provided no more than 1 balloon sign shall be allowed per street frontage.~~
    - e. b.** Tear drop flags, ~~provided they do not exceed 12 feet in height measured from grade. In no case shall more than 1 tear drop flag be allowed per street frontage.~~
    - ~~d. At any given time, no more than 1 of the above temporary sign types is allowed on a single premises.~~
- (c) Portable signs, as defined herein, may be allowed within the B-1, B-2, W-M, P-1, I-1 and I-2 Districts, provided the following requirements are met:
1. Such signs may be located outside for display only during regular business hours.
  2. No more than 1 portable sign may be allowed per street frontage.
  3. Portable signs shall not exceed 9 square feet of display area and 4 feet in height.
  4. Portable signs must be properly maintained and not allowed to become unsightly through disrepair or action of the elements.

5. The location of portable signs shall not interfere with pedestrian traffic, driver safety, or handicap access.



City of  
Marine City

Proposed Nautical  
Mile District Expansion

July 14, 2020 DRAFT



- Proposed Nautical Mile District Expansion
- Existing Nautical Mile District Limits

Existing Zoning Districts

- R-1A One-Family Residential
- R-1B One-Family Residential
- R-M Multiple-Family Residential
- B-1 Central Business District
- B-2 General Business District
- W-M Waterfront Recreation and Marina
- I-1 Light Industrial
- I-2 Heavy Industrial
- MHP Mobile Home Park
- P-1 Vehicular Parking

