



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

Dwelling Unit: One (1) or more rooms, in a building, with bathroom and principal kitchen facilities, designed as a self-contained unit for permanent-residential occupancy by one (1) family for such purposes as cooking, bathing, gathering, entertainment, and sleeping. Tents, recreational vehicles and other structures designed for temporary occupancy are not to be used as dwelling units in the City of Marquette, with the exception of areas where they are specifically allowed, such as Tourist Park or other areas where camping may be authorized during emergencies or otherwise. See also the definitions of "Occupancy, Permanent" and "Occupancy, Temporary."

Health Services: Establishments engaged in providing diagnostic services including general medical services, medical laboratories, and outpatient care facilities. This definition may include an outpatient or inpatient/residential mental health or substance abuse treatment facility.

Homestay: An owner-occupied, single-family dwelling, or a dwelling unit in a duplex or multi-family dwelling structure in which the owner is present or intends to be present and residing on the premises when the rental unit is being rented, that may rent up to three (3) single bedrooms with bathroom access for overnight accommodates for periods as short as one overnight stay. Meals are not provided with rental, but kitchen and/or dining facilities may be available for guests to prepare their own meals. Only properties that have received approval of a rental registration application are recognized as a Homestay for purposes of complying with City of Marquette ordinances. See also definition of "Bed and Breakfast" and "Bed and Breakfast Inn."

~~**Occupancy, Permanent:** Occupancy that takes place for 14 days or more with or without a rental or lease agreement.~~

Wall, Retaining: A structural wall, either freestanding or laterally braced, designed to withstand lateral and other forces from earth material in contact with one side of the wall, thereby preventing the material from sliding to a lower elevation.

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

Land Use	LDR	MDR	MFR	MHP	MU	CBD	GC	RC	M	C	I-M	CR	BLP	Use Standards
Rooming House			S		S	S								Section 54.640
Medical Uses														
Emergency Services					P	P	P	P						
Health Services					P	P	P	P						
Hospice					P	P	P	P						
Hospital			S		S	S	S	S						Section 54.625
Medical Hospital Related Accessory Uses					P	P	P	P						
Medical Hospital Related Office					P	P	P	P						
Medical Hospital Related Uses					P	P	P	P						
Office, Medical					P	P	P	P			P			Section 54.631
Veterinary Clinic (Domestic Animals Only)					P	P	P	P			P			
Public and Quasi-Public Uses														
Cemetery	S	S	S						P	P				Section 54.606
Public or Governmental Building	S	S	S		P	P	P	P	P	P	P	P	P	
Recreational Use, Land Intensive												S	S	Section 54.637
Recreational Use, Public	S	S	S		S	S	S	S	P	P		P	P	
Religious Institution	S	S	S		P	S	P	P			P			Section 54.638
School, Primary or Secondary	S	S	S		S	S			P	P				Section 54.641
School, University		S	S		S	S			P	P				Section 54.607
Commercial and Retail Uses														
Adult Entertainment Uses											S			Section 54.601
Bar					S	P	P	P						
Child Care Center or Day Care Center	S	S			P	S	P	P						Section 54.609
Drive-Through Uses						S	P	P						Section 54.611
Farmers' Markets					P	P	P	P	P	P				Section 54.618
Gasoline Service Stations						S	P	P			P			
Indoor Recreation					P	P	P	P	P	P	P			
Office, Professional					P	P	P	P	P	P	P			Section 54.631
Outdoor Entertainment and Community Events (Principal Use)					S	P			P	P		S		Section 54.633(D)

PROPOSED Amendments to the Land Development Code

Outdoor Entertainment and Community Events (Temporary Use)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Section 54.633(B)
Outdoor Food and Beverage Service					S	P	P	P							Section 54.634
Outdoor Recreation			S		P	P	P	P	P	P			P	P	
Pet Boarding Facility							S	S			S				
Restaurant, Indoor Service					P	P	P	P							
Retail Business, Indoor					P	P	P	P			P				
Retail Business, Outdoor Permanent							S	S			S				
Retail Sales, Outdoor Temporary					P	P	P	P							Section 54.635
Service Establishment					P	P	P	P			P				
Storage, Open							P	P	P	P	P	P	P		Section 54.632
Vehicle Repair and Service					S	S	S	P			P				Section 54.627
Industrial Uses															
Land Use	LDR	MDR	MFR	MHP	MU	CBD	GC	RC	M	C	I-M	CR	BLP	Use Standards	
Major Repair and Maintenance Operations											S		P	Section 54.627	
Manufacturing, Heavy											S			Section 54.627	
Manufacturing, Light					S	S	S	S			P			Section 54.627	
Natural Resource Extraction Operations												S		Section 54.629	
Port Facilities and Docks									S	S		S	S	Section 54.636	
Railroad Facilities											P				
Storage, Bulk								S			S		P	Section 54.605	
Utility Electrical Power Generation													P		
Warehousing								S			P		P		
Wholesale Trade Establishment							P	P			P				
Wholesaling Operations								S			P				
Other Uses															
Accessory Building or Structure	P	P	P		P	P	P	P	P	P	P	P	P	Section 54.705	
Accessory Use, Non-Single Family Residential Lots	P	P	S		S	S	S	S	S	S	S	S	S		
Accessory Use, Single-Family Residential Lots	P	P	P		P	S									
Agriculture-Like Operation, including Forestry									P	P		P	P		
Food Production, Minor	P	P	P	P	P	P	P	P	P	P	P	P	P	Section 54.619	
Marihuana Designated Consumption Establishment						S	S							Section 54.628	
Marihuana Grower – Class A						S	S	S			S			Section 54.628	
Marihuana Grower – Class B							S	S			S			Section 54.628	
Marihuana Grower – Class C							S	S			S			Section 54.628	
Marihuana Grower – Excess							S	S			S			Section 54.628	
Marihuana Microbusiness – Light Manufacturing						S	S	S			S			Section 54.628	
Marihuana Microbusiness – Heavy Manufacturing											S			Section 54.628	
Marihuana Processor – Light Manufacturing						S	S	S			S			Section 54.628	
Marihuana Processor – Heavy Manufacturing											S			Section 54.628	
Marihuana Retailer					S*	S	S	S			S			Section 54.628	
Marihuana Safety Compliance Facilities					S	S	S	S			S			Section 54.628	

