

ORDINANCE #720

AN ORDINANCE TO AMEND SEVERAL SECTIONS OF MARQUETTE CITY CODE CHAPTER 54 – LAND DEVELOPMENT CODE:

ARTICLE 2 - DEFINITIONS

ARTICLE 3 – ZONING DISTRICTS AND MAP

ARTICLE 4 – SCHEDULE AND REGULATIONS

ARTICLE 5 – SUPPLEMENTAL ZONING DISTRICT STANDARDS

ARTICLE 6 – STANDARDS APPLICABLE TO SPECIFIC LAND USES

ARTICLE 7 – GENERAL PROVISIONS

ARTICLE 9 – PARKING, LOADING AND ACCESS MANAGEMENT

ARTICLE 10 – LANDSCAPING AND SCREENING

ARTICLE 11 – SIGNS

ARTICLE 12 – NONCONFORMITIES

ARTICLE 14 – ADMINISTRATIVE PROCEDURES

SUMMARY. This ordinance is intended to update the Land Development Code in several areas, where the need for improvements has been identified by staff and the City Planning Commission.

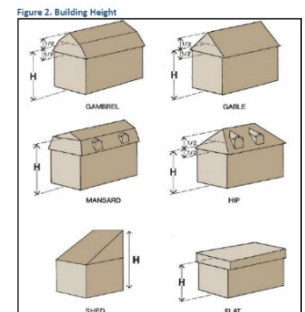
SECTION 1. Article 2- Definitions

Chapter 54 – LAND DEVELOPMENT CODE, Article 2 – Definitions is hereby amended as follows:

Article 2 Definitions

Section 54.202 Specific Terms

(28) Building, Height: The vertical distance between the average grade (see definition of “Grade”) and the highest point of the roof surface for flat roofs; to the deck line of Mansard roofs; the average height between eaves and ridge for gable, hip, and gambrel roofs; and the average height between the lowest point and the highest point on a shed roof and the maximum height of the highest wall for a shed roof. (See [Figure 2. Building Height](#))



(34) Carport: A carport is a covered structure consisting of a roof supported on posts used to offer limited protection to vehicles, primarily cars, from rain and snow. The structure can either be free standing or attached to a wall. Unlike most structures, a carport does not have four walls, and usually has one or two.

(345) Child Care or Day Care, Family Home: A private home in which more than one (1) but less than six (6) as many as seven (7) minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. A family day care home includes a home that gives care to an unrelated child for more than four (4) weeks during a calendar year. All family day care homes shall be registered with or licensed by the Michigan Department of Licensing and Regulatory Affairs or successor agency.

(356) Child Care or Day Care, Group Home: A private home in which more than six (6) but not more than 12 as many as fourteen 14 minor children are given care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year. All group day care homes shall be registered with or licensed by the Michigan Department of Licensing and Regulatory Affairs or successor agency.

(423) Condominium: A condominium project established in conformance with the Michigan Condominium Act (Act 59 of 1978), except the subcategory of Site Condominiums as defined in this section.

(434) Condominium Act: Michigan Public Act 59, 1978, as amended.

(456) Condominium General Common Elements: Condominium General Common Elements may include, but is not limited to, the following, as defined by the condominium master deed and subdivision plan:

- (a)** The land in the condominium project;
- (b)** The foundations, main walls, exterior of the building, roofs, halls, lobbies, stairway entrances, exits or communication ways;
- (c)** The basements, flat roofs, yards and gardens, except as otherwise provided or stipulated;
- (d)** The premises for the use of janitors or persons in charge of the condominium project, including lodging, except as otherwise provided or stipulated;
- (e-d)** The compartments or installations of central services such as heating, power, light, gas, cold and hot water, refrigeration, air-conditioning, reservoirs, water tanks and, pumps, and the like;
- (f e)** The elevators, incinerators and, in general, all devices or installations existing for common use; and;
- (g f)** All other elements of the condominium project owned in common and intended for the common use or necessary to the existence, upkeep and safety of the project.

(49) Condominium, Site: A condominium project established in conformance with the Condominium Act, and in which each condominium unit is for single-family use and the building or buildings (which could include a detached garage or shed) located on each condominium unit is completely detached from the building(s) located on other condominium units. Additionally, no part of any building located on a unit, land upon which the building sits, or airspace above the building may be defined as a common element of the condominium project.

(4850) Condominium Subdivision Plan: A plan meeting the requirements of Section 66 of the Condominium Act, which shall consist of: site, survey and utility plans; floor plans; and Sections, as appropriate showing the existing and proposed structures and improvements including the location thereof on the land. The condominium subdivision plan shall show the size, location, area, vertical boundaries and volume for each unit comprised of enclosed air space. A number shall be assigned to each condominium unit. The condominium subdivision plan shall include the nature, location and approximate size of common elements. The condominium subdivision plan shall also include the adopted site plan and/or Exhibit B as required by the Condominium Act P.A. 59 of 1978, as amended.

(83) Footprint, Building: The enclosed area within the exterior walls of a building. For example, a building with exterior wall dimensions of 40 ft. x 100 ft. has a footprint of 4,000 square feet (40' x 100'). Roof eaves/projections are not included in the calculation for the building footprint. Also known as "floor-plate".

(106) Hostel – A lodging facility that has some dormitory-style sleeping and bathroom arrangements, communal gathering space and sometimes cooking/eating facilities. A hostel may offer meals and planned activities, but typically have few amenities. A hostel is not a home or a short-term rental, and has on-site management at all times when guests/patrons are present.

(116) Light Vehicle/Equipment Sales and Display. Includes indoor and outdoor display and storage of vehicles for sales or rental by a licensed car or motorcycle dealer, which may include a car wash facility. Also new or used equipment that has a small motor (such as lawn tractors and snowblowers), and related accessories such as trailers, plow gear, lawn and garden equipment.

(12730) Manufacturing, Light: Light manufacturing refers to industrial or commercial activity that uses small or moderate amounts of raw, ~~or~~ partially processed, or processed materials to produce items of relatively high value per unit weight or of higher value. Light manufacture is most often associated with batches or discrete production runs. Normally absent from light manufacturing facilities are any type of heavy machinery, welding operations, cranes, or hazardous materials. The manufacturing of clothes, furniture, consumer electronics, household items, jewelry, pottery, food, and beverages for sale are some examples of light manufacturing. In determining whether a use is classified as light manufacturing or some other classification of use (e.g., heavy manufacturing, commercial, accessory use, home occupation, etc.), the Zoning Administrator shall consider the material, process, quantities, relation to any applicable laws such as the Michigan Cottage Food Law, revenue generated or forecast, and/or other similar factors. For example purposes only, the food preparation use for a restaurant or caterer is classified as an accessory use to the principal use.

(132) Marihuana Educational Research: A marihuana educational research license means a person licensed to obtain marihuana from a marihuana establishment, produce marihuana products, perform research on marihuana and marihuana products, and dispose of marihuana and marihuana products.

(138) Marihuana Microbusiness - Class A: Marihuana Class A Microbusiness – means a person licensed to cultivate not more than 300 marihuana plants; package marihuana and marihuana products, purchase concentrate and other marihuana products from a licensed processor; and sell or otherwise transfer marihuana and marihuana products to individuals who are 21 years of age or older; and transfer marihuana to a marihuana safety compliance facility for testing.

(166) Off-site Parking Spot: An approved location for the provision of required off-street parking, other than the property upon which the development is proposed or built that triggered the related minimum vehicle parking requirement.

(23945) Warehousing/Storage Facilities: A use engaged primarily in indoor storage (commercial or personal materials), wholesale, and distribution of goods, products, supplies, and equipment, excluding bulk storage of materials.

(24248) Waterway. For the purposes of this Ordinance, waterways shall include lakes, rivers, stream channels, brooks, drains, and other riparian water bodies that are mapped in the City's Geographic Information System stream layer. Illustrated on the Official Zoning Map.

SECTION 2. Article 3 – Zoning Districts and Map

Chapter 54 – LAND DEVELOPMENT CODE, Article 3 – Zoning Districts and Map is hereby amended as follows:

Article 3 Zoning Districts and Map

Section 54.306 Permitted Uses by District

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
Residential Uses														
Adult Foster Care, Family Home	P	P	P	P	P	P								
Adult Foster Care, Large Group Home			S											Section 54.602
Adult Foster Care, Small Group Home	P	P	P		P									Section 54.602
Child or Day Care, Family Home	P	P	P	P	P	P								
Child or Day Care, Group Home	S	S	S		S									Section 54.608
Dwelling, Accessory Unit	P	P	P		P	P								Section 54.612
Dwelling, Intentional Community	S	S	S		S	S								Section 54.614
Dwelling, Live/Work					P	P								Section 54.615
Dwelling, Multiple-Family			P		P	P								Section 54.616
Dwelling, Single-Family Attached			P		P	S								
Dwelling, Single-Family Detached	P	P	P		P	S								Section 54.617
Dwelling, Two-Family (Duplex)	S	S	P		P	P								Section 54.613
Foster Family Group Home	S	S	S		S	S								
Foster Family Home	P	P	P		P	P								
Home Occupation	P	P	P		P	P								Section 54.621
Home Office	P	P	P		P	P								Section 54.622
Mobile Home Park				P										Section 54.6301
Nursing Home, Convalescent Home, Extended Care Facility, Assisted Living Facility			S		S	S								Section 54.6323
Residential Limited Animal Keeping	P	P												Section 54.6423
Lodging Uses														
Bed and Breakfast			S		S	S								Section 54.603
Bed and Breakfast Inn					S	S								Section 54.604
Domestic Violence Abuse Shelter			S		S	S								Section 54.610
Fraternity or Sorority House			S		S	S								
Halfway House			S		S									Section 54.620
Homeless Shelter					S	S								Section 54.623
Homestays and Vacation Home Rentals	P	P	P		P	P								Section 54.624
Hospital Hospitality House			S		S	S								Section 54.626
Hostel			S		S	S	S							Section 54.644
Hotel or Motel					S	S	P	P						

Land Use	LDR	MDR	MFR	MHP	MU	CBD	GC	RC	M	C	I-M	CR	BLP	Use Standards
Rooming House			S		S	S	S							Section 54.6434
Supportive Housing Facility, Transitional and/or Permanent	S	S	P		S	S								Section 54.6467
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 or Uses					P	P	P	P						Section 54.634
Medical Hospital Related Uses					P	P	P	P						
Office, Medical					P	P	P	P			P			Section 54.6334
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 54.6401
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 54.6412
School, Primary or Secondary	S	S	S		S	S			P	P				Section 54.6445
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					P	P	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			
Light Vehicle/Equipment Sales and Display						P	P	P						Section 54.628
Office, Professional					P	P	P	P	P	P	P			Section 54.6334
Outdoor Entertainment and Community Events (Principal Use or Accessory Use)					S	P	S	S	P	P		P		Section 54.6356 (C) or (D)
Outdoor Entertainment and Community Events (Temporary Use)	P	P	P	P	P	P	P	P	P	P	P	P	P	Section 54.6356 (B)
Outdoor Alcoholic Beverage Service					S	P	P	P				P		Section 54.6367
Outdoor Food & Non-Alcoholic Beverage Service					P	P	P	P				P		Section 54.6378
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 54.6389
Service Establishment					P	P	P	P			P			
Shooting Range, Indoor							P	P			P			Section 54.6456
Storage, Open							P	P	P	P	P	P	P	Section 54.6345
Vehicle Repair and Service					S	S	S	P			P			Section 54.627

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
Industrial Uses														
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 54.631
Port Facilities and Docks									S	S		S	S	Section 54.63940
Railroad Facilities											P			
Storage, Bulk								S			S		P	Section 54.605
Utility Electrical Power Generation													P	
Warehousing/ Storage Facilities								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 54.6289
Marihuana Grower – Class A						S	S	S			S			Section 54.6289
Marihuana Grower – Class B							S	S			S			Section 54.6289
Marihuana Grower – Class C							S	S			S			Section 54.6289
Marihuana Grower – Excess							S	S			S			Section 54.6289
Marihuana Microbusiness – Class A and Light Manufacturing						S	S	S			S			Section 54.6289
Marihuana Microbusiness - Heavy Manufacturing											S			Section 54.6289
Marihuana Processor- Light Manufacturing						S	S	S			S			Section 54.6289
Marihuana Processor – Heavy Manufacturing											S			Section 54.6289
Marihuana Retailer						S	S	S			S			Section 54.6289
Marihuana Safety Compliance Facilities					S	S	S	S			S			Section 54.6289
Marihuana Secure Transporters							S	S			S			Section 54.6289
Marihuana Educational Research						S	S	S		S	S			Section 54.629
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 54.6478
Marquette Downtown Waterfront District Form-Based Code (see Section 54.321)														
Third Street Corridor Form-Based Code (see Section 54.322)														

Section 54.307 LDR, Low Density Residential District

(D) Dimensional Regulations			
Lot, Coverage, and Building Height Standards		Minimum Setbacks	
Min. Lot Area (sq. ft.)	8,100	Front Yard (ft.)	20 (B)
Min. Lot Width (ft.)	60	Side Yard (one) (ft.)	10 (L)
Max. Impervious Surface Coverage (%)	(RS)	Side Yard (total of 2) (ft.)	20 (L)
Max. Building Height of Primary Building (ft.) (P,Q)	31.5	Rear Yard (ft.)	30 (L)
Max. Building Height of Accessory Building	(L)		
Max. Building Height (stories)	-		

