



The proposed amendments to the **Land Development Code** are formatted in the following way:

- 1) New subsections and/or language is shown underlined and highlighted, as the example below indicates:

Example) H. Light Manufacturing

- 2) A subsection or language that is to be eliminated is indicated by strikethrough lines in the font, as the example below indicates:

Example) ~~F. Dwelling units must be located above the first floor.~~

Article 2 Definitions

Section 54.202 Specific Terms

(A) The following terms shall have the following meaning:

Ground Coverage: See “Lot Coverage”, these terms have the same meaning.

Lot Coverage: The area of a lot covered by the maximum horizontal cross section of a building or buildings to the area of the site (i.e. 20 square feet of building cross section on 100 square feet of land would give a ratio of 2,000/10,000 or 0.20). Also referred to as Ground Coverage. Accessory structures four (4) feet in height or less shall not be considered in computing maximum percent of lot coverage/ground in a residential district.

Marihuana Designated Consumption Establishment: Marihuana Designated Consumption Establishment means a commercial space that is licensed and where it is authorized for adults 21 years of age and older to consume marihuana products.

Marihuana Establishments: Marihuana Establishment means a marihuana grower (Class A, B, or C) or excess grower, marihuana safety compliance facility, marihuana processor (light manufacturing or heavy manufacturing), marihuana microbusiness (light manufacturing or heavy manufacturing), marihuana retailer, marihuana secure transporter, marihuana designated consumption establishment.

Marihuana Grower – Class A: Marihuana Grower – Class A means a person licensed to cultivate not more than 100 marihuana plants and sell or otherwise transfer marihuana to marihuana establishments.

Marihuana Grower – Class B: Marihuana Grower – Class B means a person licensed to cultivate not more than 500 marihuana plants and sell or otherwise transfer marihuana to marihuana establishments.

Marihuana Grower – Class C: Marihuana Grower – Class C means a person licensed to cultivate not more than 2000 marihuana plants and sell or otherwise transfer marihuana to marihuana establishments.

Marihuana Grower – Excess: Marihuana Grower – Excess means a person licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments and this is issued to a person who holds 5 stacked Class C licenses.

Marihuana Microbusiness – Light Manufacturing: Marihuana Microbusiness – Light Manufacturing means a person licensed to cultivate not more than 150 marihuana plants; process and package marihuana; and sell or otherwise transfer marihuana to individuals who are 21 years of age or older or to a marihuana safety compliance facility, but not to other marihuana establishments and meets the Light Manufacturing definition for processing. See **Manufacturing, Light** definition.

Marihuana Microbusiness – Heavy Manufacturing: Marihuana Microbusiness – Heavy Manufacturing means a person licensed to cultivate not more than 150 marihuana plants; process and package marihuana; and sell or otherwise transfer marihuana to individuals who are 21 years of age or older or to a marihuana safety compliance facility, but not to other marihuana establishments and meets the Heavy Manufacturing definition for processing. See **Manufacturing, Heavy** definition.

Marihuana Processor – Light Manufacturing: Marihuana Processor – Light Manufacturing

means a person licensed to obtain marihuana from marihuana establishments; process and package marihuana; and sell or otherwise transfer marihuana to marihuana establishments and meets the Light Manufacturing definition for processing. See **Manufacturing, Light** definition.

Marihuana Processor – Heavy Manufacturing: Marihuana Processor – Heavy Manufacturing means a person licensed to obtain marihuana from marihuana establishments; process and package marihuana; and sell or otherwise transfer marihuana to marihuana establishments and meets the Heavy Manufacturing definition for processing. See **Manufacturing, Heavy** definition.

Marihuana Retailer: Marihuana Retailer means a person licensed to obtain marihuana from marihuana establishments and to sell or otherwise transfer marihuana to marihuana establishments and to individuals who are 21 years of age or older.

Marihuana Safety Compliance Facility: Marihuana Safety Compliance Facility means a person licensed to test marihuana, including certification for potency and the presence of contaminants.

Marihuana Secure Transporters: Marihuana Secure Transporter means a person licensed to obtain marihuana from marihuana establishments in order to transport marihuana to marihuana establishments.

Article 3 Zoning Districts and Map

Section 54.306 Permitted Uses by District

The following *Figure 8* lists the permitted uses and special land uses in each district, except that the permitted uses and special land uses of the Marquette Downtown Waterfront (DMW) Form-Based Code and Third Street Corridor (TSC) Form-Based Code are in *Section 54.321* and *Section 54.322*, respectively. Refer to *Article 2* for a description of the uses listed in the following *Figure 8*.

Whenever a specific development standard is included for a particular use in *Figure 8*, any development must comply with the requirements of the referenced section. All development standards for specific uses are listed in *Article 6* and in other areas of this Ordinance. Additionally, any use that is a special land use must also comply with the standards of *Section 54.1403(C)*.

Figure 8. Table of Permitted Land Uses and Special Land Uses by Zoning District

Key: P=Permitted S=Special Land Use [blank]=Use Not Permitted

Key: P=Permitted S=Special Land Use [blank]=Use Not Permitted

[illegible]

Key: P=Permitted S=Special Land Use [blank]=Use Not Permitted

[illegible]

Section 54.309 MFR, Multiple Family Residential District

(D) Dimensional Regulations			
Lot, Coverage, and Building Height Standards		Minimum Setbacks	
Min. Lot Area (sq. ft.)	15,000 (C)	Front Yard (ft.)	15 (A)
Min. Lot Width (ft.)	100 (D)	Side Yard (one) (ft.)	15 (G) , (K) , (L)
Max. Impervious Surface Coverage (%)	(R)	Side Yard (total of 2) (ft.)	30 (G) , (K) , (L)
Max. Building Height of Primary Building (ft.) (O)	36.5 (L)	Rear Yard (ft.)	30 (K) , (L)
Max. Building Height of Accessory Building	(K)		
Max. Building Height (stories)	-		
Max. Lot Coverage/Ground Coverage	0.20		
Where there is a discrepancy between Article 4 and this table, Article 4 shall prevail.			

Section 54.311 M-U, Mixed-Use District

(A) Intent

The M-U district is intended to encourage and facilitate redevelopment by implementing the following mixed-use policies of the **Master Plan**:

1. **Locations.** The M-U district will be located in many areas of the City, with each area unique based on the character of the area and the objectives of the Master Plan. Therefore, the M-U district may be located along strategic corridors or in a major or minor node, such as crucial neighborhood intersections (for example, corner stores in a residential neighborhood). The M-U district is the recommended zoning district in the following Future Land Uses of the 2015 Master Plan Future Land Use Map: Mixed Use and Neighborhood Commercial.
2. **Mix Compatible Land Uses.** The M-U district will include areas of the city that are appropriate for many types of residential uses and compatible non-residential uses, including a mix of compatible uses in the same building. Examples of mixed-use buildings include non-residential uses on the lower floors and residential uses on the upper floors.
3. **Local Services.** The non-residential uses in the M-U district are intended to satisfy the need for basic services of the surrounding residential areas, thus reducing the number of car trips required to these areas.
4. **Design.** Development must be human-scale through appropriate building location near the street to help create a pedestrian-oriented environment that does not conflict with motorized traffic.