PROPOSED Amendments to the Land Development Code

Marihuana Secure Transporters								S			S			Section 54.628
Recycling Collection and Transfer Stations									S					
Structures between the shoreline of Lake Superior and the pavement of the nearest public street or highway.										S	S		S	
Wireless Telecommunications Facilities						S	S	S	P	P	P	S	P	Section 54.642
Marquette Downtown Waterfront District Form-Based Code (see Section 54.321)														
Third Street Corridor Form-Based Code (see Section 54.322)														
* Marijuana Retailer is a Special Land Use in the T5 subdistrict only.														

Section 54.312 CBD, Central Business District

(B) Permitted Principal Uses	(C) Special Land Uses
<ul style="list-style-type: none"> • Accessory Building or Structure • 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 Food and Beverage Service • 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

PROPOSED Amendments to the Land Development Code

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

(D) Dimensional Regulations			
Lot, Coverage, and Building Height Standards		Minimum Setbacks	
Min. Lot Area (sq. ft.)	None	Front Yard (ft.)	0
Min. Lot Width (ft.)	None	Side Yard (one) (ft.)	5 (H)
Max. Impervious Surface Coverage (%)	8	Side Yard (total of 2) (ft.)	10 (H)
Max. Building Height of Primary Building (ft.) (O)	60 74	Rear Yard (ft.)	10 (U)
Max. Building Height of Accessory Building	18		
Max. Building Height (stories)	-		

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

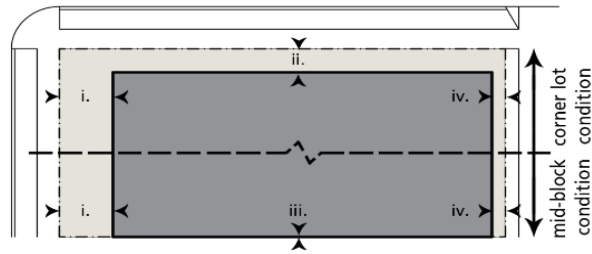
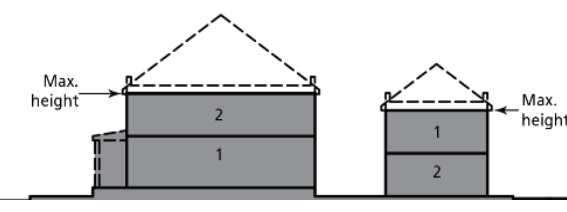
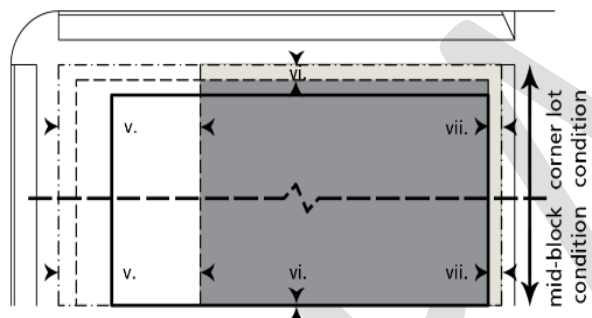
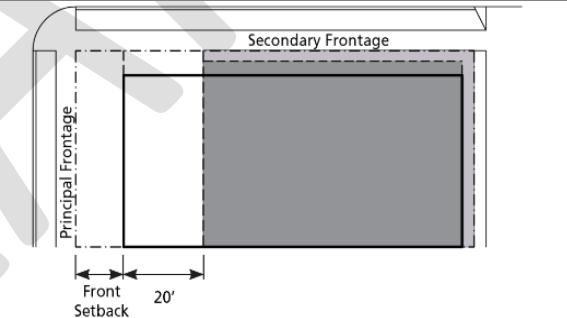
Section 54.322 Third Street Corridor District Form-Based Code

Third St. Corridor Transect District - shown for reference for the following section:



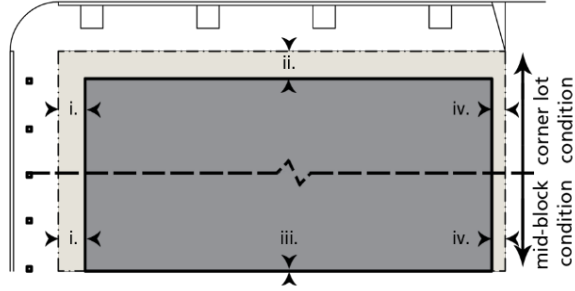
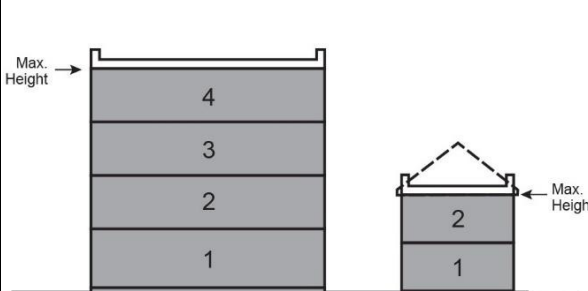
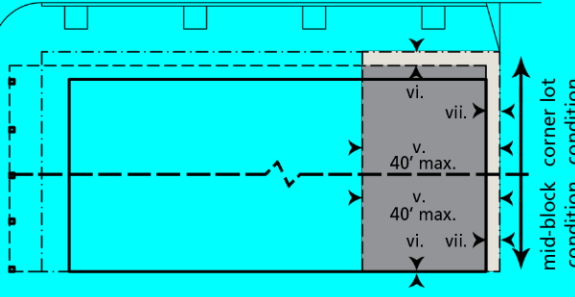
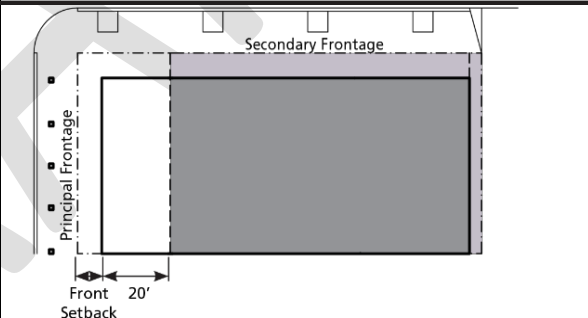
PROPOSED Amendments to the Land Development Code

Figure 12. T4 Standards

A. BUILDING PLACEMENT		B. BUILDING FORM	
PRINCIPAL BUILDING		HEIGHT	
			
i. Front Setback (Principal)	5 ft. – 18 ft.	PRINCIPAL BUILDING	
ii. Front Setback (Secondary)	10 ft. max.	Stories	2
iii. Side Setback	0 ft. if attached to a neighboring structure; otherwise 3 ft.	To eave / parapet	30 ft. max.
iv. Rear Setback	3 ft. min.	OUTBUILDING	
Abutting MDR Principal Bldg.	15 ft. min.	Stories	2
OUTBUILDING		To eave / parapet	30 ft. max.
		MASS	
v. Front Setback (Principal)	20 ft. min.	Lot width	14 ft. min.
vi. Side Setback	0 ft. if attached to a neighboring structure; otherwise 3 ft.	Lot coverage	70% max.
vii. Rear Setback	3 ft. min.	Façade buildout at setback	60% min.
Abutting MDR Outbuilding	10 ft. min.	PARKING AND STORAGE LOCATION	
			
ENCROACHMENTS		PARKING	
i. Setback encroachments		Principal Frontage setback	Not permitted
Open porch	May encroach extend to within no more than 5 feet of the front lot line	20 ft. behind front setback	Not permitted
Balcony and/or bay window	80% max. (distance between façade and front lot line)	Rear of lot	Permitted
Stoop, Terrace	80% max. (distance between façade and front lot line)	TRASH & STORAGE* LOCATION	
ii. Sidewalk encroachments		Front setback	Not permitted
Awning	Determined by City process for use of right-of-way	20 ft. behind front setback	Not permitted
Rooftop Patio	To the property line but not over a public sidewalk.	Rear of lot	Permitted
		* Storage includes boats and recreational vehicles.	

PROPOSED Amendments to the Land Development Code

Figure 13. T5 Standards

A. BUILDING PLACEMENT		B. BUILDING FORM	
PRINCIPAL BUILDING		HEIGHT	
			
i. Front Setback (Principal)	05 ft. – 18 ft.	PRINCIPAL BUILDING	
ii. Front Setback (Secondary)	12 ft. max.	Stories	4 max.
iii. Side Setback	6 ft. max.	To eave / parapet	48 ft. max.
iv. Rear Setback	3 ft. min.	OUTBUILDING	
Abutting MDR Principal Bldg.	15 ft. min.	Stories	2
OUTBUILDING		To eave / parapet	30 ft. max.
		MASS	
v. Front Setback (Principal)	20 ft. min. 40 ft. max from rear property line	Lot width	20 ft. min.
vi. Side Setback	0 ft. if attached to a neighboring structure; otherwise 3 ft.	Lot coverage	90% max.
vii. Rear Setback	3 ft. min.	Façade buildout at setback	75% min.
Abutting MDR Outbuilding	10 ft. min.	PARKING AND STORAGE LOCATION	
ENCROACHMENTS			
i. Setback encroachments		PARKING	
Balcony and/or bay window	80% max. (distance between façade and front lot line)	Principal Frontage setback	Not permitted
		20 ft. behind front setback	Not permitted
		Rear of lot	Permitted
ii. Sidewalk encroachments		TRASH & STORAGE* LOCATION	
Awning	Determined by City process for use of right-of-way	Front setback	Not permitted
		20 ft. behind front setback	Not permitted
		Rear of lot	Permitted
Rooftop Patio	To the property line but not over a public sidewalk.	* Storage includes boats and recreational vehicles.	