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

Section 54.308 MDR, Medium Density Residential District

(D) Dimensional Regulations			
Lot, Coverage, and Building Height Standards		Minimum Setbacks	
Min. Lot Area (sq. ft.)	4,500 (C)	Front Yard (ft.)	15 (A), (B)
Min. Lot Width (ft.)	37.5 (D)	Side Yard (one) (ft.)	5 (L)
Max. Impervious Surface Coverage (%)	(RS)	Side Yard (total of 2) (ft.)	13 (L)
Max. Building Height of Primary Building (ft.) (P,Q)	31.5	Rear Yard (ft.)	20 (L)
Max. Building Height of Accessory Building	(L)		
Max. Building Height (stories)	-		

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

Section 54.309 MFR, Multiple Family Residential District

(B) Permitted Principal Uses	(C) Special Land Uses
<ul style="list-style-type: none"> • Accessory Building or Structure • Accessory Use, Non-Single Family Residential Lots • Accessory Use, Single-Family Residential Lots • Adult Foster Care, Family Home • Adult Foster Care, Small Group Home • Child or Day Care, Family Home • Dwelling, Accessory Unit • Dwelling, Multiple-Family • Dwelling, Single-Family Attached • Dwelling, Single-Family Detached • Dwelling, Two-Family (Duplex) • Food Production, Minor • Foster Family Home • Home Occupation • Home Office • Homestays and Vacation Home • Outdoor Entertainment and Community Events (Temporary) • Supportive Housing Facility, Transitional and/or Permanent 	<ul style="list-style-type: none"> • Accessory Use, Non-Single Family Residential Lots • Adult Foster Care, Large Group Home • Bed and Breakfast • Cemetery • Child or Day Care, Group Home • Domestic Violence Abuse Shelter • Dwelling, Intentional Community • Foster Family Group Home • Fraternity or Sorority House • Halfway House • Hospital • Hostel • Nursing Home, Convalescent Home, Extended Care Facility, Assisted Living Facility • Outdoor Recreation • Public or Governmental Building • Recreational Use, Public • Religious Institution • Rooming House • School, Primary or Secondary • School, University

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

(D) Dimensional Regulations 5+ Multiple Family Units			
Lot, Coverage, and Building Height Standards		Minimum Setbacks	
Min. Lot Area (sq. ft.)	15,000 (G)	Front Yard (ft.)	15 (A)
Min. Lot Width (ft.)	100 (D)	Side Yard (one) (ft.)	15 (H) , (L) , (M)
Max. Impervious Surface Coverage (%)	(S) (T)	Side Yard (total of 2) (ft.)	30 (H) , (L) , (M)
Max. Building Height of Primary Building (ft.) (P) (Q)	44 36.5 (M) , (N)	Rear Yard (ft.)	30 (H) , (L) , (M)
Max. Building Height of Accessory Building	(L) Sec 54.616(C)	Required Buffer & Greenbelt	(U)
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.			

(E) Dimensional Regulations for 3-4 Dwelling Units and other uses identified in Section 54.309			
Lot, Coverage, and Building Height Standards		Minimum Setbacks	
Min. Lot Area (sq. ft.)	9,000 (E)	Front Yard (ft.)	15 (A)
Min. Lot Width (ft.)	75 (E)	Side Yard (one) (ft.)	10 (H) , (L) , (M)
Max. Impervious Surface Coverage (%)	(R) (S) or (S) (T)	Side Yard (total of 2) (ft.)	20 (H) , (L) , (M)
Max. Building Height of Primary Building (ft.) (P) (Q)	44 36.5 (M) , (N)	Rear Yard (ft.)	30 (H) , (L) , (M)
Max. Building Height of Accessory Building	(L) & Sec 64.616(C)	Required Buffer & Greenbelt	(U)
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.			

(F) Dimensional Regulations for 1-2 Dwelling Units			
Lot, Coverage, and Building Height Standards		Minimum Setbacks	
Min. Lot Area (sq. ft.)	6,000 (C)	Front Yard (ft.)	15 (A)
Min. Lot Width (ft.)	50 (D)	Side Yard (one) (ft.)	10 (L)
Max. Impervious Surface Coverage (%)	(S)	Side Yard (total of 2) (ft.)	20 (L)
Max. Building Height of Primary Building (ft.) (Q)	31.5	Rear Yard (ft.)	30 (L)
Max. Building Height of Accessory Building	(L)	Required Buffer & Greenbelt	(U)
Max. Building Height (stories)	-		
Max. Lot Coverage/ Ground Coverage	-		
Where there is a discrepancy between Article 4 and this table, Article 4 shall prevail.			

Section 54.310

MHP, Mobile Home Park District

(D) Dimensional Regulations
See Section 54.6301

Section 54.311 M-U, Mixed-Use District

(B) Permitted Principal Uses	(C) Special Land Uses
<ul style="list-style-type: none"> • Accessory Building or Structure • Accessory Use, Single-Family Residential Lots • Adult Foster Care, Family Home • Adult Foster Care, Small Group Home • Child Care Center or Day Care Center • Child or Day Care, Family Home • Drive-Through Uses • Dwelling, Accessory Unit • 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 or Uses • Medical Hospital Related Uses • Office, Medical • Office, Professional • Outdoor Entertainment and Community Events (Temporary) • Outdoor Food and Non-Alcoholic Beverage Service • 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) 	<ul style="list-style-type: none"> • Accessory Use, Non-Single Family Residential Lots • Bar • Bed and Breakfast • Bed and Breakfast Inn • Child or Day Care, Group Home • Domestic Violence Abuse Shelter • Dwelling, Intentional Community • Foster Family Group Home • Fraternity or Sorority House • Halfway House • Homeless Shelter • Hospital • Hospital Hospitality House • Hostel • 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 Alcoholic Beverage Service • Recreational Use, Public • Rooming House • School, Primary or Secondary • School, University • Supportive Housing Facility, Transitional and/or Permanent • Vehicle Repair and Service
Where there is a discrepancy between Section 54.306 and this table, Section 54.306 shall prevail.	

(D) Dimensional Regulations			
<i>Lot, Coverage, and Building Height Standards</i>		<i>Minimum Setbacks</i>	
<i>Min. Lot Area (sq. ft.)</i>	4,800 (C) , (E)	<i>Front Yard (ft.)</i>	0 (E) , (F) , (G)
<i>Min. Lot Width (ft.)</i>	40 (D) , (E)	<i>Side Yard (one) (ft.)</i>	5 (I) , (L) , (N)
<i>Max. Impervious Surface Coverage (%)</i>	(R,S or S,T)	<i>Side Yard (total of 2) (ft.)</i>	13 (I) , (L) , (N)
<i>Max. Building Height of Primary Building (ft.)</i> (P,Q)	44 (N)	<i>Rear Yard (ft.)</i>	20 (J) , (L) , (N)
<i>Max. Building Height of Accessory Building</i>	(L)	Required Buffer & Greenbelt	(U)
<i>Max. Building Height (stories)</i>	-		
Where there is a discrepancy between Article 4 and this table, Article 4 shall prevail.			

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 • Drive-Through Uses • Dwelling, Live/Work • Dwelling, Accessory Unit • Dwelling, Multiple Family • 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 • Light Vehicle/Equipment Sales and Display • Medical Hospital Related Accessory Uses • Medical Hospital Related Office or Uses • Medical Hospital Related Uses • Office, Medical • Office, Professional • Outdoor Alcoholic Food and Beverage Service • Outdoor Entertainment and Community Events (Principal, Temporary, or Accessory Use) • Outdoor Food and Non-Alcoholic 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 • Dwelling, Intentional Community • 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 • Hostel • Hotel or Motel • Manufacturing, Light • Marihuana Designated Consumption Establishment • Marihuana Educational Research • 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 • Recreational Use, Public • Religious Institution • Rooming House • School, Primary or Secondary • School, University • Supportive Housing Facility, Transitional and/or Permanent • Vehicle Repair and Service • Wireless Telecommunications Facilities
<p>Where there is a discrepancy between Section 54.306 and this table, Section 54.306 shall prevail.</p>	

(D) Dimensional Regulations			
<i>Lot, Coverage, and Building Height Standards</i>		<i>Minimum Setbacks</i>	
<i>Min. Lot Area (sq. ft.)</i>	None	<i>Front Yard (ft.)</i>	0
<i>Min. Lot Width (ft.)</i>	None-24	<i>Side Yard (one) (ft.)</i>	5 (<u>I</u>)
<i>Max. Impervious Surface Coverage (%)</i>	(R S or S I)	<i>Side Yard (total of 2) (ft.)</i>	10 (<u>I</u>)
<i>Max. Building Height of Primary Building (ft.) (P Q)</i>	74	<i>Rear Yard (ft.)</i>	10 (<u>I</u>)
<i>Max. Building Height of Accessory Building (L)</i>	18	Required Buffer & Greenbelt	(U)
<i>Max. Building Height (stories)</i>	-		
<p>Where there is a discrepancy between Article 4 and this table, Article 4 shall prevail.</p>			

Section 54.313 GC, General Commercial 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 • Light Vehicle/Equipment Sales and Display • Medical Hospital Related Accessory Uses • Medical Hospital Related Office or Uses • Medical Hospital Related Uses • Office, Medical • Office, Professional • Outdoor Alcoholic Beverage Service • Outdoor Entertainment and Community Events (Temporary Use) • Outdoor Food and Non-Alcoholic Beverage Service • Outdoor Recreation • Public or Governmental Building • Religious Institution • Restaurant, Indoor Service • Retail Business, Indoor • Retail Sales, Outdoor Temporary • Service Establishment • Shooting Range, Indoor • Storage, Open • Veterinary Clinic (Domestic Animals Only) • Wholesale Trade Establishment 	<ul style="list-style-type: none"> • Accessory Use, Non-Single Family Residential Lots • Hospital • Hostel • Manufacturing, Light • Marihuana Designated Consumption Establishment • Marihuana Educational Research • Marihuana Grower – Class A • Marihuana Grower – Class B • Marihuana Grower – Class C • Marihuana Grower – Excess • Marihuana Microbusiness - Class A and Light Manufacturing • Marihuana Processor – Light Manufacturing • Marihuana Retailer • Marihuana Safety Compliance Facility • Marihuana Secure Transporters • Outdoor Entertainment and Community Events (Principal & Accessory Use) • Pet Boarding Facility • Recreational Use, Public • Retail Business, Outdoor Permanent • Rooming House • Vehicle Repair and Service • Wireless Telecommunications Facilities

(D) Dimensional Regulations			
<i>Lot, Coverage, and Building Height Standards</i>	<i>Minimum Setbacks</i>		
<i>Min. Lot Area (sq. ft.)</i>	None	<i>Front Yard (ft.)</i>	0 (F) , (G)
<i>Min. Lot Width (ft.)</i>	None 24	<i>Side Yard (one) (ft.)</i>	15 (I)
<i>Max. Impervious Surface Coverage (%)</i>	(S T)	<i>Side Yard (total of 2) (ft.)</i>	30 (I)
<i>Max. Building Height of Primary Building (ft.)</i> (P Q)	40	<i>Rear Yard (ft.)</i>	20
<i>Max. Building Height of Accessory Building</i> (L)	18-24	Required Buffer & Greenbelt	(U)
<i>Max. Building Height (stories)</i>	-		
Where there is a discrepancy between Article 4 and this table, Article 4 shall prevail.			

Section 54.314 RC, Regional Commercial 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 • Light Vehicle/Equipment Sales and Display • Medical Hospital Related Accessory Uses • Medical Hospital Related Office or Uses • Medical Hospital Related Uses • Office, Medical • Office, Professional • Outdoor Alcoholic Beverage Service • Outdoor Entertainment and Community Events (Temporary Use) • Outdoor Food and Non-Alcoholic Beverage Service • Outdoor Recreation • Public or Governmental Building • Religious Institution • Restaurant, Indoor Service • Retail Business, Indoor • Retail Sales, Outdoor Temporary • Service Establishment • Shooting Range, Indoor • 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 Educational Research • Marihuana Grower – Class A • Marihuana Grower – Class B • Marihuana Grower – Class C • Marihuana Grower – Excess • Marihuana Microbusiness – Class A and Light Manufacturing • Marihuana Processor – Light Manufacturing • Marihuana Retailer • Marihuana Safety Compliance Facility • Marihuana Secure Transporters • Outdoor Entertainment and Community Events (Principal & Accessory Use) • Pet Boarding Facility • Recreational Use, Public • Retail Business, Outdoor Permanent • Storage, Bulk • Warehousing/Storage Facilities • Wholesaling Operations • Wireless Telecommunications Facilities
<p>Where there is a discrepancy between Section 54.306 and this table, Section 54.306 shall prevail.</p>	

(D) Dimensional Regulations			
Lot, Coverage, and Building Height Standards			Minimum Setbacks
<i>Min. Lot Area (sq. ft.)</i>	None	<i>Front Yard (ft.)</i>	30
<i>Min. Lot Width (ft.)</i>	None 24	<i>Side Yard (one) (ft.)</i>	15
<i>Max. Impervious Surface Coverage (%)</i>	(S T)	<i>Side Yard (total of 2) (ft.)</i>	30
<i>Max. Building Height of Primary Building (ft.) (P Q)</i>	40	<i>Rear Yard (ft.)</i>	20
<i>Max. Building Height of Accessory Building (L)</i>	18-24	Required Buffer & Greenbelt	(U)
<i>Max. Building Height (stories)</i>	-		
<p>Where there is a discrepancy between Article 4 and this table, Article 4 shall prevail.</p>			

Section 54.315 M, Municipal District

(D) Dimensional Regulations			
Lot, Coverage, and Building Height Standards		Minimum Setbacks	
Min. Lot Area (sq. ft.)	None	Front Yard (ft.)	None
Min. Lot Width (ft.)	None-24	Side Yard (one) (ft.)	None
Max. Impervious Surface Coverage (%)	(S T)	Side Yard (total of 2) (ft.)	None
Max. Building Height of Primary Building (ft.) (P Q)	None	Rear Yard (ft.)	None
Max. Building Height of Accessory Building (L)	None-24		
Max. Building Height (stories)	-		

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

Section 54.316 C, Civic District

(B) Permitted Principal Uses	(C) Special Land Uses
<ul style="list-style-type: none"> • Accessory Building or Structure • Agriculture-Like Operation, including Forestry • Cemetery • Farmers’ Markets • Food Production, Minor • Indoor Recreation • Office, Professional • Outdoor Entertainment and Community Events (Principal, Temporary, or Accessory Use) • Outdoor Recreation • Public or Governmental Building • Recreational Use, Public • School, Primary or Secondary • School, University • Storage, Open • Wireless Telecommunications Facilities 	<ul style="list-style-type: none"> • Accessory Use, Non-Single Family Residential Lots • Marihuana Educational Research • Port Facilities and Docks • Structures between the shoreline of Lake Superior and the pavement of the nearest public street or highway.