(B) Permitted Principal Uses

- Accessory Building or Structure
- Accessory Use, Single-Family Residential Lots
- Adult Foster Care, Family Home
- Child Care Center or Day Care Center
- Child or Day Care, Family Home
- Dwelling, Live/Work
- Dwelling, Multiple-Family
- Dwelling, Single-Family Attached
- Dwelling, Single-Family Detached
- Dwelling, Two-Family (Duplex)
- Emergency Services
- Farmers' Markets
- Food Production, Minor
- Foster Family Home
- Health Services
- Home Occupation
- Home Office
- Homestays and Vacation Home
- Hospice
- Indoor Recreation
- Medical Hospital Related Accessory Uses
- Medical Hospital Related Office
- Medical Hospital Related Uses
- Office, Medical
- Office, Professional
- Outdoor Recreation
- Public or Governmental Building
- Religious Institution
- Restaurant, Indoor Service
- Retail Business, Indoor
- Retail Sales, Outdoor Temporary
- Service Establishment
- Veterinary Clinic (Domestic Animals Only)

(C) Special Land Uses

- Accessory Use, Non-Single Family Residential Lots
- Adult Foster Care, Small Group Home
- Bar
- Bed and Breakfast
- Bed and Breakfast Inn
- Child or Day Care, Group Home
- Domestic Violence Abuse Shelter
- Dwelling, Accessory Unit
- Dwelling, Intentional Community
- Foster Family Group Home
- Fraternity or Sorority House
- Homeless Shelter
- Hospital
- Hospital Hospitality House
- Hotel or Motel
- Manufacturing, Light
- **Marihuana Safety Compliance Facility**
- Nursing Home, Convalescent Home, Extended Care Facility, Assisted Living Facility
- Outdoor Entertainment and Community Events (Principal or Accessory Use)
- Outdoor Food and Beverage Service
- Recreational Use, Public
- Rooming House
- School, Primary or Secondary
- School, University
- Vehicle Repair and Service

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

Section 54.312 CBD, Central Business District

(A) Intent

The CBD is the historic hub of city commerce and intended 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.

(B) Permitted Principal Uses	(C) Special Land Uses
<ul style="list-style-type: none"> • Accessory Building or Structure • Adult Foster Care, Family Home • Bar • Child or Day Care, Family Home • Dwelling, Live/Work • Dwelling, Two-Family (Duplex) • Emergency Services • Farmers' Markets • Food Production, Minor • Foster Family Home • Health Services • Home Occupation • Home Office • Homestays and Vacation Home • Hospice • Indoor Recreation • Medical Hospital Related Accessory Uses • Medical Hospital Related Office • Medical Hospital Related Uses • Office, Medical • Office, Professional • Outdoor Entertainment and Community Events (Principal or Accessory Use) • Outdoor Recreation • Public or Governmental Building • Restaurant, Indoor Service • Retail Business, Indoor • Retail Sales, Outdoor Temporary • Service Establishment • Veterinary Clinic (Domestic Animals Only) 	<ul style="list-style-type: none"> • Accessory Use, Non-Single Family Residential Lots • Accessory Use, Single-Family Residential Lots • Bed and Breakfast • Bed and Breakfast Inn • Child Care Center or Day Care Center • Domestic Violence Abuse Shelter • Drive-Through Uses • Dwelling, Accessory Unit • Dwelling, Intentional Community • Dwelling, Multiple-Family • Dwelling, Single-Family Attached • Dwelling, Single-Family Detached • Foster Family Group Home • Fraternity or Sorority House • Gasoline Service Stations • Homeless Shelter • Hospital • Hospital Hospitality House • Hotel or Motel • Manufacturing, Light • Marihuana Designated Consumption Establishment • Marihuana Grower – Class A • Marihuana Microbusiness – Light Manufacturing • Marihuana Processor – Light Manufacturing • Marihuana Retailer • Marihuana Safety Compliance Facility • Nursing Home, Convalescent Home, Extended Care Facility, Assisted Living Facility • Outdoor Food and Beverage Service • Recreational Use, Public • Religious Institution • Rooming House • School, Primary or Secondary • School, University • Vehicle Repair and Service • Wireless Telecommunications Facilities
Where there is a discrepancy between Section 54.306 and this table, Section 54.306 shall prevail.	

Section 54.313 GC, General Commercial District

(A) Intent

The GC district is intended to provide suitable areas for businesses that cater to both the local and 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. The GC district also serves as a transition between the urban development character of the CBD and the suburban character of the RC district.

(B) Permitted Principal Uses	(C) Special Land Uses
<ul style="list-style-type: none"> • Accessory Building or Structure • Bar • Child Care Center or Day Care Center • Drive-Through Uses • Emergency Services • Farmers' Markets • Food Production, Minor • Gasoline Service Stations • Health Services • Hospice • Hotel or Motel • Indoor Recreation • Medical Hospital Related Accessory Uses • Medical Hospital Related Office • Medical Hospital Related Uses • Office, Medical • Office, Professional • Outdoor Food and Beverage Service • Outdoor Recreation • Public or Governmental Building • Religious Institution • Restaurant, Indoor Service • Retail Business, Indoor • Retail Sales, Outdoor Temporary • Service Establishment • Storage, Open • Veterinary Clinic (Domestic Animals Only) • Wholesale Trade Establishment 	<ul style="list-style-type: none"> • Accessory Use, Non-Single Family Residential Lots • Hospital • Manufacturing, Light • Marihuana Designated Consumption Establishment • Marihuana Grower – Class A • Marihuana Grower – Class B • Marihuana Grower – Class C • Marihuana Grower – Excess • Marihuana Microbusiness – Light Manufacturing • Marihuana Processor – Light Manufacturing • Marihuana Retailer • Marihuana Safety Compliance Facility • Marihuana Secure Transporters • Pet Boarding Facility • Recreational Use, Public • Retail Business, Outdoor Permanent • Vehicle Repair and Service • Wireless Telecommunications Facilities

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

Section 54.314 RC, Regional Commercial District

(A) Intent

The RC district is intended to provide suitable areas for businesses that cater primarily to the regional market. As such, lots in the RC district are typically larger lots located along or near US-41/M-28/W. Washington Street. Although this district is accessible primarily by automobile, its location along major corridors and in close proximity to residential areas requires site accessibility by pedestrians.

(B) Permitted Principal Uses	(C) Special Land Uses
<ul style="list-style-type: none"> • Accessory Building or Structure • Bar • Child Care Center or Day Care Center • Drive-Through Uses • Emergency Services • Farmers' Markets • Food Production, Minor • Gasoline Service Stations • Health Services • Hospice • Hotel or Motel • Indoor Recreation • Medical Hospital Related Accessory Uses • Medical Hospital Related Office • Medical Hospital Related Uses • Office, Medical • Office, Professional • Outdoor Food and Beverage Service • Outdoor Recreation • Public or Governmental Building • Religious Institution • Restaurant, Indoor Service • Retail Business, Indoor • Retail Sales, Outdoor Temporary • Service Establishment • Storage, Open • Vehicle Repair and Service • Veterinary Clinic (Domestic Animals Only) • Wholesale Trade Establishment 	<ul style="list-style-type: none"> • Accessory Use, Non-Single Family Residential Lots • Hospital • Manufacturing, Light • Marihuana Grower – Class A • Marihuana Grower – Class B • Marihuana Grower – Class C • Marihuana Grower – Excess • Marihuana Microbusiness – Light Manufacturing • Marihuana Processor – Light Manufacturing • Marihuana Retailer • Marihuana Safety Compliance Facility • Marihuana Secure Transporters • Pet Boarding Facility • Recreational Use, Public • Retail Business, Outdoor Permanent • Storage, Bulk • Warehousing • Wholesaling Operations • Wireless Telecommunications Facilities
Where there is a discrepancy between Section 54.306 and this table, Section 54.306 shall prevail.	