Section 54.320 RO, Riparian Overlay District

- (E) **Boundary of Riparian Overlay District.** The RO district is a floating zone on the Official Zoning Map with boundaries determined by the presence of regulated natural features such as waterways, steep slopes, and wetlands, where development or disturbance may adversely affect water quality, wetlands, or other waterbodies. Where a portion of a parcel is within the RO district, the regulations of the RO district shall apply only to that portion of the parcel within the RO district. The RO district includes any land that is located within:

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- (H) **Permitted and Prohibited Uses and Structures in Riparian Buffers.** The riparian buffer, including wetlands and steep slopes, shall be managed to enhance and maximize the unique value of these resources. Management includes specific limitations on alteration of the natural conditions of these resources as follows:
- (1) **Allowable Uses and Structures.** No buildings or impervious surfaces shall be constructed or placed within the riparian buffer area except as permitted within this Ordinance. The following structures, practices, and activities are permitted in the riparian buffer, with specific design or maintenance features, subject to the review of the City of Marquette Planning Commission, or the Zoning Administrator per 54.1401(B), and subject to all applicable Local, State and Federal regulations.
- a. Roads, road crossings, bridges, paths, utilities, and utility rights-of-way, where permitted.
 - b. Flood control structures in accordance with all applicable regulatory permits.
 - c. An access path perpendicular to the waterway which is 10 feet wide. This path may be mowed.
 - d. Removal of poison ivy, poison sumac, poison oak and species that are recognized as highly invasive, as contained on a "List of Invasive Species" maintained on file in the office of the City Clerk.
 - e. Stream restoration projects, facilities and activities.
 - f. Water quality monitoring and stream gauging.
 - g. Individual trees within the riparian buffer that are in danger of falling on dwellings or other structures, or causing blockage of the stream may be removed.
 - h. Other timber cutting techniques within the riparian buffer that are approved by the City to preserve the forest from extensive pest infestation, disease infestation, or threat from fire
- (I) **Required Planting.**
- (1) **Activities that Require Planting.** In addition to maintaining the required vegetative strip ([Section 54.320\(F\)](#)) within all riparian buffer areas, the following condition(s) shall trigger the requirement for inventorying and, if necessary, planting of native vegetation in areas where riparian buffers are required as shown on the Official Zoning Map:
- a. Site plan review for parcel, site condominium, planned unit development (PUD).
 - b. Application for a building permit.
 - c. Any work requiring a Soil Erosion and Sedimentation Control Permit.
 - d. Any work requiring an Inland Lakes and Streams Permit.

PROPOSED Amendments to the Land Development Code

- (K) **Waivers.** Waivers from the provisions of the Riparian Overlay District must meet the following requirements:
- (1) **Buffer Requirements Eligible for Waiver Applications.** The City of Marquette Planning Commission, or the Zoning Administrator per 54.1401(B), may grant a waiver from the provisions of the Riparian Overlay District for the following:
- a. **Riparian Buffer Width.** The buffer width may be reduced at some points, provided the average width of the buffer meets the minimum requirement. This averaging of the buffer may be used to allow for the presence of an existing structure or to recover a lost lot. The Planning Commission or Zoning Administrator may consider credit for additional density elsewhere on the site in compensation for the loss of developable land due to the requirements of the Riparian Overlay District. This compensation may increase the total number of dwelling units on the site up to the amount permitted under the base zoning.
 - b. **Uses and Activities.** The following uses and activities may be considered by the Planning Commission or Zoning Administrator. In granting a request for a waiver, the Planning Commission may require site design, landscaping planting, fencing, signs, and water quality best management practices to reduce adverse impacts on water quality, waterways, wetlands and floodplains.
 - i. Those projects or activities for which it can be demonstrated that there is no prudent, practical, or reasonable alternative.
 - ii. Those projects or activities serving a public need where no feasible alternative is available.
 - iii. The repair and maintenance of public improvements where avoidance and minimization of adverse impacts to wetlands and associated aquatic ecosystems have been addressed.
- (2) **Waiver Application Requirements.** The applicant must submit a written request for a waiver to the Planning Commission or Zoning Administrator. The application shall include specific reasons justifying the waiver and any other information necessary to evaluate the proposed waiver request. The City shall require an alternative analysis that clearly demonstrates that no other prudent, practical, or reasonable alternatives exist and that minimal impact will occur as a result of the project or development.
- (3) **Appeals of Waiver Decisions.** Decisions by the Planning Commission or Zoning Administrator on waiver applications may be appealed to the Board of Zoning Appeals pursuant to [Section 54.1404](#)

Section 54.323 PUD, Planned Unit Development District

- (N) **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, or that would alter contractual terms related to the timing or other non-dimensional aspects of development.** 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

- (C) **Minimum Lot Area for Two-Family Dwellings (Duplexes) in the MDR and MFR Districts.** In the MDR and **MFR** districts, the minimum lot area for a two-family dwelling (duplexes) is:
- (1) 6,000 sq. ft. for lots created prior to the adoption of this Ordinance.
 - (2) 9,000 sq. ft. for lots created after the adoption of this Ordinance.
- (D) **Minimum Lot Width for Two-Family Dwellings (Duplexes) in the MDR and MFR Districts.** In the MDR and **MFR** districts, the minimum lot width for a two-family dwelling (duplex) is:
- (1) 50 feet for lots created prior to the adoption of this Ordinance.
 - (2) 75 feet for lots created after the adoption of this Ordinance.

Article 6 Standards Applicable to Specific Land Uses

Section 54.612 Dwelling, Accessory Unit

Accessory dwelling units (ADU) shall comply with all of the following standards:

(A) One ADU Per Lot. One ADU is permitted per lot containing an existing detached single-family dwelling unit, provided the ADU complies with all of the requirements of this Section and this Ordinance.

(B) Minimum Lot Area and Width. ADUs are only permitted on lots that meet the minimum lot area and lot width standards of the zoning district.

(C) Setbacks and Height. ADUs must meet all requirements of this Ordinance for minimum setbacks and maximum height. However, the height of an ADU shall not exceed two (2) stories or 20 feet.