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.)	None
Min. Lot Width (ft.)	None-24	Side Yard (one) (ft.)	5
Max. Impervious Surface Coverage (%)	(S T)	Side Yard (total of 2) (ft.)	10
Max. Building Height of Primary Building (ft.) (P Q)	60	Rear Yard (ft.)	20
Max. Building Height of Accessory Building (L)	24		
Max. Building Height (stories)	-		

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

Section 54.317 IM, Industrial/Manufacturing 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 • Outdoor Entertainment and Community Events (Temporary) • Public or Governmental Building • Railroad Facilities • Religious Institution • Retail Business, Indoor • Service Establishment • Shooting Range, Indoor • Storage, Open • Vehicle Repair and Service • Veterinary Clinic (Domestic Animals Only) • Warehousing/<u>Storage Facilities</u> • 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 • <u>Marihuana Educational Research</u> • Marihuana Grower – Class A • Marihuana Grower – Class B • Marihuana Grower – Class C • Marihuana Grower – Excess • Marihuana Microbusiness – <u>Class A and</u> 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.	

(D) Dimensional Regulations			
<i>Lot, Coverage, and Building Height Standards</i>		<i>Minimum Setbacks</i>	
<i>Min. Lot Area (sq. ft.)</i>	None	<i>Front Yard (ft.)</i>	40
<i>Min. Lot Width (ft.)</i>	None <u>24</u>	<i>Side Yard (one) (ft.)</i>	20
<i>Max. Impervious Surface Coverage (%)</i>	<u>(S T)</u>	<i>Side Yard (total of 2) (ft.)</i>	40
<i>Max. Building Height of Primary Building (ft.) (P-Q)</i>	80 (Q) <u>P</u>	<i>Rear Yard (ft.)</i>	40
<i>Max. Building Height of Accessory Building (L)</i>	60 (Q) <u>P</u>	<u>Required Buffer & Greenbelt</u>	<u>(U)</u>
<i>Max. Building Height (stories)</i>	-		
Where there is a discrepancy between Article 4 and this table, Article 4 shall prevail.			

Section 54.318 CR, Conservation and Recreation District

(D) Dimensional Regulations			
<i>Lot, Coverage, and Building Height Standards</i>		<i>Minimum Setbacks</i>	
<i>Min. Lot Area (sq. ft.)</i>	None	<i>Front Yard (ft.)</i>	15
<i>Min. Lot Width (ft.)</i>	None <u>24</u>	<i>Side Yard (one) (ft.)</i>	50
<i>Max. Impervious Surface Coverage (%)</i>	<u>(S T)</u>	<i>Side Yard (total of 2) (ft.)</i>	100
<i>Max. Building Height of Primary Building (ft.) (P-Q)</i>	36.5	<i>Rear Yard (ft.)</i>	20 <u>(Q R)</u>
<i>Max. Building Height of Accessory Building (L)</i>	18		
<i>Max. Building Height (stories)</i>	-		
Where there is a discrepancy between Article 4 and this table, Article 4 shall prevail.			

Section 54.319 BLP, Board of Light and Power District

(D) Dimensional Regulations			
Lot, Coverage, and Building Height Standards		Minimum Setbacks	
Min. Lot Area (sq. ft.)	None	Front Yard (ft.)	40
Min. Lot Width (ft.)	None 24	Side Yard (one) (ft.)	20
Max. Impervious Surface Coverage (%)	(S T)	Side Yard (total of 2) (ft.)	40
Max. Building Height of Primary Building (ft.) (P Q)	None	Rear Yard (ft.)	40
Max. Building Height of Accessory Building (L)	None 24	Required Buffer & Greenbelt	(U)
Max. Building Height (stories)	-		
Where there is a discrepancy between Article 4 and this table, Article 4 shall prevail.			

Section 54.321 Marquette Downtown Waterfront District Form-Based Code

(B) The Downtown Waterfront District Regulating Plan.

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

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

(b) Buildings

(i) The maximum building floor plate is 25,000; beyond that limit a Site Plan Review will be conducted in accordance with [Section 54.1402](#) of the City Land Development Code is required.

(ix) For Accessory Structures standards see [Section 54.705\(D\)\(1\)](#), and Structural Amenities, see [Section 54.702\(G\)](#).

Figure 10. Downtown Marquette Waterfront District Table of Permitted and Special Uses

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

USE	G3	G5	NL	WWZ	WF	F5
A. RESIDENTIAL						
Dwelling Units (see Article 6)	P	P	P	P	P	P
Bed and Breakfasts (see Section 54.603)	P	P	P	P	P	P
Bed and Breakfast Inns (see Section 54.604)	P	P	P	P	P	P
Adult Foster Care Family Home	P	P	P	P	P	P
Family Day Care Homes	P	P	P	P	P	P
Foster Family Homes	P	P	P	P	P	P
Domestic Violence Shelter (see Section 54.610)	P	P	P	P	P	P
Homestays (see Section 54.624)	P	P	P	P	P	P
Vacation Home Rentals (see Section 54.624)	P	P	P	P	P	P
Home Office (see Section 54.622)	P	P	P	P	P	P
Home Occupation (see Section 54.621)	P	P	P	P	P	P
Group Day Care Home (Section 54.608)	S	S	S	S	S	S
Foster Family Group Home	S	S	S	S	S	S
Halfway House (Section 54.620)	S	S	S	S	S	S
Homeless Shelter (Section 54.623)	S	S	S	S	S	S
B. RETAIL						
Retail Service	P	P		P	P	P
Retail Specialty	P	P		P	P	P
Retail Trade	P	P		P	P	P
C. CIVIC						
Community uses open to the public including: meeting halls; libraries; schools; police and fire stations; post offices (retail operations only, no primary distribution facilities); places of worship; museums; cultural, visual and performing art centers; and government functions open to the public.	P	P		P	P	P
D. COMMERCE						
Executive, Administrative, and Professional Offices (See Section 54.634)	P	P		P	P	P
Medical and Dental Offices, and Clinics (See Section 54.634)	P	P		P	P	P
Day Care Centers (See Section 54.609)	P	P		P	P	P
On-premise Alcohol Sales	P	P		P	P	P
Outdoor Alcoholic Beverage Service (See Section 54.6367)	P	P		P	P	P
Outdoor Food and Non-Alcoholic Beverage Service (See Section 54.6378)	P	P		P	P	P
All of the Civic Use Categories Except Passenger Terminals	P	P		P	P	P
All of the Retail Use Categories	P	P		P	P	P
Parking Facilities and Structures, including a parking lot attendant shelter.	P	P		P	P	P
Outdoor Recreation.	P	P		P	P	P
E. LIGHT INDUSTRIAL						
Light Manufacturing (See Section 54.627)	P	P		P	P	P
Waterfront Related Repair and Maintenance	P	P		P	P	P
Mooring and Docking of Boats	P	P		P	P	P
Winter Storage of Watercraft Between the Dates of October 1st and May 30th	P	P		P	P	P
F. OTHER						
Wireless Telecommunications Facilities (See Section 54.6478)	S	S		S	S	S
Outdoor Entertainment and Community Events (See Section 54.6356)	P	P		S	S	S
Recreation Use, Public	S	S		S	S	S
Marihuana Microbusiness – Class A and Light Manufacturing (See Section 54.6289)	S	S		S	S	S
Marihuana Educational Research (See Section 54.629)	<u>S</u>	<u>S</u>		<u>S</u>	<u>S</u>	<u>S</u>
Marihuana Retailer (See Section 54.6289)	S	S		S	S	S
Marihuana Processor – Light Manufacturing (See Section 54.6289)	S	S		S	S	S
Marihuana Safety Compliance Facility (See Section 54.6289)	S	S		S	S	S
Marihuana Designated Consumption Establishment (See Section 54.6289)	S	S				

(tt) USE, SPECIAL LAND: For the purpose of the Waterfront District, SPECIAL LAND USES (see [Section 54.321\(C\)\(3\)\(b\)](#)) may be considered for placement in the RESIDENTIAL USE classification and SPECIAL LAND USES (See [Section 54.321\(C\)\(3\)\(c\)](#)) may be considered for placement in the COMMERCE USE classification MDW District if [Figure 10](#) indicates it is an allowable Special Land Use and after review by the Planning Commission - in accordance with [Section 54.1403](#) of the City of Marquette Land Development Code.

(ww) USE, RETAIL: RETAIL uses shall be considered to encompass all of the following (see [Article 6](#) for applicable standards for specific uses):

- (i) RETAIL SERVICE:** Establishments providing services, as opposed to products, to the general public, including restaurants, hotels and motels, [hostels](#), finance, real estate and insurance, travel agencies, health, and educational services, galleries, and temporary storage of recreational equipment, provided that the temporary storage is ancillary to the primary retail service.
- (ii) RETAIL SPECIALTY:** Include, but are not limited to the sale of gifts, antiques, flowers, books, jewelry, wearing apparel or craft shops making articles exclusively for sale at retail on the premises.
- (iii) RETAIL TRADE:** Establishments engaged in selling new goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

Section 54.322 Third Street Corridor District Form-Based Code

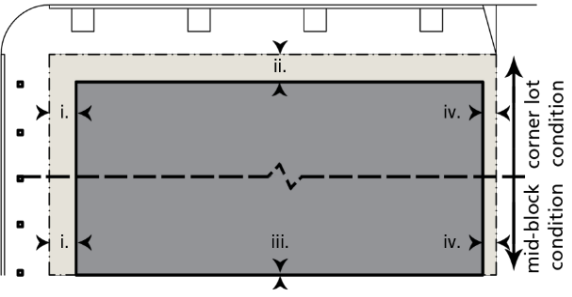
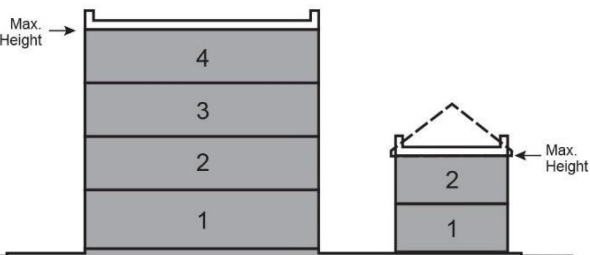
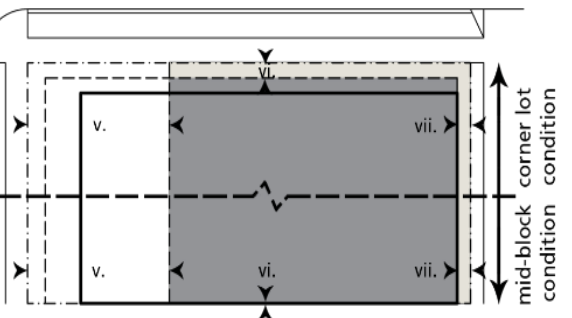
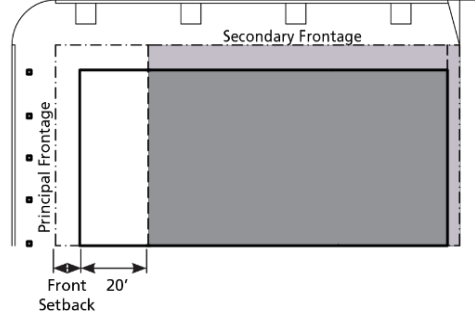
Figure 24. TSC Table of Permitted Land Uses and Special Land Uses in the TSC District