Section 54.317 IM, Industrial/Manufacturing District

(A) Intent	
It is the intent of the Industrial/Manufacturing 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.	
(B) Permitted Principal Uses	(C) Special Land Uses
<ul style="list-style-type: none"> • Accessory Building or Structure • Food Production, Minor • Gasoline Service Stations • Indoor Recreation • Manufacturing, Light • Office, Medical • Office, Professional • Public or Governmental Building • Railroad Facilities • Religious Institution • Retail Business, Indoor • Service Establishment • Storage, Open • Vehicle Repair and Service • Veterinary Clinic (Domestic Animals Only) • Warehousing • Wholesale Trade Establishment • Wholesaling Operations • Wireless Telecommunications Facilities 	<ul style="list-style-type: none"> • Accessory Use, Non-Single Family Residential Lots • Adult Entertainment Uses • Major Repair and Maintenance Operations • Marihuana Grower – Class A • Marihuana Grower – Class B • Marihuana Grower – Class C • Marihuana Grower – Excess • Marihuana Microbusiness – Light Manufacturing • Marihuana Microbusiness – Heavy Manufacturing • Marihuana Processor – Light Manufacturing • Marihuana Processor – Heavy Manufacturing • Marihuana Retailer • Marihuana Safety Compliance Facility • Marihuana Secure Transporters • Manufacturing, Heavy • Pet Boarding Facility • Retail Business, Outdoor Permanent • Storage, Bulk
Where there is a discrepancy between Section 54.306 and this table, Section 54.306 shall prevail.	

Section 54.321 Marquette Downtown Waterfront District Form-Based Code

(3) Limited and Prohibited Uses (within the Downtown Waterfront District).

(a) **Uses Permitted By Right.** See the individual Building Form Standard pages.

(b) **SPECIAL LAND USES (RESIDENTIAL USE areas – see definitions):**

- (i) Group Day Care Home
- (ii) Foster Family Group Home
- (iii) Halfway House
- (iv) Homeless Shelter

(c) **SPECIAL LAND USES (COMMERCE and Other)**

- (i) Wireless Telecommunications Facilities
- (ii) Outdoor Entertainment and Community Events
- (iii) Recreation Use, Public
- (iv) Marihuana Microbusiness – Light Manufacturing
- (v) Marihuana Retailer
- (vi) Marihuana Processor – Light Manufacturing
- (vii) Marihuana Safety Compliance Facility

(d) **SPECIAL LAND USES in the G3 and G5 sub-districts**

- (i) Marihuana Designated Consumption Establishment

(7) Street FAÇADE (General 3)

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

(10) Street FAÇADE (General 5)

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

(5) Street FAÇADE (North Lakeshore)

- (a) On each lot ~~the~~ a new building FAÇADE shall be built to the REQUIRED BUILDING LINE for at least 70% of the REQUIRED BUILDING LINE (RBL) length.
- (b) The building FAÇADE shall be built to RBL within 30 feet of a BLOCK CORNER. The ground floor FAÇADE, within 7 feet of the BLOCK CORNER may be chamfered to form a corner entry.
- (c) These portions of the building FAÇADE (the required minimum build- to) may include jogs of not more than 18 inches in depth except as otherwise provided to allow bay windows, shopfronts, and balconies.

(10) Street FAÇADE (Founders 5)

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

Section 54.322 Third Street Corridor District Form-Based Code

Figure 22. Use

USE	T4	T5	USE	T4	T5
A. RESIDENTIAL			E. INSTITUTIONAL		
Mixed-use building	P	P	Conference center		P
Multi-family dwelling (Section 54.616)	P	P	Live theater	S	P
Live-work unit (Section 54.615)	P	P	Movie theater	S	P
Two-family dwelling (Section 54.613)	P	P	Museum	P	P
Townhouse	P	P	Religious assembly (Section 54.638)	P	P
Mixed-use building	P	P	F. AUTOMOTIVE		
Multi-family dwelling (Section 54.616)	P	P	Gasoline	P	P
Live-work unit (Section 54.615)	P	P	Service	P	P
Two-family dwelling (Section 54.613)	P	P	Sales	P	P
Townhouse	P	P	Truck maintenance (Section 54.627)		
Single-family dwelling (Section 54.617)	P	P	Drive-through facility (Section 54.611)	P	P
Group day care home (Section 54.608)	S	S	G. CIVIL SUPPORT		
Foster family home	S	S	Funeral home	P	P
Halfway house (Section 54.620)	S	S	Hospital (Section 54.625)		S
Home occupation (Section 54.621)	P	P	Medical clinic	P	P
Home office (Section 54.622)	P	P	Veterinary clinic	P	P
Dwelling, Intentional Community (Section 54.614)	S	S	Pet boarding facility	S	S
Family Day Care Home	P	P	Cemetery (Section 54.606)	S	S
Adult Foster Care Family Home	P	P	Public or Governmental Building	P	P
Domestic Violence Shelter (Section 54.610)	S	S	Recreational Use, Public	S	S
B. LODGING			H. EDUCATION		
Hotel or Motel	S	P	High school	S	S
Bed & Breakfast Inn (up to 12 rooms) (Section 54.604)	P	P	Elementary school	P	P
Bed & Breakfast (up to 6 rooms) (Section 54.603)	P	P	Day care center	P	P
Rooming Houses (Section 54.640)	S	S	I. INDUSTRIAL		
Hospital Hospitality Houses (Section 54.626)	S	S	Heavy industrial facility (Section 54.627)		
Homestays and Vacation Home Rentals (Section 54.624)	P	P	Light industrial facility (Section 54.627)	S	S
C. OFFICE			Laboratory facility	S	S
Office building (Section 54.631)	P	P	Warehouse	S	S
Mixed-use building	P	P	Mini-storage		S
Live-work unit (Section 54.615)	P	P	Laboratory facility-Marihuana Safety Compliance Facility	S	S
D. RETAIL			J. OTHER USES		
Outdoor Entertainment and Community Events (Temporary Use) (Section 54.633(B))	P	P	Accessory Building or Structure (See Figure 12 , Figure 13 , and, as applicable, Section 54.705)	P	P
Outdoor Entertainment and Community Events (Principal Use) (Section 54.633(D))	S	S	Accessory Use, Non-Single Family Residential Lots	S	S
Retail building	P	P	Accessory Use, Single-Family Residential Lots	P	P
Gallery	P	P	Food Production, Minor	P	P
Restaurant, without Outdoor Food and Beverage Service	P	P	Outdoor Recreation	P	P
Restaurant, with Outdoor Food and Beverage Service (Section 54.634)	S	S	Wireless Telecommunications Facilities (Section 54.642)	S	S
Open market building	P	P			
Mixed-use building	P	P			
Indoor Recreation	P	P			
Farmers' Markets (Section 54.618)	P	P			
Kiosk	P	P			
Push cart	P	P		Permitted Use	P
Marihuana Retailer		S		Special Land Use	S