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

~~**(E) Family Member Occupancy Only.** The ADU shall be occupied only by persons related by blood, marriage, or adoption to the family occupying the principal dwelling or employees not related to the family occupying the principal dwelling.~~

(E) Owner-Occupancy Required of the Principal Dwelling is as follows:

(1) Either the principal dwelling unit or the accessory dwelling unit shall be occupied by the person who has a legal or equitable ownership interest with the property, and who bears all or part of the economic risk of decline in value of the property and who receives all or part of the payment, if any, derived from the lease or rental of the dwelling unit. The owner-occupant shall prove residency by means such as a voter registration, car registration, or other method acceptable to the City.

(2) Ownership of the ADU shall remain with the owner of the property. In no case may the owner of the property divide ownership rights between the principal and accessory dwelling units through condominium or other means.

(3) To ensure continued compliance by current and subsequent owners, the applicant shall provide and record in the Marquette County Register of Deeds a covenant in a form acceptable to the City Attorney that the existence of the ADU is predicated upon the occupancy of either the principal or accessory dwelling unit by a person who owns the property, and that the ADU shall remain in the ownership of the person who owns the property. The applicant shall provide the City with evidence of filing of the restrictive covenant with the Register of Deeds prior to the City issuing a final certificate of occupancy for the ADU and as a condition of the issuance of the Zoning Compliance Permit for development of the ADU. Any owner of the property must notify a prospective buyer of the limitations of this Section. Violations of the terms of this covenant shall result in the loss of the special use permit.

(F) Yearly Certification. Conformance with the occupancy conditions of the ADU special use permit shall be certified yearly by the property owner, subject to inspection by the City. The City may adopt an ordinance or administrative standards for certification and inspection. Inspection shall be allowed by the owner after 48 hours' notice by certified mail from the City. The certification process shall be subject to an appropriate fee as determined by the City Commission.

Section 54.619 Food Production, Minor

Minor Food Production, such as home gardens and community gardens, are subject to the following requirements:

- (A) **Minimum Setbacks and Clear Vision Triangle Area.** All garden structures must maintain a three-foot setback from all property lines as well as meet traffic visibility regulations of [Section 54.704](#), with the exception of an arbor that is adjacent to the front property line as part of a fence or freestanding. Garden vegetation shall not encroach onto adjacent lots.
- (B) **Permitted Structures.** In addition to the accessory structure regulations of [Section 54.705](#), the following requirements shall apply to Minor Food Production structures (such as home gardens and community gardens). If these standards are met, the structures are in compliance with this section and no permit is required:
- (1) **Trellises and Arbors.** If located in a required setback area (see [Article 4](#)), the maximum height of a trellis or arbor is 8 feet. Arbors may be freestanding or built into fences along the front property line.
 - (2) **Raised Planting Beds.** If located in a required setback (see [Article 4](#)) or in a front yard, the maximum height of a raised planting bed is 24 inches. Planting beds must be kept out the public right-of-way. Raised planting beds higher than 24 inches must meet the minimum setback requirements for accessory structures in the district ([Section 54.705](#)).
 - (3) **Temporary Hoop Houses or Plant Covers.** Temporary hoop houses or plant covers for early start-up plants are permitted (see [Section 54.705](#) for permanent accessory structures), provided the temporary hoop houses or plant covers:
 - (a) Do not exceed 8 feet in height in a front yard and no more than 16 feet in height in a rear or side yard.
 - (b) Maintain a setback of at least 3 feet from all lot lines and meet the clear vision requirements of [Section 54.704](#).
 - (c) Are maintained in good repair.
- (I) **Farm Animals Prohibited.** Unless permitted in [Section 54.641](#), the keeping of farm animals (e.g., chickens, honeybees, rabbits, etc.) is not permitted as a Residential Limited Animal Keeping use.

Section 54.621 Home Occupations

- (A) **One Non-Resident Employee.** A Home Occupation shall not employ more than one (1) person who is not a member of the household.
- (B) **Signs.** A Home Occupation shall not have signage unless permitted in [Article 11](#).
- (C) **Accessory Structure Use Prohibited.** A Home Occupation shall not be conducted in an accessory building. Activities related to the home occupation may take place in an accessory structure that is properly permitted by the City and the County Building Codes Department (if necessary) and if those activities do not create nuisance conditions for neighboring properties including loud noise, dust, smoke, bright light, etc. and are not activities that meet the definition of "manufacturing" (heavy or

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light) or “industrial” as defined in Article 2.

- (D) **Limited Customer Traffic.** A Home Occupation shall not constitute a retail store, but limited customer traffic is permitted. No commodity other than that produced or processed on the premises shall be sold.
- (E) **Commercial Vehicles.** Commercial vehicles used for the home occupation cannot be used primarily for commercial advertising.
- (F) **Maximum Floor Area.** A Home Occupation shall not occupy more than 25% of the floor area of the dwelling unit and any accessory structures (combined floor area) utilized for the occupation, or a maximum of 500 square feet, whichever is smaller.
- (G) **Non-Transferrable.** Approval of a Home Occupation shall vest only in the person making the application and is non-transferrable to another person.
- (H) **Application and City Approval.** A Home Occupation requires an application and approval from the City of Marquette.
- (I) **Revocation.** An approved permit for a Home Occupation will be revoked for producing nuisance violations or other violations of this section if the violations are not corrected.