USE	T4	T5	USE	T4	T5
A. RESIDENTIAL			E. INSTITUTIONAL		
Mixed-use building	P	P	Conference center		P
Multi-family dwelling (Section 54.616 & 54.403(E))	P	P	Live theater	S	P
Live-work unit (Section 54.615)	P	P	Movie theater	S	P
Two-family dwelling (Sections 54.613 & 54.403 (C & D))	P	P	Museum	P	P
Townhouse	P	P	Religious assembly (Section 54.6412)	P	P
Mixed-use building	P	P	F. AUTOMOTIVE		
Multi-family dwelling (Sections 54.616 & 54.403(E))	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 and Hostels (Section 54.6434)	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 54.6334)	P	P	Warehouse	S	S
Mixed-use building	P	P	Mini-storage		S
Live-work unit (Section 54.615)	P	P	Marihuana Safety Compliance Facility (Section 54.6289)	S	S
D. RETAIL			J. OTHER USES		
Outdoor Entertainment and Community Events (Temporary Use) (Section 54.6356(B))	P	P	Accessory Building or Structure (See Figure 14 , Figure 15 , and, as applicable, Section 54.705)	P	P
Outdoor Entertainment and Community Events (Accessory or Principal Use) (Section 54.6356 (C) or (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	Commercial Service Establishment	P	P
Restaurant, Indoor Service and with or without Outdoor Food and Non-Alcoholic Beverage Service (Section 54.6378)	P	P	Food Production, Minor	P	P
Restaurant, with Outdoor Alcoholic Beverage Service (Section 54.6367)	S	S	Marihuana Education Research (Section 54.629)	S	S
Mixed-use building	P	P	Outdoor Recreation	S	S
Open/outdoor market building	P	P	Wireless Telecommunications Facilities	S	S
Retail Sales, Outdoor Temporary (Section 54.6389)	P	P	(Section 54.6478)		
Indoor Recreation	P	P			
Farmers' Markets (Section 54.618)	P	P			
Kiosk	P	P			
Push cart	P	P		Permitted Use	P
Marihuana Retailer (Section 54.6289)		S		Special Land Use	S

Figure 14. 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)	5-ft – 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. Zoning District property line	15 ft. min. 10-ft	Stories	2
OUTBUILDING		To eave / parapet	30 ft. max.
		MASS	
v. Front Setback (Principal)	20 ft. min.	Lot width	14 ft. min. (Sec 54.403(D) & (E))
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			
i. Setback encroachments		PARKING	
Open porch	May encroach to within no more than 5 feet of the front lot line	Principal Frontage setback	Not permitted
Balcony and/or bay window	80% max. (distance between façade and front lot line)	20 ft. behind front setback	Not permitted
Stoop, Terrace	80% max. (distance between façade and front lot line)	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
Rooftop Patio	To the property line but not over a public sidewalk	20 ft. behind front setback	Not permitted
		Rear of lot	Permitted
		* Storage includes boats and recreational vehicles.	

Figure 15. T5 Standards

A. BUILDING PLACEMENT		B. BUILDING FORM	
PRINCIPAL BUILDING		HEIGHT	
			
i. Front Setback (Principal)	0 ft. – 18 ft.	PRINCIPAL BUILDING	
ii. Front Setback (Secondary)	0-ft. – 12 ft. max.	Stories	4 max.
iii. Side Setback	0-ft. – 6 ft. max.	To eave / parapet	48 ft. max.
iv. Rear Setback	3 ft. min.	OUTBUILDING	
Abutting MDR Principal Bldg. Zoning District property line	15 ft. min. 10-ft	Stories	2
OUTBUILDING		To eave / parapet	30 ft. max.
		MASS	
v. Front Setback (Principal)	20 ft. min.	Lot width	20 ft. min Sec 54.403(D) & (E)
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 3. Article 4 Schedule of Regulations

Chapter 54 – LAND DEVELOPMENT CODE, Article 4 – Schedule of Regulations is hereby amended as follows:

Article 4 Schedule of Regulations
Section 54.402 Schedule of Regulations

Zoning District	Minimum Lot Dimensions		Minimum Setback Requirements (F U)				Maximum Height of Structures (P Q)		Maximum Impervious Surface Coverage of the Lot
	Size (sq. ft.)	Width (feet)	Front Yard (feet)	Side Yards (feet)		Rear Yard (feet)	Primary Building (feet)	Accessory Building (feet)	
				Smallest Side	Total of Two Sides				
LDR, Low Density Residential	8,100	60	20, (B)	10 (L)	20 (L)	30 (L)	31.5	(L)	(R S)
MDR, Medium Density Residential	4,500 (C)	37.5 (D)	15 (A), (B)	5 (L)	13 (L)	20 (L)	31.5	(L)	(R S)
MFR, Multi-Family Residential 1-2 Units	6,000 (C)	50 (D)	15	10 (L)	20 (L)	30 (L)	31.5	(L)	(S)
MFR, Multi-Family Residential 3-4 Units and other uses identified in 54.309(K)	9,000 (E)	75 (E)	15 (A)	10 (H), (L), (M)	20 (H), (L), (M)	30 (H), (L), (M)	36.5 (M), (N)	(L)	(S) or (T)
MFR, Multi-Family Residential 5+ Multiple Family Units (K)	15,000 (I)	100 (D)	15 (A)	15 (H), (L), (M)	30 (H), (L), (M)	30 (H), (L), (M)	44-36.5 (M)	(L)	(R) or (S T)
MFR, 1-4 Units and other uses identified in 54.309 (K)	9,000 (I)	75 (I)		10 (H), (L), (M)	20 (H), (L), (M)	30 (H), (L), (M)	(N)		
MHP, Mobile Home District	See Section 54.6301								
M-U, Mixed-Use	4,800 (L)	40 (D), (I)	0, (F) (G)	5 (I), (L), (N)	13 (I), (L), (N)	20 (I), (L), (N)	44 (N)	(L)	(R S) or (S T)
CBD, Central Business District	None	None-24	0	5 (I)	10 (I)	10 (I)	74 (O)	18 (L)	(R S) or (S T)
GC, General Commercial	None	None-24	0 (F) (G)	15 (I)	30 (I)	20	40	18 (L)	(S T)
RC, Regional Commercial	None	None-24	30	15	30	20	40	18 (L)	(S T)
M, Municipal	None	None-24	None	None	None	None	None	None (L)	(S T)
C, Civic	None	None-24	None	5	10	20	60	24 (L)	(S T)
IM, Industrial/Manufacturing	None	None-24	40	20	40	40	80 (Q P)	60 (L), (E) (P)	(S T)
CR, Conservation/Recreation	None	None-24	15	50	100	20 (Q) (R)	36.5	18 (L)	(S T)
BLP, Board of Light and Power	None	None-24	40	20	40	40	None	None (L)	(S T)
Marquette Downtown Waterfront District Form-Based Code (see Section 54.321)									
Third Street Corridor Form-Based Code (see Section 54.322)									

Section 54.403 Footnotes to Schedule of Regulations

(M) Height Exceptions and Increased Setbacks for Multiple-Family Dwelling Buildings in the MFR District. For multiple-family buildings in the MFR District, the height may be increased above 36.5 feet **to a maximum of 44 feet** provided that 1 foot shall be added to all of the minimum yard setbacks for each 1 foot that the building exceeds 36.5 feet in height.

(N) Height Exceptions and Increased Setbacks for Principal Buildings in the MFR and M-U Districts. If the subject lot is adjacent to a lot zoned LDR, MDR, C, or CR, any portion of the building higher than 36.5 feet must be setback at least 8 feet from a minimum front yard setback line and at least 10 feet from any other minimum yard setback line. **The maximum height allowed is 44 feet.**

(O) Height Bonus for Residential Use Inclusion in the Central Business District.

A building may exceed a building height of 74 feet to a maximum of 84 feet, only if it is designed to include at least four (4) residential dwelling units that are – in total square feet of area – at least equivalent to the extent of the footprint of the ground floor of the building in square feet.

(O P) Modified Height and Setback Requirements in the IM District. The Planning Commission may permit via special land use approval a greater height than the maximum allowed in the schedule of regulations in the IM district, provided that the front, side, and rear yards specified in [Section 54.402](#) and [Article 6](#) are increased by one (1) foot for each foot of building height that exceeds the maximum allowed. However, in no case shall the height of any structure in the IM district exceed the horizontal setback distance from the structure to a lot line; where the property abuts a right-of-way, up to ½ width of said right-of-way may be used in calculation the required yard; in no instance may the yard be less than the minimum specified in [Section 54.402](#), **and for accessory structures as specified in [Section 705](#).**

(P Q) Height Exemptions. There shall be no height restriction on chimneys, flagpoles, public monuments, and wireless telecommunications facilities except when they are part of a special land use. Items attached to a building such as chimneys, weather vanes, lightning arrestors, etc. may be exempt as well.

(Q R) Increased Rear Yard Setbacks for Lots in the CR District. **Lots in** The CR district **must have has** a minimum rear yard setback of 50 feet from the ordinary high water mark of Lake Superior.

(R S) 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

(S T) 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.

(T U) Landscape Buffer and Greenbelt Requirements. The minimum setbacks may **be increased vary** in accordance with the landscape buffer and greenbelt standards of [Section 54.1003\(D\)](#).

SECTION 4. Article 5 – Supplemental Zoning District Standards

Chapter 54 – LAND DEVELOPMENT CODE, Article 5 – Supplemental Zoning District Standards is hereby amended as follows:

Article 5 Supplemental Zoning District Standards

Section 54.503 Condominium Developments

- (A) Intent and Application.** The following regulations shall apply to all **condominium and** site condominium developments within the City of Marquette.
- (B) Site Condominiums.** Pursuant to authority conferred by Section 241 (Law, Ordinance, or Regulation of Local Unit of Government) of the Condominium Act **59 of 1978**, as amended, all **site** condominiums **subdivision plans** must be approved by the City Commission following review and recommendation for approval by the Planning Commission. In determining whether to recommend a **site** condominium **subdivision plan** for approval to the City Commission, the Planning Commission shall consult with and receive a written response from the Planning Director, City Attorney, City Engineer, and Zoning Administrator regarding the adequacy of the master deed, deed restrictions, utility systems and street, development layout and design and compliance with all requirements of the Condominium Act and the Land Development Code.
- (C) Condominiums.** Pursuant to authority conferred by Section 241 (Law, Ordinance, or Regulation of Local Unit of Government) of the Condominium Act, as amended, all condominiums must be approved by City Staff through an administrative site plan review as outlined in this section. The Planning Director, City Attorney, and Zoning Administrator will review the condominium regarding the adequacy of the master deed, deed restrictions, interior development layout and design, and compliance with all requirements of this Condominium Act and the Land Development Code.
- (C D) Initial Information.** Concurrently with notice required to be given to the City of Marquette pursuant to Section 171 (Notice of Proposed Action) of **the Condominium Act Public Act 59 of 1978**, as amended **(the Condominium Act)**, the condominium subdivision plan for each condominium **and site condominium** project shall be prepared by a licensed architect, licensed professional surveyor, or licensed professional engineer and shall bear the signature and seal of the licensed architect, licensed professional surveyor, or licensed professional engineer. In addition to any information required by **the Condominium Act Public Act 59 1978** or Department of Licensing and Regulatory Affairs (LARA) Administrative Rules 559.010-559-903, **each** condominium **and site condominium** subdivision plan must include the following information:

 - (1)** The name, address, telephone number, and email address of:

 - (1 a)** All persons, firms or corporation with an ownership interest in the land on which the condominium development will be located together with a description of the nature of each entity's interest (for example, fee owner, optionee, or land contract vendee).
 - (2 b)** All engineers, attorneys, architects or registered land surveyors associated with the project.
 - (3 c)** The developer or proprietor of the condominium development.
 - (2)** A cover sheet. The cover sheet shall list all documents included in the condominium subdivision plan and contain a notice that reads substantially as follows: "This condominium subdivision plan is not required to contain detailed project design plans prepared by the appropriate licensed design professional. Such project design plans are filed, as part of the construction permit application, with the enforcing agency for the state construction code in the relevant governmental subdivision. The enforcing agency may be a local building department or the state department of licensing and regulatory affairs."
 - (3)** A survey plan, including the legal description of the land on which the condominium project will be developed together with appropriate tax identification numbers. The survey plan

shall be signed and sealed by the licensed professional surveyor preparing the boundary survey for the condominium project.

- (4) A floodplain plan, if the condominium lies within or abuts a floodplain area.
- (5) A site plan (See [Section 54.1402\(C\)](#)).
- (6) A utility plan, including a description of the water and sewer service.
- (7) Floor plans.
- (8) The size, location, area, and horizontal boundaries of each condominium unit and the acreage content of the land on which the condominium development will be developed.
- (9) A number assigned to each condominium unit.
- (10) The vertical boundaries and volume for each unit comprised of enclosed air space.
- (11) Building sections showing the existing and proposed structures and improvements including their location on the land. Any proposed structure or improvement shall be labeled either "must be built" or "need not be built". To the extent that a developer is contractually obligated to deliver utility conduits, buildings, sidewalks, driveways, landscaping, and an access road, the same shall be shown and designated as "must be built", but the obligation to deliver such items exists whether or not they are so shown and designated.
- (12) The nature, location, and approximate size of the common elements.
- (13) Other information deemed necessary by the **Planning Director Zoning Administrator**.