Figure 23. Parking Requirements (Required Number of Spaces by Use per Figure 22)

	T4	T5
Residential *	1.125 / dwelling	1.0 / dwelling
Lodging	1.0 / bedroom	1.0 / bedroom
Office	no minimum	no minimum
Retail	no minimum	no minimum
Civic-Institutional	1.0 / 5 seat assembly use 1.0 / 1,000 sq. ft. of exhibition or indoor recreation area. Parking requirement may be reduced pursuant to Figure 24 . Parking may be provided by ownership or lease offsite within 1,000 feet.	1.0 / 5 seat assembly use 1.0 / 1,000 sq. ft. of exhibition or indoor recreation area. Parking requirement may be reduced pursuant to Figure 24 . Parking may be provided by ownership or lease offsite within 1,000 feet.
Automotive, Civil Support, Education, Industrial, Other Uses	See Article 9, Section 54.903 for the specific use parking space requirements	See Article 9, Section 54.903 for the specific use parking space requirements
* Senior housing or student housing requirements may be reduced by 50%.		

Section 54.323 PUD, Planned Unit Development District

- (J) **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 54.323\(N\)\(1\)](#), 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.
- (1) **Minor Amendment.** Minor amendments are those that 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 the layout of 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, reduce usable open space, significantly reduce or increase the number of approved parking spaces, or encroach on natural features proposed by the plan to be protected. The degree of permitted minor amendments may be further described in the PUD Agreement. The Zoning Administrator shall inform the Planning Commission and City Commission of any approved minor amendments. Minor changes to site lighting, signage, landscaping, non-structural building elements, and for temporary structures and uses, may be made via approval of a Zoning Compliance Permit that is linked to the PUD rather than via a Minor PUD Amendment, per the discretion of the Zoning Administrator.

Article 4 Schedule of Regulations

Section 54.403 Footnotes to Schedule of Regulations

- (Q) **Maximum Impervious Surface Coverage of a Lot in the LDR and MDR Districts, and single-family and two-family dwelling units in other zoning districts:** The maximum impervious surface coverage of a lot in the LDR and MDR Districts, and single-family and two-family uses in all other zoning districts shall be based on the lot areas as follows:

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

~~(R) City of Marquette Design and Construction Standards. Refer to the City of City of Marquette Design and Construction Standards.~~

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

Article 6 Standards Applicable to Specific Land Uses

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

- (1) **Environmental Factors.** 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 Site Plan and/or Special Land Use Permit application.
- (2) **Dangerous, Noxious, and Nuisance Conditions Prohibited.** Operations shall be approved only upon documentation by the applicant that no dangerous, noxious or nuisance conditions will impact any adjacent premises.
 - (1) The manufacture, processing or packaging of materials which are inherently dangerous or hazardous due to flammability, radioactivity, explosiveness, or severe toxicity will not only be permitted in districts where Heavy Manufacturing is an allowable use.
- (3) **Permits.** Prior to final approval of a special land use permit each applicant shall obtain the necessary state and federal permits, including permits or waiver for permits from the Michigan Department of Environmental Quality. The applicant shall, upon request, forward all reports and findings from the state and federal agencies to the Zoning Administrator, along with site plans as described in [Section 54.1402](#).

- (4) **Notice of Intent to Build or Expand.** 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.
- (5) **Discontinued Activity.** 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).
- (6) **Additional Safeguards.** The Planning Commission may require additional safeguards to meet the intent of the district and to assure opportunity for additional industrial uses and for growth within each area of the city which permits industrial uses.
- (7) **Vehicle Maintenance Operations.**
 - (1) Overnight and long-term vehicle storage shall be screened from the view of residential properties that abut the property upon which the vehicles are being stored.
 - (2) Outdoor materials must be screened by evergreen landscaping in accordance with Article 10, or a wall or solid fence (pursuant to *Section 54.706*) from the view of pedestrians on abutting streets and parcels.
 - (3) Garbage and Dumpsters shall be screened per Article 10, Section 54.1003 (F).

Section 54.628 Marihuana Establishments

- (A) A marihuana grower, marihuana processor, marihuana retailer, marihuana safety compliance facility, marihuana secure transporter, marihuana microbusiness, and marihuana designated consumption establishment may be permitted through the issuance of a special land use permit in certain districts pursuant to Article 14, Section 54.1403 Special Land Use Review of the Code provide that:
 - (1) At the time of application for a special use permit the marihuana establishment must have a provisional license by the State of Michigan and then must be at all times in compliance with the laws of the State of Michigan including but not limited to the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq.; and all other applicable rules promulgated by the State of Michigan.
 - (2) The use or establishment must be at all times in compliance with Chapter 5 Marihuana and all other applicable laws and ordinances of the City of Marquette.
 - (3) A marihuana establishment, or activities associated with the licensed growing, processing, testing, transporting, or sales of marihuana, may not be permitted as a home business or accessory use nor may they include accessory uses except as otherwise provided in this ordinance.
- (B) **Marihuana Designated Consumption Establishment.** Marihuana Designated Consumption Establishments shall be subject to the following standards:
 - (1) All local, county, state and federal laws, rules and regulations pertaining to the emission of odor, dust, smoke, gas, noise, vibration and the like, shall be met at all times during operation of any building related to the operation.
 - (2) **Odor.** As used in this subsection, building means the building, or portion thereof, used for marihuana designated consumption establishment.
 - (a) The building shall be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter.
 - (b) The filtration system shall consist of one or more fans and activated carbon filters. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter(s) shall be rated for the applicable CFM.
 - (c) The filtration system shall be maintained in working order and shall be in use. The filters shall be changed upon manufacturer's recommendation, or a minimum of once every 365 days, whichever occurs first.
 - (d) Negative air pressure shall be maintained inside the building.