Section 54.622 Home Offices

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

- (A) **Maximum Floor Area.** The office may not occupy more than 25% of the floor area of the dwelling unit or a maximum of 500 square feet, whichever is smaller.
- (B) **Resident Employees Only.** No persons who are not lawful residents of the dwelling may be employed.
- (C) **Signs.** There shall be no signs except as provided for in [Article 11](#).
- (D) **No Customer or Client Traffic.** No persons other than residents of the dwelling shall not typically or regularly visit the home office for business purposes.
- (E) **Equipment Operation.** There shall be no equipment used, the operation of which can be sensed outside of the dwelling unit.
- (F) **Accessory Structure Use Prohibited.** No activity related to the office shall take place in an accessory structure. A Home Office use may be conducted in an accessory structure that is properly permitted by the City and the County Building Codes Department.
- ~~(G) **Non-Transferable Approval.** Approval of a home office shall vest only in the person making application, and shall not be transferable to another person.~~
- ~~(H) **Authorized Applicant.** Application for approval of a home office shall include a signature indicating approval of the property owner if that person is different from the applicant.~~

Section 54.641 Residential Limited Animal Keeping

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

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

Article 7 General Provisions

Section 54.702 Permitted Encroachments into Required Yard Setbacks

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

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

Section 54.705 Accessory Buildings and Structures

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

- (1) **Attached Accessory Buildings.** Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all yard regulations of this Ordinance, applicable to main building.
- (2) **Location.** Detached accessory buildings shall not be located in any required yard setback except as permitted in [Section 54.705\(A\)\(4\)](#).
- (3) **Maximum Lot Coverage.** Detached accessory buildings shall not occupy more than twenty-five percent (25%) of a rear yard area, provided that in no instance shall the total ground floor area of the detached accessory buildings exceed the ground floor area of the main building and provided the impervious surface coverage limits of the lot (see [Article 4](#)) are not exceeded.
- (4) **Separation and Setback Distances.** No permanent accessory building shall be located in a minimum front yard setback. No detached accessory building shall be located closer than five (5) feet to any main building nor closer than three (3) feet from a side or rear lot line, except swimming pools, which are regulated in [Section 54.707](#). Non-building accessory structures (e.g., fences and steps) or open buildings (i.e., a shelter without walls including

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an open lean-to or open carports) are not subject to the minimum separation distance requirements unless a minimum separation distance is required by the Building Official.

Section 54.704 Clear Vision Triangle Area

- (A) **Snow Storage.** Snow storage on lot corners and near driveway entrances may be permitted in the clear vision triangle (CVT) area provided that the snow storage does not exceed thirty (30) inches above the road level within a clear vision triangle area. In winter circumstances which preclude the removal of snow from a CVT by means available to the property owner, or if snowfall accumulations make snow removal adjacent to the right-of-way impractical throughout the city, this requirement may be suspended.

Section 54.706 Fences and Walls

(E) Special Purpose Fences.

- (3) **Temporary Fences.** Temporary fences, as defined herein, may be permitted by the City in conjunction with an approved temporary activity/purposes, such as construction, landscaping and grading erosion control, temporary sales areas, temporary events, or snow fence fencing. ~~the purposes of which is to secure a site and/or restrict areas accessible to the public.~~ A The type of temporary fencing used must be appropriate for the temporary activity, and in most cases a temporary fence must be installed prior to the temporary activity and should be removed soon after the end of the temporary activity. Temporary fencing that does not meet these standards may be considered a violation of this section.

Section 54.708 Solar Energy

- (C) **Roof-Mounted and Wall-Mounted Solar Energy Systems:** Roof-mounted and wall-mounted solar energy systems for on-site use are permitted accessory structures in all zoning districts, with the exception of solar collectors/panels that are built into roof shingles, subject to the following regulations:

Height. Roof-mounted systems shall not extend more than three (3) feet above the surface of the roof. Wall-mounted systems shall not exceed the height of the wall.

Location. Roof-mounted solar energy systems may be located anywhere on a roof of a principal or accessory structure, and may project into required yard setback areas to a maximum of two and one-half (2.5) feet from the property line per Section 54.702(B), but shall not be located in a required setback nor protrude beyond the edge of the roof. However, a solar panel may function as a roof element, such as an awning or carport. Shingles that incorporate solar panels, which do not require brackets and thus do not protrude from the roof, are not required to obtain a permit as an accessory structure.

Wall-mounted solar energy systems may be located anywhere on the wall of a principal or accessory structure, but shall not be located within a required setback area.

- (D) **Ground-Mounted Solar Energy Systems (less than 20 ~~10~~ kW or less).** Ground mounted and freestanding solar energy systems of less than 20 kW ~~10kW or less~~ for on-site use are permitted accessory structures in all zoning districts, subject to the following regulations:

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Location and Setbacks. Ground-mounted solar energy systems shall be located to the side or rear of the principal building. Solar energy systems shall be located at least ~~five (5)~~ ~~three (3)~~ feet from a side lot line and ~~or at least five (5) feet from a rear lot line.~~ Solar panels shall not be installed in Riparian Overlay areas or locations that are subject to annual flooding.

Height. The height of the solar energy system and any mounts shall not exceed ten (10) feet when oriented at maximum tilt and within ten (10) feet of a residential lot line; and shall not exceed sixteen (16) feet on a residential property or within twenty (20) feet of a residential lot line.

Area. Ground-mounted solar energy systems are not classified as lot coverage and are therefore not subject to the maximum lot coverage standards of the zoning district.

Power Lines. All power lines between solar panels and inverters must be placed underground.