(D E) Site Plans for New Projects. Prior to recording of the master deed required by Section 72 (Establishment of Condominium Project) of **the Condominium Act Public Act 59 of 1978**, as amended, the condominium **and site condominium** development shall undergo site plan review and approval pursuant to the requirements of [Section 54.1402](#) of this Ordinance. In addition, the City shall require appropriate engineering plans and inspections prior to the issuance of any certificates of occupancy. All condominium **and site condominium** projects are subject to the zoning requirements of their respective zoning districts and this Ordinance.

(E F) Plans for Expandable or Convertible Projects. Prior to expansion or conversion of a condominium **or site condominium** development to additional land, the new phase of the project shall undergo site plan review and approval pursuant to [Section 54.1402](#) of this Ordinance and this [Section 54.503](#). The conversion of any development to condominium form of ownership shall require all standards and requirements of this Ordinance regarding condominiums to be met.

~~(F) Master Deed, Restrictive Covenants, "As Built" Survey, and Association Bylaws to be Furnished.~~

- ~~(1) The condominium project developer shall furnish the Planning Director with the following for review: one (1) copy of the recorded master deed, one (1) copy of all restrictive covenants, one (1) copy of the condominium owner's association bylaws, and two (2) copies of an "as built survey". The "as built survey" shall be reviewed by the City Engineer for compliance with City ordinances and standards. Fees for this review shall be will be established by resolution of the City Commission.~~
- ~~(2) The master deed and/or restrictive covenants of site condominiums approved subsequent to the adoption of this amendment shall include any required standards of this Ordinance. Copies of the master deed and/or restrictive covenants shall be provided for review by the City prior to final approval of the site condominium or as a condition of final approval and shall be recorded in the office of the Marquette County Register of Deeds.~~

(G) Design and Engineering Standards and Required Improvements for Site Condominium Developments. The design and engineering standards for site condominium developments, as well as required improvements for site condominium developments, shall be the same as those

required for subdivisions in [Section 54.501\(E\)](#).

- (1) **Exception:** If there are no other public streets within 1,500 feet of the nearest site condominium parcel line, then the site condominium parcel can have private road frontage and any of the street development standards do not have to be met in Section 54.501(1), (2), (6), (7), and (8) items. The standards in Section 54.501(E) (3), (4), (5), and (6) do have to be met, however any reference to “street” will be replaced with “private road”.

(H) Approval Period. Approval of the condominium subdivision plan or phase thereof by the City Commission shall confer upon the proprietor for a period of one (1) year from the date of approval, approval of sizes, lot orientation, and street layout. The one-year period may be extended if applied for in writing by the proprietor prior to the expiration date and granted by the City Commission in writing. The City Commission shall seek the Planning Commission’s recommendation on any such extension. If the extension is granted, the City Clerk shall notify the other approving authorities. In approving an extension, the City Commission may impose new standards (not necessarily related solely to lot size, lot orientation, and street layout) as a result of new standards, changing conditions on surrounding parcels, or other considerations, provided that the revised plat shall still be considered substantially conforming to the previously approved tentative preliminary plat.

(H) Approval and Submittal requirements for Master Deed, Restrictive Covenants, “As Built” Survey and Site Plan, and Association Bylaws to be Furnished.

- (1) Approval of the condominium and site condominium by the City Commission or City Staff, shall confer upon the developer the right to proceed with preparation of a condominium master deed. The master deed and/or restrictive covenants of the condominium and site condominiums shall include any required standards of this Ordinance.
- (2) Copies of the draft master deed and/or restrictive covenants shall be provided to the Zoning Administrator for review by the City to determine compliance with City ordinances and standards prior to final approval of the condominium or site condominium or as a condition of final approval. Once the review is complete and the City gives its final approval, the Master Deed shall be recorded in the office of the Marquette County Register of Deeds.
- (3) Within 1 year of the final approval by the City, the developer shall furnish the Zoning Administrator with the following upon their completion: one (1) copy of the recorded master deed, one (1) copy of all restrictive covenants, and one (1) copy of the condominium owner’s association bylaws. Within 1 year of the completion of development project the developer shall furnish the Zoning Administrator with two (2) copies of an “as built survey”. The “as built survey” shall be reviewed by the City Engineer and/or the Zoning Administrator to verify compliance with City ordinances and standards. Once the City verifies that the “as built survey” is in compliance with City ordinance and standards, the proprietor shall furnish to the City a copy of the site plan on 24 inch by 36 inch sheets and in a digital format acceptable to the City. As-built plans are required pursuant to [Section 54.1402\(L\)](#).

(I) Monuments Required. All **site** condominium developments which consist in whole or in part of condominium units which are building sites, mobile home sites, or recreational sites shall be marked with monuments, which shall be set in accordance with Michigan Public Act 288 of 1967, as amended (the Land Division Act), and the rules of the State of Michigan. If any monument or **lot unit** marker is removed during construction the responsible party shall secure the services of a professional surveyor to replace the monument or **lot unit** marker.

(J) Compliance with Federal, State, and Local Law. All condominium **and site condominium** development shall comply with Federal and State statues and local ordinances, including **the**

Condominium Act Public Act 59 of 1978 and the Department of Licensing and Regulatory Affairs (LARA) Administrative Rules 559.010-559-903.

(K) Subdivision of Site Condominium Units and Condominium Units Lots. A site condominium unit or condominium unit shall not be subdivided unless the approved site plan and master deed expressly permit it. The subdivision of a site condominium unit or condominium unit must follow the procedures stated in the Condominium Act Public Act 59 of 1978, as amended. If the approved site plan and master deed do not expressly permit a site condominium unit or condominium unit to be subdivided, a proposed subdivision of a site condominium unit or condominium unit shall undergo site plan review and approval pursuant to the requirements of Section 54.1402 of this Ordinance. All subdivisions of individual site condominium units shall conform to the requirements of this Ordinance for minimum lot/unit width, lot/unit area, and building setback requirements, for the zoning district in which the site condominium project is located, and these requirements shall be made part of the bylaws and recorded as part of the master deed. All subdivisions of individual condominium units shall conform to the requirements of this Ordinance for allowable number of units in a structure for the zoning district in which the condominium project is located, and these requirements shall be made part of the bylaws and recorded as part of the master deed.

(L) Encroachment Prohibited. Encroachment of one site condominium lot unit upon another, as described in Section 40 of the Condominium Act, shall be prohibited by the condominium bylaws and recorded as part of the master deed.

(M) Relocation of Boundaries. The relocation of boundaries, as described in Section 48 of the Condominium Act, shall conform to all setback requirements of this Ordinance for the district in which the project is located, shall be approved by the Zoning Administrator, and this requirement shall be made part of the bylaws and recorded as part of the master deed.

(N) Performance Guarantee. The Planning Director Zoning Administrator may allow occupancy of the condominium and site condominium, development before all improvements required by this Ordinance are installed provided that cash, a certified check, or an irrevocable bank letter of credit is submitted sufficient in amount and type to provide for the installation of improvements before the expiration of the temporary occupancy permit without expense to the City. The expiration date of a temporary occupancy permit shall be as determined by the Planning Director upon issuance of the permit.

(O) Final Documents to be Provided. ~~After submittal of the condominium plan and bylaws as part of the master deed, the proprietor shall furnish to the City a copy of the site plan on 24 inch by 36 inch sheets and in a digital format acceptable to the City. As-built plans are required pursuant to Section 54.1402(L).~~

SECTION 5. Article 6 – Standards Applicable to Specific Land Uses

Chapter 54 – LAND DEVELOPMENT CODE, Article 6 – Standards Applicable to Specific Land Uses is hereby amended as follows:

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) unrelated adults.
- (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 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 zoning compliance permit.
- (F) **Yearly Inspection Certification.** Conformance with the occupancy conditions of the ADU special-use zoning compliance 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.~~
- (G) **Maximum Floor Area of ADU.** The floor area of the ADU shall not exceed 750 square feet, or 50% of the gross floor area of the principal residence, whichever is less.
- (H) **Attachment Options.** The ADU may be attached to the single-family dwelling or within the interior of the single-family dwelling, and constructed on any story of a conforming detached accessory building on the site, including the basement level. If the ADU is attached to the single-family dwelling, the ADU may be located within the existing footprint or added to the existing

footprint, provided all of the requirements of this Ordinance are met.

(I) Architecture and Design.

(1) An ADU must be designed to maintain the architectural character and appearance of the principal building. If an ADU extends beyond the existing footprint of the main building, the addition must be consistent with the existing façade, roof pitch, siding, and windows.

(2) Entrances to ADUs, including exterior stairs leading to a second story entrance, are restricted to the side or rear façade of the building to which it is attached. This provision does not apply if the ADU's primary entrance is the same as the entrance to the principal residence.

(J) Parking. One (1) off-street parking space shall be provided for the ADU in a driveway, or in a rear or side yard on the lot. No parking space may be provided in the front yard except in paved driveways or hard surfaced parking spaces in accordance with this Ordinance (see definition of "Hard Parking Surface" in [Section 54.202\(A\)\(91\)](#)). Parking spaces are not subject to setback requirements. The Zoning Administrator may grant an exception to the parking space requirement if the property owner submits a signed and notarized affidavit to the City affirming that the ADU occupant will not have a motor vehicle on site.

(K) Duration of Lease or Rental. Leasing or rental of the ADU for less than 30 days is prohibited.

Section 54.613 Dwelling, Duplex

(A) Lot Area and Lot Width. The minimum lot area and lot width for lots with a duplex must meet the requirements of [Article 4](#).

(B) Side Yard Setback. The minimum required side yard setback for a duplex is 10 feet on each side unless a larger side yard setback is required by the zoning district in [Article 4](#).

(C) Parking. Two (2) parking spaces for each dwelling unit, located in the side or rear yard only, shall be provided unless otherwise exempted by this Code.

(D) Outdoor Livability Space. On each lot containing a duplex, at least 40 20 percent of the lot must be used for outdoor livability space such as lawns, gardens, and/or outdoor patios.

Section 54.616 Dwelling, Multiple Family and Apartments

(A) Separation Distances in the MFR District. Multiple Family Dwellings and Apartment Buildings in the MFR District must meet the separation distance requirements of [Section 54.403\(G\)](#).

(B) Minimum Setbacks and Maximum Height in the MFR District. In addition to the setback and height requirements of [Section 54.402](#), multiple-family buildings in the MFR District must also meet the setback and height requirements of [Section 54.403\(L\)](#), if required.

(C) Accessory Structures and Uses in the MFR District: In the MFR District, the following requirements apply to multiple-family buildings and apartments:

(1) **Detached Accessory Buildings.** No detached accessory building may exceed 15 20 feet in

height. Detached accessory building shall be located at least ~~ten (10)~~ **five (5)** feet from the side and rear property lines and at least five (5) feet from a principal building. No detached accessory building shall be located in a front yard.

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.** 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 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 violation are not corrected.~~

(A) Intent and Application. It is the purpose and intent of this Section to provide for certain types of Home Occupations for residents on the resident's premises. Accordingly, minimum standards have been established in order to assure compatibility of Home Occupations with other uses permitted in the applicable district, and to preserve the character of residential neighborhoods. Home Occupations are different from Home Offices, such as they allow for Customer or Client Traffic, and one employee that is not a resident of the dwelling. The following regulations shall apply to all Home Occupations within the City of Marquette.

(B) Applicability

(1) Application and City Approval. The Zoning Administrator or their designee shall review and approve applications for all Home Occupation permits.

(2) Non-Transferrable. Approval of a Home Occupation is not transferable to a location other than that which was approved. The Home Occupation permit and use shall terminate automatically when the applicant no longer resides in the dwelling unit.

(3) Owner Signature. If the resident applicant is other than the owner of the property, the owner must authorize the application.

(C) Regulations Applicable to Home Occupations

(1) 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.

(2) Location. Activities related to the Home Occupation may take place in the primary dwelling or 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 light) or "industrial" as defined in Article 2.

(3) Exterior Appearance.

(a) No Outdoor Storage or Displays. No outdoor storage or display of products, equipment, or merchandise associated with the Home Occupation is permitted.

(b) No Evidence of Home Occupation. To protect the residential character of neighborhoods, there shall be no evidence of the home occupation when viewed from the street right-of-way or from an adjacent lot, and no change in exterior appearance of the dwelling or accessory building that houses a Home Occupation.

(c) Signs. A Home Occupation shall not have signage unless permitted in accordance with [Article 11](#).

(4) Operational Impacts.

(a) No equipment, process, or activity shall be used in a Home Occupation which creates glare, fumes, odor, vibration, noise, electrical interference, or fluctuation in voltage which is detectable to the normal senses from the street right-of-way or from an adjacent lot.

(b) To protect the integrity of the water supply and natural environment of the residential neighborhood, no Home Occupation shall involve the:

(i) generation of any hazardous waste as defined in Article II Chapter 3 Part 111 of Michigan P.A. 451 of 1994, as amended (being the Hazardous Waste Management part of the Natural Resources and Environmental Protection Act, MCL 324.11101 et. seq.); or

(ii) use of materials which are used in such quantity, or are otherwise required, to be registered pursuant to the Code of Federal Regulations, Title 29, Chapter XVII, part 1910(2), except this provision shall not apply to material purchased retail over the counter for household cleaning, lawn care, operation of a photocopy machine, painting, printing, art and craft supplies, or heating fuel.