- (e) Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.
 - (f) An alternative odor control system is permitted if the special use permit applicant submits and the municipality accepts a report by a mechanical engineer licensed in the State of Michigan demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required. The municipality may hire an outside expert to review the alternative system design and advise as to its comparability and whether in the opinion of the expert it should be accepted.
 - (3) All off-street parking shall be in compliance with Article 9 of this Code.
 - (4) Landscaping and Screening shall be provided in accordance with Article 10 of this Code.
 - (5) All signs shall be in compliance with the provisions of Article 11 of this Ordinance.
 - (6) All exterior lighting shall be in accordance with Section 54.802 hereof.
 - (7) No material shall be stored outdoors except within areas effectively screened from view from adjoining properties and rights-of-way.
 - (8) Patrons/customers/clients: No one under the age of 21 shall be permitted within the establishment/building(s)
- (C) Marihuana Growers.** Marihuana growers shall be subject to the following standards:
- (1) All local, county, state and federal laws, rules and regulations pertaining to the emission of odor, dust, smoke, gas, noise, vibration and the like, shall be met at all times during operation of any building related to the operation.
 - (2) Odor. As used in this subsection, building means the building, or portion thereof, used for marihuana growing.
 - (a) The building shall be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter.
 - (b) The filtration system shall consist of one or more fans and activated carbon filters. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter(s) shall be rated for the applicable CFM.
 - (c) The filtration system shall be maintained in working order and shall be in use. The filters shall be changed upon manufacturer's recommendation, or a minimum of once every 365 days, whichever occurs first.
 - (d) Negative air pressure shall be maintained inside the building.
 - (e) Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.
 - (f) An alternative odor control system is permitted if the special use permit applicant submits and the municipality accepts a report by a mechanical engineer licensed in the State of Michigan demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required. The municipality may hire an outside expert to review the alternative system design and advise as to its comparability and whether in the opinion of the expert it should be accepted.
 - (3) All off-street parking shall be in compliance with Article 9 of this Code.
 - (4) Landscaping and Screening shall be provided in accordance with Article 10 of this Code.
 - (5) All signs shall be in compliance with the provisions of Article 11 of this Ordinance.
 - (6) All exterior lighting shall be in accordance with Section 54.802 hereof.
 - (7) No material shall be stored outdoors except within areas effectively screened from view from adjoining properties and rights-of-way.

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

- (1)** All local, county, state and federal laws, rules and regulations pertaining to the emission of odor, dust, smoke, gas, noise, vibration and the like, shall be met at all times during operation of any building related to the operation.
- (2)** Odor. As used in this subsection, building means the building, or portion thereof, used for marihuana growing or marihuana processing.
 - (a)** The building shall be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter.
 - (b)** The filtration system shall consist of one or more fans and activated carbon filters. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter(s) shall be rated for the applicable CFM.
 - (c)** The filtration system shall be maintained in working order and shall be in use. The filters shall be changed upon manufacturer's recommendation, or a minimum of once every 365 days, whichever occurs first.
 - (d)** Negative air pressure shall be maintained inside the building.
 - (e)** Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.
 - (f)** An alternative odor control system is permitted if the special use permit applicant submits and the municipality accepts a report by a mechanical engineer licensed in the State of Michigan demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required. The municipality may hire an outside expert to review the alternative system design and advise as to its comparability and whether in the opinion of the expert it should be accepted.
- (3)** All off-street parking shall be in compliance with Article 9 of this Code.
- (4)** Landscaping and Screening shall be provided in accordance with Article 10 of this Code.
- (5)** All signs shall be in compliance with the provisions of Article 11 of this Ordinance.
- (6)** All exterior lighting shall be in accordance with Section 54.802 hereof.
- (7)** No material shall be stored outdoors except within areas effectively screened from view from adjoining properties and rights-of-way.
- (8)** Patrons/customers/clients: No one under the age of 21 shall be permitted within the establishment/building(s)
- (9)** No use or consumption of marihuana or marihuana products may be conducted within the establishment/building or on the premises.
- (10)** Marihuana and marihuana products may only be sold within the establishment/building.
- (11)** All deliveries/transfer of Marihuana and Marihuana products must occur within the establishment/building.
- (12)** Additional Light Manufacturing standards:
 - (a) Environmental Factors.** 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, except odor, 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 Site Plan and/or Special Land Use Permit application.
 - (b) Dangerous, Noxious, and Nuisance Conditions Prohibited.** 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) **Permits.** Prior to final approval of a special land use permit each applicant shall obtain the necessary state and federal permits, including permits or waiver for permits from the Michigan Department of Environmental Quality. The applicant shall, upon request, forward all reports and findings from the state and federal agencies to the Zoning Administrator, along with site plans as described in Section 54.1402.
 - (d) **Notice of Intent to Build or Expand.** 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) **Discontinued Activity.** 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) **Additional Safeguards.** The Planning Commission may require additional safeguards to meet the intent of the district and to assure opportunity for additional industrial uses and for growth within each area of the city which permits industrial uses.
- (E) Marihuana Microbusiness – Heavy Manufacturing.** Marihuana Microbusiness – Heavy Manufacturing shall be subject to the following standards:
- (1) All local, county, state and federal laws, rules and regulations pertaining to the emission of odor, dust, smoke, gas, noise, vibration and the like, shall be met at all times during operation of any building related to the operation.
 - (2) **Odor.** As used in this subsection, building means the building, or portion thereof, used for marihuana growing or marihuana processing.
 - (a) The building shall be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter.
 - (b) The filtration system shall consist of one or more fans and activated carbon filters. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter(s) shall be rated for the applicable CFM.
 - (c) The filtration system shall be maintained in working order and shall be in use. The filters shall be changed upon manufacturer's recommendation, or a minimum of once every 365 days, whichever occurs first.
 - (d) Negative air pressure shall be maintained inside the building.
 - (e) Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.
 - (f) An alternative odor control system is permitted if the special use permit applicant submits and the municipality accepts a report by a mechanical engineer licensed in the State of Michigan demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required. The municipality may hire an outside expert to review the alternative system design and advise as to its comparability and whether in the opinion of the expert it should be accepted.
 - (3) All off-street parking shall be in compliance with Article 9 of this Code.
 - (4) Landscaping and Screening shall be provided in accordance with Article 10 of this Code.
 - (5) All signs shall be in compliance with the provisions of Article 11 of this Ordinance.
 - (6) All exterior lighting shall be in accordance with Section 54.802 hereof.
 - (7) No material shall be stored outdoors except within areas effectively screened from view from adjoining properties and rights-of-way.
 - (8) **Patrons/customers/clients:** No one under the age of 21 shall be permitted within the establishment/building(s)
 - (9) No use or consumption of marihuana or marihuana products may be conducted within the establishment/building or on the premises.
 - (10) Marihuana and marihuana products may only be sold within the establishment/building.

(11) All deliveries/transfer of Marihuana and Marihuana products must occur within the establishment/building

(12) Additional Heavy Manufacturing standards:

- (a) **Environmental Factors.** 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, except odor, 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 Site Plan and/or Special Land Use Permit application.
- (b) **Dangerous, Noxious, and Nuisance Conditions.** Operations shall be approved only upon documentation by the applicant that no dangerous, noxious or nuisance conditions will impact any adjacent premises. The applicant shall disclose the nature of any perishable, flammable, toxic, or hazardous substances to be stored on the facility and the nature of all appropriate and proposed protection procedures and devices and all uses and activities on site shall, at all times, comply with NFPA 1 and IPMC, as amended, hereof.
- (c) **Permits.** Prior to final approval of a special land use permit each applicant shall obtain the necessary state and federal permits, including permits or waiver for permits from the Michigan Department of Environmental Quality. The applicant shall, upon request, forward all reports and findings from the state and federal agencies to the Zoning Administrator, along with site plans as described in Section 54.1402.
- (d) **Notice of Intent to Build or Expand.** 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) **Discontinued Activity.** 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) **Additional Safeguards.** The Planning Commission may require additional safeguards to meet the intent of the district and to assure opportunity for additional industrial uses and for growth within each area of the city which permits industrial uses.