- (E) **Ground-Mounted Solar Energy Facilities – Utility Grade (over ~~20~~ ~~10~~ kW, operated by a public utility, government entity, or on-site business only).** Ground mounted and freestanding solar energy systems over ~~20~~ ~~10~~ kW capacity are permitted for public utilities, government entities, and on-site businesses only, subject to special land use approval in the C, I-M, CR, and BLP zoning districts and subject to the following regulations:
- (F) **General Standards.** The following requirements are applicable to all roof-mounted, wall-mounted, or ground-mounted solar energy systems.

Removal Provisions. As a condition of approval, the City may require that the property owner enter into an agreement with the City for the removal of the solar energy system upon disuse or abandonment of the system as described in [Section 54.708\(F\)\(6\)](#). The agreement shall be in recordable form, provide the necessary authority for the City to enter the property to remove the unit when a property owner fails to do so as required in [Section 54.708\(F\)\(6\)](#), and also provide that the City may have a lien for costs if it becomes necessary for the City to exercise its rights under the agreement. This agreement shall be recorded with the Marquette County Register of Deeds.

Removal. If a solar energy system ceases to perform its intended function (generating electricity) for more than ~~eighteen (18)~~ ~~twelve (12)~~ consecutive months, the operator shall remove the collectors, mounts, and associated equipment and facilities. ~~no later than ninety (90) days after the end of the twelve (12) month period.~~ Where the removal has not been lawfully completed as required above, and after at least thirty (30) days written notice, ~~the City may remove or secure the removal of the solar energy system or portion thereof only if there is a recorded agreement authorizing the City to do so pursuant to Section 54.708(F)(5).~~ If there is a recorded agreement authorizing the City to remove the solar energy system or portion thereof pursuant to [Section 54.708\(F\)\(5\)](#), the City's actual cost and reasonable administrative charges may be placed as a lien on the property and the lien on the property shall be superior to all other liens except taxes. If ~~there is no recorded agreement authorizing the City to remove the solar energy system or portion thereof~~ the City may issue Civil Infraction tickets to the owner and/or operator and seek an order to remove the system in the Marquette County Circuit Court.

Article 9 Parking, Loading, and Access Management

Section 54.901 Intent

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

Section 54.903 Minimum/Maximum Number of Parking Spaces Required

In all districts there shall be provided off-street parking for motor vehicles for specified land uses. When a public parking lot has been provided by special assessment, the minimum required parking may be reduced by the number of spaces in the public lot representing the same percentage as the property's participation in the special assessment district costs. The minimum 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\(C\)](#):

Land Use	Minimum Parking Requirement
(A) Residential and Lodging	
(1) Single-Family and Two-Family units	Two (2) spaces per dwelling unit, except the M-U and CBD zoning districts require 1.125 spaces per dwelling unit. For parking spaces provided for residential dwelling units off-site, one (1) space per dwelling unit may be permitted off-site if proof of a lease arrangement for long-term parking is provided to the City with the application.
(2) Multiple-Family units with 3 or 4 dwelling units	One and a half (1.5) spaces per dwelling unit, except the M-U and CBD zoning districts require 1.125 spaces per dwelling unit.
(3) Multiple-Family units with 5 to 19 or more dwelling units, except subsidized (below market rate) and senior housing.	1.125 spaces per dwelling unit, except the M-U and CBD zoning districts require 1.125 1 spaces per dwelling unit.
(4) Multiple-Family units with 20 or more dwelling units, subsidized housing units (including Section 8 and other programs)	One space per dwelling unit.
(5) Attached housing exclusively for senior citizens that is not congregate care.	One-half space per dwelling unit plus one space per employee on peak shift.
(6) Hotels and Motels	1 1.25 spaces per rental unit, plus 1 space per employee on peak shift.
(7) Short-Term Rentals (Homestays and Vacation Homes)	One (1) space per dwelling unit.
(8) Nursing Homes, Convalescent Homes, Extended Care Facilities, Assisted Living Facilities (congregate care facilities)	One (1) space for each three (3) units or beds

Article 11 Signs

Section 54.1109 General Sign Standards

(D) Blade Signs:

- (4) **Maximum Projection from the Wall.** From the bracket on the building wall where it is attached, a blade sign may project at least 3 (three) feet, and to a maximum of 4 (four) feet into the public right-of-way (above a sidewalk). A blade sign may project three (3) inches for each linear foot of distance to the nearest side lot line, provided that in no instance may a sign project more than four (4) feet into the public right-of-way. This requirement shall not apply to blade signs suspended under a canopy or marquee pursuant to [Section 54.1109\(E\)\(6\)](#).

(I) Changeable Signs and Electronic Message Center Signs (EMCs):

- (1) **Permitted Zoning Districts.** See [Section 54.1105](#).
- (2) **Prohibited Areas.** EMCs are prohibited on any lot fronting Lakeshore Boulevard.
- (3) **Maximum Area.** The face of the EMC may not exceed ~~15~~ 16 square feet, with the exception of in General Commercial (GC) zoning districts west of the Lincoln Avenue right of way – where the face of the sign may not exceed 32 square feet.

Note: EMCs are **only** allowed in the GC, IM, and BLP districts, with the exception of drive-through menu boards in the CBD. NMU and the public schools are exempt, and there are EMCs on their properties, as well as *non-conforming* EMCs in the downtown and on N. 3rd St. and some other scattered locations. There are also several size-nonconforming EMCs in the GC districts.