(c) No hazardous materials produced in the Home Occupation operation shall be stored or disposed of on-site, and no Home Occupation shall discharge into any sewer, drainage way, water body, or the ground any materials which are radioactive, poisonous, detrimental to normal sewer plant operation, or corrosive to waste management installations.

(d) No traffic shall be generated by any Home Occupation in substantially greater volume than would normally be expected in a residential neighborhood. No vehicle or delivery truck shall block or interfere with normal traffic circulation.

(5) One Non-Resident Employee. A Home Occupation shall not employ more than one (1) person who is not a member of the household.

(6) Limited Customer Traffic and not a Retail store. 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.

(7) Commercial Vehicles. Commercial vehicles used for the Home Occupation cannot be used primarily for commercial advertising.

(8) Examples of Home Occupations. Examples of Home Occupations permitted by Home Occupation Permit include the following:

(a) Accountant or tax preparer

(b) Artist or small crafts maker, or toy maker

(c) Barber Shop or Beauty Shop (no more than two stylists and chairs)

(d) "Cottage Food operation" meeting the Michigan Cottage Food Law, PA 113 of 2010, as amended.

(e) Crafts or fine arts - where some clients come to the dwelling at different times for individual instruction

(f) Firearm Repair

(g) Operation of network marketing businesses like sales of cosmetics, household cleaning goods, and nutritional supplements on behalf of a third party, without any sales events at the home.

(h) Small appliance and bicycle repair

(i) Seamstress, tailor or weaver

(j) T-shirt maker

(k) Tutor or instructor of music

(l) Watch, clock or jewelry creation or repair

(D) Uses Prohibited as Home Occupations. The following are prohibited as Home Occupations:

(1) Auto Repair

(2) Auto Paint Shop

(3) Barber Shop or Beauty Shop (more than two stylists and chairs)

(4) Dental Clinic

(5) Firearm Sales

(6) Fireworks Sales

(7) Funeral Home

(8) Kennel

(9) Medical Clinic

(10) Restaurant/Commercial Kitchen

(11) Vet/Animal Hospital

(12) Vet/Animal Clinic

(E) 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 54.628 Light Vehicle/Equipment Sales and Display

- (A) **Minimum Lot Size.** The site shall be a minimum of one-half acre when vehicles are displayed outdoors.
- (B) **Licensing.**
- (1) For vehicle sales, the proprietor must be a licensed dealer in the State of Michigan.
 - (2) Vehicle licensing requirements of the State of Michigan shall be followed in the review and approval of vehicle sales requests.
- (C) **Open Drive Aisles.** Outdoor display and storage areas of vehicles shall maintain open drive aisles to allow free movement of vehicles.
- (D) **Parking.**
- (1) All vehicles waiting to be picked up by the vehicle driver shall be kept in approved parking spaces on site.
 - (2) Vehicles being displayed cannot be parked in required parking spaces, however, they must only be parked in the excess parking spaces on the site.
- (E) **Flag or Pennant Displays.** One (1) flag or pennant may be displayed on each vehicle for sale or lease. The maximum size of each flag or pennant shall not exceed twelve (12) inches x eighteen (18) inches. All other signage for the site must comply with [Article 11](#).
- (F) **Power Equipment and Vehicle Accessories.** Display areas may include those approved per Article 6, [Section 54.639](#) or must be in other areas on the private property (out of any right-of-way) that are not within a clear vision triangle or required side and rear yards and are outside of pedestrian paths or required parking spaces. The display of qualifying merchandise may encroach to within five (5) feet of the public sidewalk provided items are on a hard surface.

Section 54.6289 Marihuana Establishments

(A) A marihuana grower, marihuana processor, marihuana retailer, marihuana safety compliance facility, marihuana secure transporter, marihuana microbusiness, [Class A microbusiness](#), [marihuana educational research facility](#), [and or](#) 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 provided 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.
- (4) [Marihuana Educational Research may be an accessory use to a commercial enterprise that is under contract with an educational institution for marijuana research.](#)

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

- (2) Odor. As used in this subsection, building means the building, or portion thereof, used for marihuana growing, [retail](#), or marihuana processing operations.
- (13) [A drive-through use can be added that would be tied to the retail use. Must meet the Article 6 Standards, Section 54.611 Drive-Through Uses, and be a part of the project proposal.](#)

(134) 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:

(2) Odor. As used in this subsection, building means the building, or portion thereof, used for marihuana growing, retail, or operations.

(13) A drive-through use can be added that would be tied to the retail use. Must meet the Article 6 Standards, Section 54.611 Drive-Through Uses, and be a part of the project proposal.

(F) Marihuana Class A Microbusiness. Marihuana Class A Microbusiness – 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 and retail operations.
 - (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.

(G) Marihuana Educational Research. A marihuana educational research facility shall be subject to the following Standards, where not pre-empted by the State of Michigan:

(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.

(9) Use or consumption of marihuana or marihuana products may be conducted within the establishment/building or on the premises if permitted by the State of Michigan.

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

(12) If any research activities involve processing marihuana/cannabis, the requirements of subsection H or I of this section, for Marihuana Processors, are applicable.

(F H) Marihuana Processor – Light Manufacturing.

(G I) Marihuana Processor – Heavy Manufacturing.

(H J) Marihuana Retailer. Marihuana Retailers shall be subject to the following standards:

(11) A drive-through use can be added that would be tied to the retail use. Must meet the [Article 6 Standards, Section 54.611 Drive-Through Uses](#), and be a part of the project proposal.

(K) Marihuana Safety Compliance Facility

(L) 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.

All Section numbers below this will change to the following:

Section 54.6~~29~~³⁰ Reserved

Section 54.6~~30~~³¹ Mobile Home Parks

Section 54.6~~31~~³² Natural Resource Extraction

Section 54.6~~32~~³³ Nursing Home, Convalescent Home, Extended Care Facility, Assisted Living Facility

Section 54.6~~33~~³⁴ Office Uses

Section 54.6~~34~~³⁵ Open Storage

Section 54.6~~35~~³⁶ Outdoor Entertainment and Community Events

Section 54.6~~36~~³⁷ Outdoor Alcoholic Beverage Service

- Section 54.637 **38** Outdoor Food and Non-Alcoholic Beverage Service
- Section 54.638 **39** Outdoor Temporary Retail Sales
- Section 54.639 **40** Port Facilities and Docks
- Section 54.640 **41** Recreational Uses, Land Intensive
- Section 54.641 **42** Religious Institutions and Places of Assembly
- Section 54.642 **43** Residential Limited Animal Keeping.

Section 54.643 **44** Rooming Houses **and Hostels**

- (A) **On-Site Manager.** Rooming Houses **or Hostel** must have a manager on the premises when occupants are residing in the Rooming House **or Hostel**.
- (B) **Setback Requirements.** Rooming Houses **and Hostels** must comply with the yard requirements for duplexes (See [Section 54.613](#) and [Article 4](#)).
- (C) **Inspections.** Rooming Houses **and Hostels** must be inspected and licensed on a yearly basis, in compliance with the Property Maintenance Code and the City Business license section of the City Code.
- (D) **Parking.** At least three (3) off-street parking spaces must be provided on the site.
- (E) **Setback from Other Rooming Houses.** No Rooming House **or Hostel** shall be located within 500 feet of another rooming house **or hostel**.
- (F) **Outdoor Livability Space.** At least 25% of the lot must be used for outdoor livability space such as lawns, gardens, and/or outdoor patios.
- (G) **Pre-Application.** Prior to application for zoning approval, the applicant must meet with the Planning Department and is encouraged to inform the neighbors of plans for the rooming house.
- (H) **Minimum Lot Area and Width.** Rooming Houses must be located on sites having at least 9,000 square feet and 50 feet of frontage.

Section 54.644 **45** Schools

Section 54.645 **46** Shooting Range, Indoor

Section 54.646 **47** Supportive Housing Facility, Permanent and Transitional

Section 54.647 **48** Wireless Telecommunications Facilities

SECTION 6. Article 7 – General Provisions

Chapter 54 – LAND DEVELOPMENT CODE, Article 7 – General Provisions is hereby amended as follows:

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.

- (A) **Sidewalks and Landscaping.** Sidewalks and landscaping may be located in any yard setback.
- (B) **Architectural Features.** Cornices, canopies, eaves, or similar architectural features may project into required yard setback areas to a maximum of two and one-half (2.5) feet from the property line.
- (C) **Access Ways.** Unenclosed stairs, steps, fire escapes, and access ramps may project into yard setbacks, provided that they are set back at least twelve (12) inches from the front lot line, five (5) feet from the rear lot line, and three (3) feet from the side lot lines with the following exceptions:
 - (1) Front yard setbacks are not required for barrier-free access ramps if resident requires ramp access due to a disability and there is not adequate space to locate the ramp elsewhere on the property. When such ramp is no longer required it shall be considered a legal, non-conforming encroachment.
 - (2) Window wells, egress windows, and basement escape ladders required by fire codes may project into required yard setbacks the minimum amount necessary to meet the fire code requirement.
 - (3) Existing step or walls that are located between the front property line and 12 inches into the private property may be maintained but not rebuilt, per Section 54.1202 of the LDC. If existing steps or walls protrude into the public right-of-way and are in disrepair, a Grant of License to use public property must be sought for approval to conduct rebuilding work to restore the structure to like-new condition.
 - (4) New/Proposed steps must be set back at least 12 inches from the front property line, even if the Zoning District has a 0-ft front setback. If existing steps or walls protrude into the public right-of-way and are in disrepair, a Grant of License to use public property must be sought for approval to conduct rebuilding work to restore the structure to like-new condition.
- (D) **Unenclosed Balconies, Open Porches, Decks, and Patios.** Unenclosed balconies, open porches, carports and decks, and patios may project into a required yard setback by up to ten (10) feet provided they are at least five (5) feet from the rear lot lines, at least three (3) feet from the side lot lines, and at least five (5) feet from the front lot lines unless a different front yard setback for unenclosed balconies, open porches, and decks patios is permitted or required by [Article 4](#).
- (E) **Patios and at grade decks.** Patios and at grade decks may project into a required yard setback provided they are set back at least twelve (12) inches from the front lot line (even if the Zoning District has a 0-ft front setback), five (5) feet from the rear lot line, and three (3) feet from the side lot lines with the following conditions:
 - (1) The patio cannot occupy more than 20% of the front yard area if the surface is impervious to water percolation. Patios that are made of pervious materials or designed to allow water percolation or are mitigated by storm water detention facilities (such as rain gardens), and that are not used for parking, may occupy up to 30% of the front yard.
 - (a) If the patio is also used for parking it must also meet [Sections 54.902\(E\)\(1\)\(d\)](#) and [54.902\(E\)\(1\)\(e\)](#).
- ~~(E)~~ (F) **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.

(F) (G) Accessory Structures. Accessory structures may project as allowed in [Section 54.705](#).

(G) (H) Structural Amenities. A structural amenity, such as outdoor art, paintings, sculpture, fountains and similar water features, benches, arbors, doghouses, playsets, birdfeeders, clotheslines, air conditioners, detached open structures, and similar amenities as determined by the Zoning Administrator may be located a minimum of three (3) feet from a side lot line and a minimum of five (5) feet from a front or rear lot line, subject to the following requirements:

(H) (I) Food Production, Minor. Where Minor Food Production is permitted, the permitted structure encroachments are regulated in [Section 54.619](#).

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 and Structures. Where the accessory building or structure 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 or structures 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 or structures **(such as concrete or asphalt structures)** 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, with the following exceptions:

(a) **If the main structure's footprint is less than 500 square feet at full build out, an accessory structure may exceed the ground floor area of the main structure (home) by up to 10 percent of the footprint area of the main structure. An accessory structure footprint may be increased to equal that of the main structure if the main structure is remodeled to more than 550 square feet.**

(b) **Patio pavers that allow infiltration are not included in the 25% calculation.**

(B) Accessory Buildings and Structures in the Multiple Family Residential (MFR) District. In the MFR District, accessory buildings and structures for multiple-family buildings and apartments must meet the requirements of [Section 54.616\(C\)](#). For all other uses in the MFR District, the following requirements apply:

(1) Detached Accessory Buildings and Structures.

(a) Maximum Height. No detached accessory building or structure may exceed 16.5 feet in height.

(b) Minimum Side and Rear Yard Setbacks. Detached accessory buildings or structures **for a duplex** shall be located at least ~~ten (10)~~ **six (6)** feet from the side and rear property lines, **and for a single-family home shall be located at least (3) feet from the side and rear property lines. For all other uses in the MFR District besides multiple-family buildings and apartments, detached accessory buildings or structures shall be located at least ten (10) feet from the side and rear property lines.**

- (c) **Front Yard Location Prohibited.** No detached accessory building or structure shall be located in a front yard.
- (d) **Maximum Lot Coverage.** Detached accessory buildings or structures 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.
- (e) **Separation and Setback Distances.** No detached accessory building or structure shall be located closer than five (5) feet to any main building. Non-building accessory structures (e.g., fences and steps) or open buildings (i.e., a shelter without walls including 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.

(C) Accessory Buildings and Structures in **Central Business District (CBD), General Commercial (GC), Regional Commercial (RC), Municipal (M), Civic (C), Industrial/Manufacturing (I-M), Conservation and Recreation (CR),** and Board of Light and Power (BLP) Districts.