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

- (1) All local, county, state and federal laws, rules and regulations pertaining to the emission of odor, dust, smoke, gas, noise, vibration and the like, shall be met at all times during operation of any building related to the operation.
- (2) **Odor.** As used in this subsection, building means the building, or portion thereof, used for marihuana processing.
 - (a) The building shall be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter.
 - (b) The filtration system shall consist of one or more fans and activated carbon filters. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter(s) shall be rated for the applicable CFM.
 - (c) The filtration system shall be maintained in working order and shall be in use. The filters shall be changed upon manufacturer's recommendation, or a minimum of once every 365 days, whichever occurs first.
 - (d) Negative air pressure shall be maintained inside the building.
 - (e) Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.

- (f) An alternative odor control system is permitted if the special use permit applicant submits and the municipality accepts a report by a mechanical engineer licensed in the State of Michigan demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required. The municipality may hire an outside expert to review the alternative system design and advise as to its comparability and whether in the opinion of the expert it should be accepted.
- (3) All off-street parking shall be in compliance with Article 9 of this Code.
- (4) Landscaping and Screening shall be provided in accordance with Article 10 of this Code.
- (5) All signs shall be in compliance with the provisions of Article 11 of this Ordinance.
- (6) All exterior lighting shall be in accordance with Section 54.802 hereof.
- (7) No material shall be stored outdoors except within areas effectively screened from view from adjoining properties and rights-of-way.
- (8) Additional Light Manufacturing standards:
 - (a) **Environmental Factors.** 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, except odor, 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 Site Plan and/or Special Land Use Permit application.
 - (b) **Dangerous, Noxious, and Nuisance Conditions Prohibited.** 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) **Permits.** Prior to final approval of a special land use permit each applicant shall obtain the necessary state and federal permits, including permits or waiver for permits from the Michigan Department of Environmental Quality. The applicant shall, upon request, forward all reports and findings from the state and federal agencies to the Zoning Administrator, along with site plans as described in Section 54.1402.
 - (d) **Notice of Intent to Build or Expand.** 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) **Discontinued Activity.** 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) **Additional Safeguards.** The Planning Commission may require additional safeguards to meet the intent of the district and to assure opportunity for additional industrial uses and for growth within each area of the city which permits industrial uses.
- (G) **Marihuana Processor – Heavy Manufacturing.** Marihuana Processor – Heavy Manufacturing shall be subject to the following standards:
 - (1) All local, county, state and federal laws, rules and regulations pertaining to the emission of odor, dust, smoke, gas, noise, vibration and the like, shall be met at all times during operation of any building related to the operation.
 - (2) **Odor.** As used in this subsection, building means the building, or portion thereof, used for marihuana processing.
 - (a) The building shall be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter.
 - (b) The filtration system shall consist of one or more fans and activated carbon filters. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building

(length multiplied by width multiplied by height) divided by three. The filter(s) shall be rated for the applicable CFM.

- (c) The filtration system shall be maintained in working order and shall be in use. The filters shall be changed upon manufacturer's recommendation, or a minimum of once every 365 days, whichever occurs first.
 - (d) Negative air pressure shall be maintained inside the building.
 - (e) Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.
 - (f) An alternative odor control system is permitted if the special use permit applicant submits and the municipality accepts a report by a mechanical engineer licensed in the State of Michigan demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required. The municipality may hire an outside expert to review the alternative system design and advise as to its comparability and whether in the opinion of the expert it should be accepted.
- (3) All off-street parking shall be in compliance with Article 9 of this Code.
 - (4) Landscaping and Screening shall be provided in accordance with Article 10 of this Code.
 - (5) All signs shall be in compliance with the provisions of Article 11 of this Ordinance.
 - (6) All exterior lighting shall be in accordance with Section 54.802 hereof.
 - (7) No material shall be stored outdoors except within areas effectively screened from view from adjoining properties and rights-of-way.
 - (8) Additional Heavy Manufacturing standards:
 - (a) **Environmental Factors.** 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, except odor, 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 Site Plan and/or Special Land Use Permit application.
 - (b) **Dangerous, Noxious, and Nuisance Conditions.** Operations shall be approved only upon documentation by the applicant that no dangerous, noxious or nuisance conditions will impact any adjacent premises. The applicant shall disclose the nature of any perishable, flammable, toxic, or hazardous substances to be stored on the facility and the nature of all appropriate and proposed protection procedures and devices and all uses and activities on site shall, at all times, comply with NFPA 1 and IPMC, as amended, hereof.
 - (c) **Permits.** Prior to final approval of a special land use permit each applicant shall obtain the necessary state and federal permits, including permits or waiver for permits from the Michigan Department of Environmental Quality. The applicant shall, upon request, forward all reports and findings from the state and federal agencies to the Zoning Administrator, along with site plans as described in Section 54.1402.
 - (d) **Notice of Intent to Build or Expand.** 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) **Discontinued Activity.** 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) **Additional Safeguards.** The Planning Commission may require additional safeguards to meet the intent of the district and to assure opportunity for additional industrial uses and for growth within each area of the city which permits industrial uses.
- (H) **Marihuana Retailer.** Marihuana Retailers shall be subject to the following standards:
 - (1) All local, county, state and federal laws, rules and regulations pertaining to the emission of odor, dust, smoke, gas, noise, vibration and the like, shall be met at all times during operation of any building related to the operation.

- (2) Odor. As used in this subsection, building means the building, or portion thereof, used for marihuana retailer.
- (a) The building shall be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter.
 - (b) The filtration system shall consist of one or more fans and activated carbon filters. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter(s) shall be rated for the applicable CFM.
 - (c) The filtration system shall be maintained in working order and shall be in use. The filters shall be changed upon manufacturer's recommendation, or a minimum of once every 365 days, whichever occurs first.
 - (d) Negative air pressure shall be maintained inside the building.
 - (e) Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.
 - (f) An alternative odor control system is permitted if the special use permit applicant submits and the municipality accepts a report by a mechanical engineer licensed in the State of Michigan demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required. The municipality may hire an outside expert to review the alternative system design and advise as to its comparability and whether in the opinion of the expert it should be accepted.
- (3) Patrons/customers/clients: No one under the age of 21 shall be permitted within the establishment/building(s)
- (4) No use or consumption of marihuana or marihuana products may be conducted within the establishment/building or on the premises (unless an approved designated consumption establishment is located on the premises).
- (5) Marihuana and marihuana products may only be sold within the establishment/building.
- (6) All deliveries/transfer of Marihuana and Marihuana products must occur within the establishment/building.
- (7) All signs shall be in compliance with the provisions of Article 11 of this Ordinance.
- (8) Parking: All off-street parking shall be in compliance with Article 9 of this Ordinance.
- (9) Landscaping: Landscaping and Screening shall be provided in accordance with Article 10 of this Ordinance.
- (10) Exterior Lighting: All exterior lighting shall be in accordance with Section 54.802 of this Ordinance.
- (I) **Marihuana Safety Compliance Facility.** A marihuana safety compliance facility subject to the following standards:
- (1) All local, county, state and federal laws, rules and regulations pertaining to the emission of odor, dust, smoke, gas, noise, vibration and the like, shall be met at all times during operation of any building related to the operation.
 - (2) Odor. As used in this subsection, building means any building, or portion thereof, used by a Marihuana Safety Compliance Facility.
 - (a) The building shall be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter.
 - (b) The filtration system shall consist of one or more fans and activated carbon filters. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter(s) shall be rated for the applicable CFM.
 - (c) The filtration system shall be maintained in working order and shall be in use. The filters shall be changed upon manufacturer's recommendation, or a minimum of once every 365 days, whichever occurs first.