Article 14 Administrative Procedures

Section 54.1401 Zoning Permits and Zoning Compliance Review

(B) Permitted Uses and Development Subject to Zoning Compliance Review. The following uses and development are subject to Zoning Compliance Review:

- (1) ~~One or two family~~ Residential dwellings (one-family, two-family, multi-family) and associated accessory structures, including additions and structural alterations, and structural alterations to any other building or structure:
Structural alterations include, but are not limited to, replacement of structural members of decks, porches, or steps, alterations to the means of ingress and egress, and other changes regulated by this Ordinance, provided such alterations are not subject to Site Plan Review pursuant to [Section 54.1402\(B\)](#). The Zoning Administrator reserves the right to require a Zoning Compliance Review for the replacement of a non-structural member of a deck, porch, or other structure if deemed necessary by the Zoning Administrator to determine compliance with this Ordinance.
- (2) Interior remodeling of a non-residential use, provided such remodeling is not subject to Site Plan Review pursuant to [Section 54.1402\(B\)](#).
- (3) Re-paving of an off-street parking lot, provided there are no grading changes and no changes to the configuration of the parking lot layout.
- (4) The establishment of a permitted use in the district, provided that the use must meet all requirements of this Ordinance including any special requirements listed for that zoning district. Any development requiring Site Plan Review must be reviewed in accordance with to [Section 54.1402\(B\)](#) and special land uses must be reviewed in accordance with [Section 54.1403](#).

Section 54.1402 Site Plan Review

Figure 49. Required Review Process Based on Development Activity

Development Activity	Site Plan Review Required	Minor Site Plan Review	Exempt From Site Plan Review
Special land uses	•		
Planned Unit Developments	•		
Any earthwork greater than 20,000 square feet in size	•		
New construction, additions, or alterations of any non-residential building or buildings, including non-residential accessory buildings or structures, unless the activity is exempt or requires minor site plan review (see below for exemptions)	•		
New construction for multi-family residential units that contain or will contain more than twenty (20) dwelling units	•		
Filling a parcel of land to an elevation above the established grade of adjacent developed land	•		
New construction, additions, alterations, or site improvements for multi-family residential units that contain or will contain three (3) to twenty (20) or more dwelling units, and for all multi-family residential additions, alterations, or site improvements that are not otherwise exempt (as stated below)		•	
Conversion of an existing building or part thereof from a residential use to a non-residential use, including site improvements that result from a change in the use of the building or part thereof from residential use to nonresidential use		•	
Additions, alterations, and renovations that are less than 20% of the size of the original commercial or multi-family residential building footprint or less than 2,000 2,500 square feet and which, unless otherwise exempt		•	
Any expansion or change in an existing land use if more parking in addition to that already provided is required		•	
Any earthwork greater than 20,000 square feet in size		•	
Site improvements that include landscaping, site access, and parking lot grading, layout, and new off-street parking, unless the activity is exempt		•	
Single-family dwellings and their accessory facilities on individual parcels			•
Two-family dwellings and their accessory facilities on individual parcels			•
Multi-family residential units that contain or will contain three (3) or four (4) dwelling units.			•
Additions, alterations, and renovations that are less than 10% of the size of the original commercial or multi-family residential building footprint or less than 500 square feet.			•
Interior remodeling or interior construction			•

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Landscaping that is less than 25% of the parcel size or 5,000 square feet, whichever is less			•
Alterations to exterior walls such as window openings, façade changes, etc., provided there is no change to the building footprint			•
Re-paving of an off-street parking lot, provided there are no grading changes and no changes to the configuration of the parking lot layout			•

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Figure 50. Site Plan Information Required in the Site Plan Set

Site Plan Information Required	Sketch Plan	Preliminary Site Plan	Final Site Plan
Identification of Project			
The applicant's name.	•	•	•
Name of the development.	•	•	•
Date of preparation and any revisions.	•	•	•
North arrow.	•	•	•
Complete and current legal description and size of property in acres.	•	•	•
A survey of the property, sealed by a surveyor licensed in the State of Michigan.		•	•
The preparer's name and professional seal of architect, engineer, or landscape architect indicating license in the State of Michigan.		•	•
Small scale location sketch of sufficient size and scale.	•		
Existing Features			
Property lines and dimensions drawn to scale.	•	•	•
Zoning and current land use of applicant's property and all abutting properties and of properties across any public or private street from the site.	•	•	•
Locations of all significant natural features, including Riparian Buffers (see Section 54.804), wetlands (see Section 54.805), steep slopes (see Section 54.806), woodlands and protected trees (see Error! Reference source not found.), floodplains, etc.)	•	•	•
Location of any access points on both sides of the street within 100 feet of the site along streets where access to the site is proposed.	•	•	•
Locations of existing utilities.	•	•	•
Lot lines and all structures on the property and within 100 feet of the site's property lines.		•	•
Existing topography at a minimum of two (2) foot contour intervals.		•	•
Proposed Construction			
Building footprints, setbacks, and elevations showing height for all proposed structures with the acreage allotted to each use. See Article 3 , Article 4 , and Article 7 .	•	•	•
Floor area and ground coverage ratios. See Article 3 and Article 4 .	•	•	•
Location and dimensions of parking spaces. See Article 9 .	•	•	•
Proposed locations of utility services (with sizes) and storm water management, including storm drainage, retention or detention ponds, fire hydrants, and any public or private easements. See Section 54.803 .		•	•
Proposed topography with a site grading plan with topography at a minimum maximum of two (2) foot contour intervals.		•	•
Location and method of screening for all waste dumpsters. See Section 54.1003(F) .		•	•
A landscaping plan indicating proposed plant locations with common plant name, number, and size at installation. Berms, retaining walls or fences shall be shown		•	•
General landscaping design concept acceptable to the Zoning Administrator.	•		

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