(1) Maximum Lot Coverage. No detached accessory building or structure in the CBD, GC, RC, C, I-M, CR, and BLP district may exceed the lot coverage of the principal building.

(1) Detached Accessory Buildings and Structures.

- (a) **Maximum Height.** No detached accessory building or structure may exceed 24 feet in height.
- (b) **Minimum Side and Rear Yard Setbacks.** Detached accessory buildings or structures shall be located at least six (6) feet from the side and rear property lines.
- (c) **Front Yard Location Prohibited.** No detached accessory building or structure shall be located in a front yard.
- (d) **Maximum Lot Coverage.** Detached accessory buildings or structures 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
- (e) **Separation and Setback Distances.** No detached accessory building or structure shall be located closer than five (5) feet to any main building. Non-building accessory structures (e.g., fences and steps) or open buildings (i.e., a shelter without walls such as a pergola) are not subject to the minimum separation distance requirements unless a minimum separation distance is required by the Building Official.

(D) Accessory Buildings and Structures in the Central Business District (CBD) and Conservation and Recreation (CR) Districts.

(1) Detached Accessory Buildings and Structures.

- (a) Maximum Height.** No detached accessory building or structure may exceed 18 feet in height.
- (b) Minimum Side and Rear Yard Setbacks.** Detached accessory buildings or structures shall be located at least three (3) feet from the side and rear property lines.
- (c) Front Yard Location Prohibited.** No detached accessory building or structure shall be located in a front yard.
- (d) Maximum Lot Coverage.** Detached accessory buildings or structures 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
- (e) Separation and Setback Distances.** No detached accessory building or structure shall be located closer than five (5) feet to any main building. Non-building accessory structures (e.g., fences and steps) or open buildings (i.e., a shelter without walls such as a pergola) are not subject to the minimum separation distance requirements unless a minimum separation distance is required by the Building Official.

(E) Accessory Buildings and Structures in the Industrial/Manufacturing (I-M) District.

(1) Detached Accessory Buildings and Structures.

- (a) Maximum Height.** No detached accessory building or structure may exceed 60 feet in height.
- (b) Minimum Side and Rear Yard Setbacks.** Detached accessory buildings or structures shall be located at least ten (10) feet from the side and rear property lines. Please also refer to Section [54.403\(P\)](#) for additional setback standards.
- (c) Front Yard Location Prohibited.** No detached accessory building or structure shall be located in a front yard. Exceptions may be granted for security or similar reasons.
- (d) Maximum Lot Coverage.** Detached accessory buildings or structures 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
- (e) Separation and Setback Distances.** No detached accessory building or structure shall be located closer than five (5) feet to any main building. Non-building accessory structures (e.g. steps) or open buildings (i.e., a shelter without walls such as a pergola) are not subject to the minimum separation distance requirements unless a minimum separation distance is required by the Building Official.

The rest of the items would be changed

- (D F) Exemptions..**
- (E G) Structures Accessory to Food Production, Minor.**
- (F H) Temporary Structures in all Zoning Districts**
- (G I) Rooftop Accessory Buildings and Structures**

SECTION 7. Article 9 – Parking, Loading, and Access Management

Chapter 54 – LAND DEVELOPMENT CODE, Article 9 – Parking, Loading, and Access Management is hereby amended as follows:

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.

- (a) **Definition of “Front Area.”** For the purposes of [Section 54.902\(E\)\(1\)](#) only, the “Front Area” is that area located between the edge of the physical street and the nearest point of the dwelling foundation (excluding open porch projections), projected parallel from the street.
- (b) **Off-Site Parking in the LDR and MDR Districts.** In the LDR and MDR districts, off- street parking may be located on a site other than the site to which it pertains, and within the City limits or in an adjacent township.
- (c) **Maximum Rear Yard Paving.** In the LDR and MDR districts, no more than 25% of the rear yard may be paved (including but not limited to asphalt or concrete, but with the exception of compacted gravel) for parking provided the impervious surface coverage limits of the lot (see [Article 4](#)) are not exceeded.
- (d) **“Front Area” Parking Limitations.** Parking in the front area is permitted only on an approved hard surface parking space and/or driveway, or in a garage (see definition of “Hard Parking Surface” in [Section 54.202\(A\)\(91\)](#)). Parking spaces in the front yard area must be at least two (2) feet from the side lot line, at least two (2) feet from the inside edge of a sidewalk, and at least ten (10) feet from the edge of an established street. The encroaching driveways and parking spaces must be drained so as to dispose of all surface water accumulated in such a way as to preclude drainage of water onto adjacent property or toward adjacent buildings. New or expanded driveways must be separated from the side lot line by a minimum of 12 inches of pervious surface (including but not limited to uncompacted pea gravel, cobbles, grass, etc.) to ensure a pervious buffer between driveways and the adjacent lot line, with the exception of the presence of a retaining wall along the subject lot line or other such difficulty. The Zoning Administrator may permit parking in a front area during the winter parking ban period for single-family or duplex dwelling units upon request for a Front Yard Parking Waiver for a limited time when the site cannot be altered without causing a hardship on the property owner, or indefinitely in rare cases that the site cannot be reasonably altered to create one (1) additional parking space or a widened driveway. Self-created difficulties, such as adding renters and vehicles, are not applicable to the consideration for a Front Yard Parking Waiver.

~~(e) **Maximum Driveway Width and Paved Area.** The maximum width of a driveway is 18 feet wide on a lot up to and including 50 feet in width and 24 feet wide on a lot 100 or more feet in width. The width of driveways on lot widths between 50 and 100 feet are prorated accordingly. A driveway may be widened beginning at a point two (2) feet from the inside edge of a sidewalk or ten (10) feet from the edge of an established street without sidewalks, provided the hard parking surface areas of the driveway or driveways and parking spaces utilize no more than 30% of the front area. An application for the paving of more than 30% of the front area can only be accepted if a variance is first approved for the proposed paving pursuant to [Section 54.1404](#). On corner lots, there shall be two (2) front areas. The overlapped area at the corner may be counted with either front area, but not both, at the discretion of the property owner. The two (2) front areas may not be combined for the purpose of exceeding the 30% maximum hard parking surface within either front area.~~

(e) Maximum Driveway Width and Paved Area.

(i) Single-family uses:

a. For lots with one driveway - The maximum width of a driveway on a single frontage is 18 feet wide on a lot up to and including 60 feet in width, and 24 feet wide on a lot of more than 60 feet in width.

b. For lots with two driveways - On a lot 100 feet or more in width, the maximum width of both driveways combined is 36 feet wide on the same frontage. Lots of more than 100 feet in width may have two driveways of up to 24 ft. in width on the same frontage or on separate frontages.

(ii) Duplex/two-family uses - The maximum width of a driveway is 24 feet wide.

(iii) A driveway may be widened beginning at a point two (2) feet from the inside edge of a sidewalk or ten (10) feet from the edge of an established street without sidewalks, provided the hard parking surface areas of the driveway or driveways and parking spaces utilize no more than 30% of the front area for single-family dwelling units and no more than 40% of the front area for duplex dwelling units.

(iv) An application for the paving of more than 30% of the front area can only be accepted if a variance is first approved for the proposed paving pursuant to *Section 54.1404*.

(v) On corner lots, there shall be two (2) front areas. For single-family dwelling units the overlapped area at the corner may be counted with either front area, but not both, (at the discretion of the property owner) and the two (2) front areas may not be combined for the purpose of exceeding the 30% maximum hard parking surface within either front area. For duplex dwelling units, the overlapped area at the corner may overlap and be combined to utilize up to 40% of the front area for hard parking surfaces in either or both front areas.

(5) Non-LDR and Non-MDR Districts. In all districts except the LDR and MDR districts, the following requirements apply:

(a) Parking Lot Location and Off-Site Parking. Parking must be located within 2,000 feet of the lot on which the use is located measured from lot corner along a street or streets. If the use is located in a building the distance shall be measured along streets from the nearest point of the building to the nearest corner of the lot on which the parking is located.

(b) Site Plan Review of Off-Site Parking. In all districts, except residential, where off-street parking is located on a lot other than the lot occupied by the use which requires it (an Off-site Parking Spot), site plan approval for both lots is required, unless the scope of the proposed alteration to the Off-site Parking Spot does not require Site Plan Review (per Figure 51) – in which case only a Zoning Compliance Permit would be required from the OPS property owner.

Section 54.903 Minimum/Maximum Number of Parking Spaces

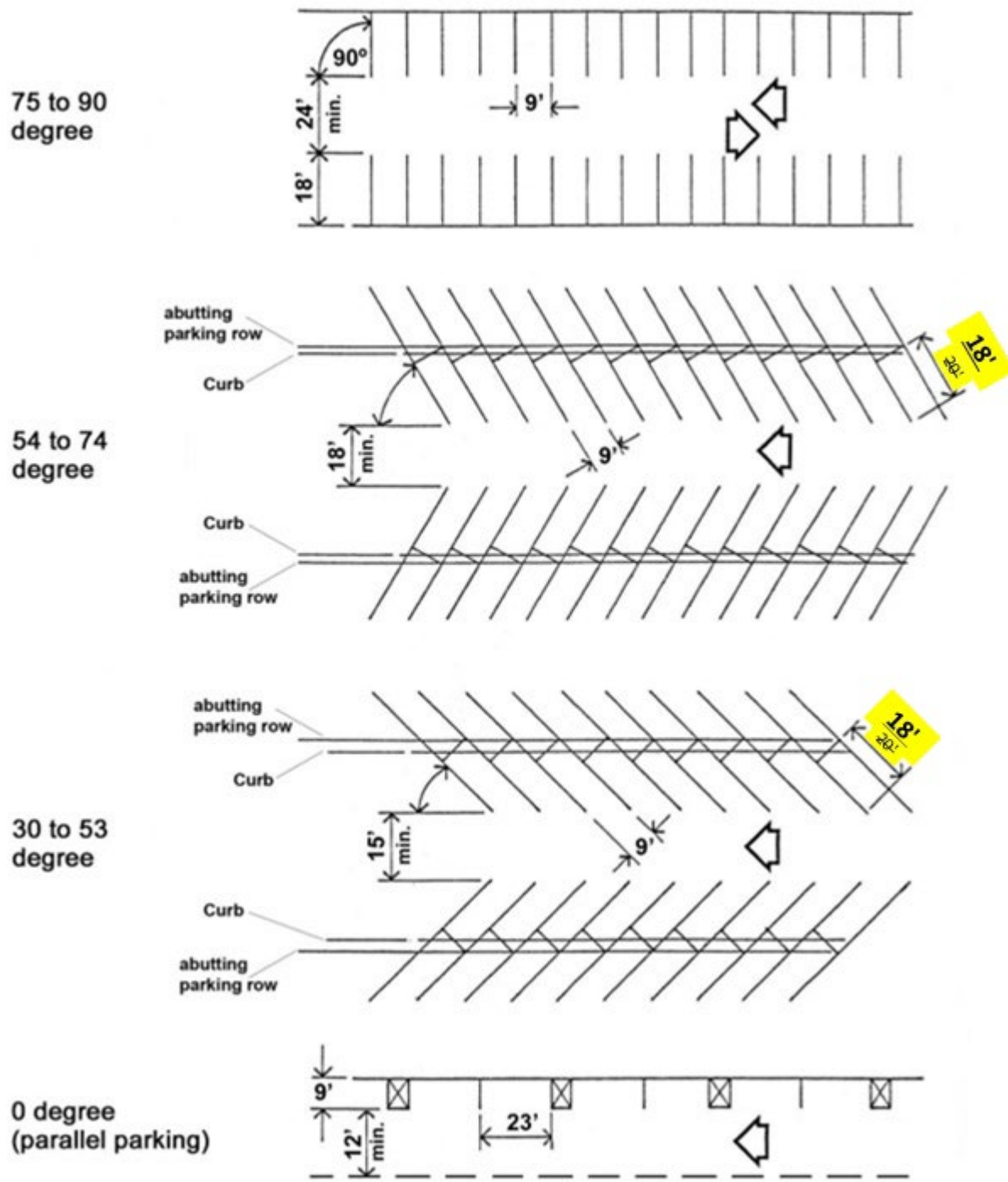
Figure 43. Parking Reduction Formula

Land Use	Minimum/Maximum Parking Requirement (standards show the parking minimums unless stated)
(A) Residential and Lodging	
(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 -19 dwelling units, except subsidized (below market rate) and senior housing.	Two (2) spaces per each dwelling unit with more than one bedroom; one (1) parking space must be provided for each one-bedroom dwelling unit 1.125 spaces per dwelling unit, except the M-U and CBD zoning districts require 1.125 space per any dwelling unit. 2 motor vehicle parking spaces per dwelling unit is the maximum allowed.
(4) Multiple-Family units with 20 or more dwelling units, subsidized housing units (including Section 8 and other programs)	Two (2) spaces per each dwelling unit with more than one bedroom; one (1) parking space must be provided for each one-bedroom dwelling unit, except the M-U and CBD zoning districts require 1.125 space per any dwelling unit. 2 motor vehicle parking spaces per dwelling unit is the maximum allowed.
(8) Rooming Houses and Hostels	Three (3) 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, Marihuana Education Research, 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
(6) Outdoor Recreation	One (1) space per 10,000 square feet of space dedicated to recreation activities (not to include offices, restrooms, landscaped areas, roads, etc.)