- (d) Negative air pressure shall be maintained inside the building.
 - (e) Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.
 - (f) An alternative odor control system is permitted if the special use permit applicant submits and the municipality accepts a report by a mechanical engineer licensed in the State of Michigan demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required. The municipality may hire an outside expert to review the alternative system design and advise as to its comparability and whether in the opinion of the expert it should be accepted.
- (3) All activities of a marihuana safety compliance facility, including all transfers of marihuana, shall be conducted within the building and out of public view.
- (4) All off-street parking shall be in compliance with Article 9 of this Code.
- (5) Landscaping and Screening shall be provided in accordance with Article 10 of this Code.
- (6) All exterior lighting shall be in accordance with Section 54.802 hereof.
- (J) **Marihuana Secure Transporter.** A marihuana secure transporter shall be subject to the following standards:
- (1) All local, county, state and federal laws, rules and regulations pertaining to the emission of odor, dust, smoke, gas, noise, vibration and the like, shall be met at all times during operation of any building related to the operation.
 - (2) Odor. As used in this subsection, building means any building, or portion thereof, used by a Marihuana Secure Transporter.
 - (a) The building shall be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter.
 - (b) The filtration system shall consist of one or more fans and activated carbon filters. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter(s) shall be rated for the applicable CFM.
 - (c) The filtration system shall be maintained in working order and shall be in use. The filters shall be changed upon manufacturer's recommendation, or a minimum of once every 365 days, whichever occurs first.
 - (d) Negative air pressure shall be maintained inside the building.
 - (e) Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.
 - (f) An alternative odor control system is permitted if the special use permit applicant submits and the municipality accepts a report by a mechanical engineer licensed in the State of Michigan demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required. The municipality may hire an outside expert to review the alternative system design and advise as to its comparability and whether in the opinion of the expert it should be accepted.
 - (3) All exterior lighting shall be in accordance with Section 54.802 hereof.
 - (4) No processing or manufacturing shall take place within any structure/building related to the operation.
 - (5) No material shall be stored outdoors except within areas effectively screened from view from adjoining properties and rights-of-way.
 - (6) All signs shall be in compliance with the provisions of Article 11 of this Ordinance.
 - (7) All off-street parking shall be in compliance with Article 9 of this Ordinance.
 - (8) Landscaping and Screening shall be provided in accordance with Article 10 of this Ordinance.

Section 54.629 Reserved

Section 54.630 Mobile Home Parks (This and the rest of the uses following will need to have their section numbers changed)

Article 7 General Provisions

Section 54.702 Permitted Encroachments into Required Yard Setbacks

- (B) **Architectural Features.** Cornices, canopies, eaves, or similar architectural features may project into required yard setback areas by up to a maximum of two and one-half (2.5) feet from the property line.

Section 54.706 Fences and Walls

(C) Requirements by Zoning District:

(2) M-U and CBD Districts.

- (a) **Height.** Fences and walls in the side or rear yard shall not exceed six (6) feet in height, except that a wall or fence in the side or rear yard of an approved commercial Outdoor Food and Beverage Service use (see [Section 54.634](#)) may be up to eight (8) feet in height for the purpose of screening the outdoor food and beverage service use. A fence in a front yard may not exceed four (4) feet in height. Walls are prohibited in a front yard except for retaining walls.
- (b) **Construction.** Fences may not have more than 50% of the fence area of solid, opaque construction (See [Figure 35](#) for examples of noncompliant fences), except that a wall or fence in the side or rear yard of an approved Marihuana Grower or Marihuana Microbusiness use (see [Section 54.628](#)) may be 100% of the fence area of solid opaque construction for the purpose of screening the outdoor growing area..
- (i) **Exception.** A screening fence that is required for a Special Use Permit, by any City ordinance, or by State law may be of solid, opaque construction.

(3) GC, RC, M, C, I-M, CR, and BLP Districts.

- (a) **Height.** Fences and walls shall not exceed ten (10) feet in height. In the GC and RC districts, a fence in a front yard may not exceed four (4) feet in height. In the GC and RC districts, walls are prohibited in a front yard except for retaining walls.
- (b) **Construction.** Fences may not have more than 50% of the fence area of solid, opaque construction (See [Figure 35](#) for examples of noncompliant fences), except that a wall or fence in the side or rear yard of an approved Marihuana Grower or Marihuana Microbusiness use (see [Section 54.628](#)) may be 100% of the fence area of solid opaque construction for the purpose of screening the outdoor growing area. A screening fence required by any City ordinance or by State Law may be of solid, opaque construction.

Section 54.710 Storage of Recreational Vehicles

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

- (A) **Personal Storage by City Residents.** Residents of the City may store their own recreational vehicles on their own property for an indefinite period of time, provided the vehicles meet the following requirements:
 - (1) The recreational vehicle must be in operable condition if parked in the front area.
 - (2) The recreational vehicle must be parked in the rear yard if the registration is not current, and if parked behind the front area the recreational vehicle must meet the side and rear setback requirements of [Article 4](#).
- (B) **Other Storage and Occupancy.** The open parking or storage of up to one (1) recreational vehicle not owned by the property owner or tenant of the City on lands not specifically designated for such parking and storage is permitted, subject to the following requirements:
 - (1) Any parking longer than 14 days is prohibited unless a temporary storage permit is issued by a Zoning Official.
 - (2) The temporary occupancy of a recreational vehicle shall not exceed 14 consecutive days or 30 days in a calendar year. Longer term occupancy is prohibited.
 - (23) The owner of the property or recreational vehicle shall not charge rent to the occupant of the recreational vehicle.

Article 9 Parking, Loading, and Access Management

Section 54.902 Parking Regulations

(E) Parking Standards Applicable to Specific Zoning Districts.

- (1) LDR and MDR Districts and single-family and two-family structures in other zoning districts.
- (2) MFR District.
 - (a) **Off-Street Parking in the MFR District.** In the MFR District, the required off-street parking shall be located on the same site as the use to which it pertains unless off-site parking is approved pursuant to [Section 54.902\(E\)\(5\)](#).
 - (i) Parking spaces must be designed so that backing into them or backing on to a street is not required.
 - (ii) Driveways for MFR uses must connect to a parking lot, and may not be used as parking lots.