Section 54.905 Parking Layout, Design, Construction, and Maintenance

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



SECTION 8. Article 10 – Landscaping and Screening

Chapter 54 – LAND DEVELOPMENT CODE, Article 10 – Landscaping and Screening is hereby amended as follows:

Article 10 Landscaping and Screening

Section 54.1002 Scope of Application

(A) **Uses, Lots, Sites, and Parcels for Which Site Plan Review is Required.** The requirements set forth in this Article shall apply to all uses, lots, sites, and parcels for which Site Plan Review is required and which are developed or expanded following the effective date of this Ordinance. No site plan shall be approved unless that site plan shows landscaping consistent with the provisions of this Article. Furthermore, where landscaping is required, a Zoning Compliance Permit shall not be issued until the required landscape plan is submitted and approved and a Certificate of Occupancy shall not be issued unless provisions set forth in this Article have been met or a performance guarantee has been posted in accordance with the provisions set forth in [Section 54.1402\(H\)](#).

~~(B) **Existing Buildings.** In cases where the use of an existing building changes or an existing building is altered or re-occupied, all of the standards of this Article shall be met, where possible, without altering the layout of the buildings, structures, parking areas, and vehicle and pedestrian circulation systems.~~

(B) Existing Buildings. Meeting the requirements of this Article are optional, in cases where the use of an existing building changes or an existing building is re-occupied and for building and/or site alterations that do not require Site Plan Review.

Section 54.1004 Standards for Plant Materials

(A) **Lawn Areas and Other Open Space Areas.** Lawn areas and other open space areas that are to remain undeveloped shall be planted in species of grass or other perennials normally grown in the Upper Peninsula to provide suitable groundcover and prevent soil erosion. Lawn areas and other open space areas may be sodded or seeded and mulched, except that City may require solid sod or additional planting requirements in swales or other areas subject to erosion and periodic high-water volumes. Sod or seed shall be clean, free of weeds and noxious pests or disease.

SECTION 9. Article 11 – Signs

Chapter 54 – LAND DEVELOPMENT CODE, Article 11 – Signs is hereby amended as follows:

Article 11 Signs

Section 54.1105 Signs Permitted by Zoning District

(C) Sign Regulations Applicable to the Central Business District (CBD)

Sign Type	CBD Districts			
Freestanding Ground Sign and Freestanding Monument Sign (Section 54.1109(B))	Maximum Number: 1 of either type of sign per lot. Maximum Area: 75 sq. ft.			
	A parcel with an approved drive-through lane may have 2 additional monument or ground signs per approved drive-through lane located within 6 ft. of the drive-through lane, not greater than 8 ft. high, not greater than 24 sq. ft. each, and not legible from the right-of-way or any lot line. The drive-through lane monument or ground signs may be Electronic Message Center (EMC) signs, provided they meet all of the requirements of Section 54.1109(I) . The City may require screening pursuant to Article 10 .			
Freestanding Pole Signs (Section 54.1109(A))	Permitted on W. Washington Street, only west of the Fifth Street intersection.			
	Max. Number: 1 Freestanding Monument/Ground Sign or 1 Freestanding Pole Sign per separate street frontage.			
	Max. Height and Max. Area: The maximum height and maximum area of a Freestanding Pole Sign and, if applicable, an additional Freestanding Pole Sign on a street frontage, shall be based on the speed limit of the adjacent street as follows:			
	Max. Area for First Freestanding Sign Per Frontage: 50 sq. ft.	Max. Height for First Freestanding Sign Per Frontage: 20 ft.	Max. Area for Additional Freestanding Sign Per Frontage: 30 sq. ft.	Max. Height for Additional Freestanding Sign Per Frontage: 12 ft.

Section 54.1109 General Sign Standards

(D) Blade Signs:

(1) Minimum Height. No portion of a blade sign shall be less than ~~ten (10)~~ **eight (8)** feet above grade.

(E) Awning, Canopy, and Marquee Signs:

(1) Minimum Height. Awnings, canopies, and marquees, shall not be placed less than eight (8) feet above a public sidewalk or right-of-way, with the exception of the replacement of legally non-conforming historic signs (per the definition of *historic sign* in [54.1103](#)).

(6) Signs Suspended Under Awnings, Canopies, and Marquees. Where signs are suspended under awnings, canopies, or marquees, the following conditions shall apply:

(c) Minimum Height. Signs shall be no less than ~~nine (9)~~ **eight (8)** feet above the sidewalk

SECTION 10. Article 12 – Nonconformities

Chapter 54 – LAND DEVELOPMENT CODE, Article 12 – Nonconformities is hereby amended as follows:

Section 54.1202 Nonconforming Uses and Structures

If a structure or the use of a structure or of the land is lawful at the time of enactment of this Ordinance or an amendment to this Ordinance, then that structure or use may be continued although the structure or use does not conform to the Ordinance or amendment. The following sub-sections contain provisions for: classifications of different nonconforming uses and structures; repairs; maintenance; discontinuance; substitutions; expansions; and reconstruction of nonconforming structures and uses:

- (A) Classifications of Nonconforming Uses and Structures.** Pursuant to Section 208 of the Michigan Zoning Enabling Act (Public Act 110 of 2006, as amended), the City of Marquette establishes different classifications of nonconforming uses and structures as defined and provided for in this article. Class A Nonconforming Uses and Structures are regulated in [Section 54.1202\(B\)](#), and Class B Nonconforming Uses and Structures are regulated in [Section 54.1202\(C\)](#):
- (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.

 - (i) Exception:** Two single-family structures on one lot/parcel are considered Class B Nonconforming and would need to get approval from the BZA to be classified as Class A Nonconforming.
 - (b) Nonconforming Uses or Structures Designated by the Board of Zoning Appeals as Class A Nonconforming Uses or Structures.** ~~Nonconforming uses or structures which have been so designated by the Board of Zoning Appeals as Class A Nonconforming Uses or Structures.~~ To qualify as a Class A Nonconforming Use or Structure, the Board of Zoning Appeals must make affirmative findings on all of the following:

 - (i)** Continuance thereof would not be contrary to the public health, the safety, or welfare, or to the spirit of this Ordinance.
 - (ii)** The use of structure does not and is not likely to significantly depress the value of nearby properties.
 - (iii)** The use or structures was lawful at the time of its inception.
 - (iv)** No useful purpose would be served by strict application of the provisions or requirements of this Ordinance with which the use or structures does not conform. All nonconforming uses and structures not designated as Class A are Class B nonconforming uses or structures. Class A or Class B designations do not apply to nonconforming lots ([Section 54.1203](#)).

SECTION 11. Article 14 – Administrative Procedures

Chapter 54 – LAND DEVELOPMENT CODE, Article 14 – Administrative Procedures is hereby amended as follows:

Article 14 Administrative Procedures

Section 54.1401 Zoning Permits and Zoning Compliance Review

(A) Submission of Zoning Compliance Application Required. No person shall commence to erect, alter, or repair any structure or to replace or enlarge any of the uses listed in [Section 54.1401\(B\)](#), without first obtaining Zoning Compliance and approval of plans. No use shall be carried on, nor construction undertaken, except as shown upon an approved Zoning Compliance application and plan. Plans shall be submitted to the Zoning Administrator or designated official.

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

(1) 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.

(a) 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 [Section 54.1402\(B\)](#) and special land uses must be reviewed in accordance with [Section 54.1403](#).

(C) Required Information for Zoning Compliance Review. The required form of, and information on, plans shall include:

(6) For non-residential interior remodeling, two (2) copies of plans sized 24 inches by 36 inches shall be drawn to a scale acceptable to the Zoning Administrator and shall be sealed by a professional engineer or architect. **One digital copy of the complete plan set must also be submitted.**

Section 54.1402 Site Plan Review

(B) Uses Subject to Site Plan Review, Minor Site Plan Review, and Exemptions. The required review process for uses and development is described in *Figure 51*. All uses and development, regardless of whether site plan review is required, are subject to the Zoning Compliance review requirements of *Section 54.1401*. The Zoning Administrator may approve or conditionally approve minor site plans that meet the standards herein, as described in *Figure 51* and *Section 54.1402(D)(1)*. All site plans must be reviewed by the Planning Commission. Three levels of Site Plan Review are conducted by the Planning Commission — Sketch Plan Review, Preliminary Site Plan Review (PSPR), and Final Site Plan Review (FSPR).

, with the exception of those for Special Land Uses, Planned Unit Developments, and those for any commercial development (incl. multi-family dwellings) that is:

- (1) proposed to have either a footprint area of 16,000 square feet or greater, or a gross floor area of 40,000 sq. ft. or greater.
- (2) proposed to have more than 20 dwelling units or lodging rooms.
- (3) recommended by the Zoning Administrator or City Attorney for review by the Planning Commission.

Figure 51. Required Review Process Based on Development Activity

Development Activity	Site Plan Review Required by P.C.	Minor/Admin Site Plan Review	Exempt from Site Plan Review
Special land uses	●		
Planned Unit Developments	●		
New construction, additions, or alterations of any non-residential building or buildings, unless the activity is exempt or requires minor site plan review.	●		
New building construction totaling more than either 16,000 sq. ft. in footprint area or 40,000 sq. ft. in gross floor area.	●		
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.	✘	●	
Site Condominium development – New, amendment, or expansion	●		
New construction, additions, alterations, or site improvements for multi-family residential units that contain or will contain five (5) to twenty (20) dwelling units, and for multi-family residential additions, alterations, or site improvements that are not otherwise exempt (as stated below), unless site plan review is required due to size criteria being met.		●	
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 industrial, commercial, or multi-family residential building footprint or less than 2,500 square feet, unless otherwise exempt.		●	
Any expansion or change in an existing land use if more parking in addition to that already provided is required.		●	

Development Activity	Site Plan Review Required by P.C.	Minor/Admin Site Plan	Exempt From Site Plan Review
Any earthwork greater than 20,000 square feet in size for a non-residential use; or earthwork that is more than half the size of the parcel upon which commercial, industrial, mixed-use or multi-family land use is occurring or intended.		●	
Site improvements of more than 2,000 square feet that include landscaping, site access, and parking lot grading, layout, and new off-street parking, unless the activity is exempt.		●	
Commercial and non-residential buildings of less than 2,000 16,000 square feet in total, unless the activity requires site plan review.		●	
Condominium development – New, amendment, or expansion		●	
If only adding a new driveway to an existing off-street parking lot and not affecting the parking lot.			●
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, accessory structures, and renovations that are less than 10% of the size of the original industrial, commercial or multi-family residential building footprint or less than 500 square feet.			●
Interior remodeling or interior construction.			●
Landscaping that is less than 25% of the parcel size or 5 2,000 square feet.			●
Site improvements that are less than 2,000 square feet, and site lighting, unless the activity requires site plan review or minor site plan review.			●
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.			●

(F) Validity of Approved Site Plans and Expiration.

(1) Approval, including Conditions, Attached to the Property. Approval of a site plan, including conditions made as part of the approval, is attached to the property described as part of the application and not to the owner of such property.

(2) Validity of Approved Site Plans.

(a) Expiration. Site plan approval shall expire one (1) year from the date of approval by the Planning Commission, or by the Zoning Administrator for minor site plans, except for phased projects that are required to follow a project timeline. If the site plan is approved with conditions that require revisions to the site plan, the applicant must make the required revisions and submit the revised plans to the City prior to the expiration date.

(b) Halt in Construction. The Planning Commission or Zoning Administrator, according to

which entity approved the plan, may revoke the zoning approval if work on a project is halted for at least two (2) months, except during winter conditions, if the conditions warrant.

- (c) **Extension.** The Planning Commission may grant two (2) one-time extensions to the expiration deadline, not to exceed one (1) year each, provided the request for an extension must be submitted at least 45 26 days prior to the expiration of the site plan approval and must meet the following standards. The Zoning Administrator may similarly grant extensions of administratively approved site plans.

Section 54.1405 Zoning Ordinance Amendment Procedures

(H) Rezoning (Zoning Map Amendment) with Conditions. Pursuant to MCL 125.3405, the City Commission, following a public hearing and recommendation by the Planning Commission, may approve a petition for a rezoning with conditions requested by a property owner. The standards of this section shall grant a property owner the option of proposing conditions for the development and use of property in conjunction with an application for rezoning. Such conditions may be proposed at the time the application for rezoning is filed, or at a subsequent point in the process of review of the proposed rezoning of requesting approval for the proposed rezoning with conditions, not more than 90 days after a public hearing in which City Commission approval of a Conditional Rezoning request is granted, in the form of a Conditional Rezoning Agreement.

(1) Conditional Rezoning Agreement. The conditions attached to the rezoning shall be set forth by submitting a conditional rezoning agreement listing the proposed conditions. A Rezoning with Conditions is not considered to be fully approved until a Conditional Rezoning Agreement (CRA) is approved. Failure to present the CRA for approval within the 90-day period identified above will terminate the request process and require the applicant to begin the process again and submit a new rezoning application. A conditional rezoning agreement shall contain the following information:

(3) Period of Approval. Unless extended by the City Commission for good cause, the rezoning with conditions shall expire following a period of two (2) years from the effective date of the rezoning date on which the City Commission approves the Conditional Rezoning Agreement for the request, unless bona fide development of the property pursuant to approved building and other permits required by the City commences within the two (2) year period and proceeds diligently and in good faith as required by ordinance to completion.