Section 54.903 Minimum Number of Parking Spaces Required

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 minimum required parking may be reduced by the number of spaces in the public lot representing the same percentage as the property's participation in the special assessment district costs. The minimum number of spaces to be provided shall be based on the following schedule, which may only be increased in accordance with [Section 54.902\(H\)](#) and may only be reduced in accordance with the parking reduction standards of [Section 54.902\(G\)](#) or the shared parking standards of [Section 54.902\(C\)](#):

(D) Health Facilities	
(1) Hospitals and Inpatient Mental Health or Substance Abuse Treatment Facility	Two (2) spaces for each bed.
(2) Medical and Dental Clinics, Doctors' and Dentists' Offices, Veterinary Clinics, and Outpatient Mental Health or Substance Abuse Treatment Facilities with less than 20 Licensed Health Professionals	One (1) space per 200 400 square feet of gross floor area plus one (1) per employee on peak shift.
(3) Medical and Dental Clinics, Doctors' and Dentists' Offices, Veterinary Clinics, and Outpatient Mental Health or Substance Abuse Treatment Facilities containing twenty or more Licensed Health Professionals	One (1) space per 250 500 square feet of gross floor area plus one (1) per employee on peak shift.
(E) Transportation, Communication, and Utilities	
(1) Rail, Bus, Air and Water Passenger Terminals	No minimum
(2) Air, Rail, Motor and Water Freight Terminals	One (1) space per 200 400 square feet of floor area
(3) Radio and Television Stations	One (1) space per 100 200 square feet
(4) Public Utility Operations other than Offices	One (1) space per 1,000 square feet of floor area plus One (1) space per 10,000 square feet of site area
(F) Industrial/Wholesaling/Warehousing	
(1) Production or Processing of Materials, Goods, or Products.	One (1) space per 1,000 square feet of floor area plus one (1) space per 10,000 square feet of site area
(2) Testing, Repairing, Cleaning or Servicing of Materials, Goods, or Products.	One (1) space per 1,000 square feet of floor area plus One (1) space per 10,000 square feet of site area
(3) Warehousing and Wholesaling.	One (1) space per 1,000 square feet of floor area plus One (1) space for every 10,000 square feet of outdoor storage or sales area

(H) Services	
(1) Offices, business and professional except as otherwise specified.	One (1) space for every 200 400 square feet of floor area
(2) Auto service stations and repair garages	One (1) space for every 300 square feet of interior office/sales/waiting room floor area plus two (2) spaces per service stall.
(3) Laundromats	One (1) space for every 50 square feet of floor area.
(4) Barber Shops, Beauty Shops, and Salons	One (1) space per employee plus two (2) spaces per service chair.
(5) Day Care Facilities	One (1) per employee in the largest working shift and one (1) per ten (10) persons cared for at capacity plus stacking spaces for five (5) vehicles.
(6) Pet Boarding Facilities	One (1) per employee in the largest working shift and one (1) per five (5) ten (10) animals cared for at capacity.
(7) Other Personal Service Establishments	One (1) space for every 150 square feet of floor area, minimum of two spaces.
(I) Other	
(1) Marihuana Designated Consumption Establishment	1 space for every two (2) capacity occupants
(2) Marihuana Grower and Marihuana Microbusiness growing portion	Minimum of one (1) space per employee on maximum shift, maximum of two (2) spaces
(3) Marihuana Processor and Marihuana Microbusiness processing portion	One (1) space per 1,000 square feet of floor area plus one (1) space per 10,000 square feet of site area
(4) Marihuana Retailer and Marihuana Microbusiness retail portion	Maximum of one (1) space for every 150 square feet of floor area, minimum of two (2) spaces
(5) Marihuana Safety Compliance Facility and Marihuana Secure Transporter	One (1) space per 1,000 square feet of floor area plus One (1) space per 10,000 square feet of site area

Article 10 Landscaping and Screening

Section 54.1003 Landscaping Design Requirements

(B) Frontage Landscaping. Where the proposed development/improvements on a site are within a frontage that abuts a public road right-of-way, the following landscaping shall be provided in the front yard area adjacent to that right-of-way in an area that corresponds in length to the

extent of the improvements, (see [Figure 46](#) below) provided there is sufficient area within the front yard for frontage landscaping:

- (C) **Parking Lot Landscaping.** All parking areas and other paved ground surface areas used for vehicular parking shall have perimeter and internal landscaping to provide visual and climatic relief from broad expanses of pavement and to channelize and define logical areas for pedestrian and vehicular circulation.
- (a) **Exceptions.** For driveway and other access openings, required clear-vision areas, and in parking areas less than thirty (30) feet wide these standards do not apply.
- (b) **Parking Lot Screening Landscaping.** Landscaping shall include a landscaped yard containing an opaque screen of landscaping (evergreen or deciduous hedge) at least three (3) feet in height. The landscaping shall be planted in a manner where the landscaping can be expected to provide an unbroken visual screen within three (3) years. The landscaping shall be located at least two (2) feet from the front of a parking space curb so as to account for vehicle overhang. Existing landscaping may be used to fulfill or supplement the parking lot screening landscaping requirement.
- (c) **Parking Lot Screening Berm.** Berms shall be at least three (3) feet in height (measured above the elevation of the adjacent parking surface) and meet the requirements of [Section 54.1003\(H\)](#).
- (d) **Parking Lot Screening Wall.** Walls shall be at least three (3) feet in height and constructed of red or brown brick or stone.

Article 11 Signs

Section 54.1105 Signs Permitted by Zoning District

District designations shall be determined from the Official Zoning Map.

(B) Sign Regulations Applicable to the Mixed-Use District (M-U)

Projecting Sign (i.e., Awning Sign [Section 54.1109(E)] , Blade Sign [Section 54.1109(D)] , Canopy Sign [Section 54.1109(E)] , Marquee Sign [Section 54.1109(E)])	Not Permitted.	Maximum Number: 1 per lot or building tenant, per entrance. Maximum Area: 24 sq. ft. total. However, permitted Wall Sign area may be allocated on a marquee to allow the Marquee Sign area to exceed 24 sq. ft.
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(C) Sign Regulations Applicable to the Central Business District (CBD)

Projecting Sign (i.e., Awning Sign [Section 54.1109(E)] , Blade Sign [Section 54.1109(D)] , Canopy Sign [Section 54.1109(E)] , Marquee Sign [Section 54.1109(E)])	Maximum Number: 1 per lot or building tenant, per entrance. Maximum Area: 24 sq. ft. total. However, permitted Wall Sign area may be allocated on a marquee to allow the Marquee Sign area to exceed 24 sq. ft.
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(H) Sign Regulations Applicable to the Third Street Corridor (TSC) Form-Based Code District

Projecting Sign (i.e., Awning Sign [Section 54.1109(E)], Blade Sign [Section 54.1109(D)], Canopy Sign [Section 54.1109(E)], Marquee Sign [Section 54.1109(E)])	Not Permitted.	Maximum Number: 1 per lot or building tenant, per entrance. Maximum Area: 24 sq. ft. total. However, permitted Wall Sign area may be allocated on a marquee to allow the Marquee Sign area to exceed 24 sq. ft.
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(I) Marquette Downtown Waterfront (MDW) Form-Based Code District

Projecting Sign (i.e., Awning Sign [Section 54.1109(E)], Blade Sign [Section 54.1109(D)], Canopy Sign [Section 54.1109(E)], Marquee Sign [Section 54.1109(E)])	Not Permitted.	Maximum Number: 1 per lot or building tenant, per entrance. Maximum Area: 24 sq. ft. total. However, permitted Wall Sign area may be allocated on a marquee to allow the Marquee Sign area to exceed 24 sq. ft.
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Article 12 Nonconformities

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

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