

# GUIDE TO DEVELOPMENT



## City of Marquette

[www.marquettemi.gov](http://www.marquettemi.gov)

Community Development Dept.

Planning, Engineering, Zoning

1100 Wright Street, Municipal Service Center

Hours of operation: 7:30 a.m. – 4:30 p.m., Mondays-Fridays

<https://www.marquettemi.gov/departments/community-development/>



906-228-0440

## Let us Guide You...

This guide was prepared to help everyone - from residents wondering if they need a permit to replace a fence, to design professionals acting as development consultants - to briefly acquire a basic understanding of the procedures and requirements that are in place for development approval in the City of Marquette. Although this guide provides detailed information about numerous issues, it is a summary of hundreds of pages of codes, so for complete information the source codes should be consulted, and/or the professional staff in the Community Development Department should be contacted for assistance. Below you will find specific content hyperlinked and a page number if you are scrolling through or would like to print a copy. Please contact us with any questions or concerns.

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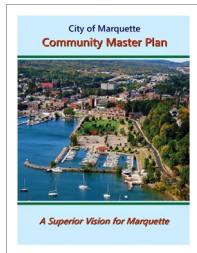
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## INTRODUCTION

The City of Marquette was formally established in 1871, and it is the largest city in Upper Michigan and is a regional hub for education, health care, government, recreation/sports and entertainment, cultural activities, and shopping. Marquette is guided by a *City Charter* that defines the municipal governance structure and authorities, and by the adopted *Community Master Plan* recommends policies and subplans for land use and development, zoning, transportation, environmental resources, and more. The adopted Community Master Plan recommends policies and subplans for land use, transportation, development, and zoning, based on a community vision:



“The City of Marquette is the Superior location to live, learn, work, and enjoy life!”

➤ Find the **Community Master Plan** online here:

<https://www.marquettemi.gov/departments/community-development/planning/>

- The **Future Land Use Map** is published on p.3-14
- The **Proposed Zoning Map** is published on p.3-24

## Land Development Code - Zoning Maps

The City’s **Land Development Code (LDC)** establishes land use law as recommended by the Community Master Plan and it includes a both traditional zoning districts and techniques (based on land uses) as well as form-based codes, and specifies the standards for signs, fences, the subdivision of land, and administration of the LDC.

➤ Find the **Land Development Code (LDC)** online here:

<https://www.marquettemi.gov/departments/community-development/zoning/>

➤ An **online LDC portal** with interactive maps, including zoning districts that can by isolated/selected, as well as the Land Development Code text is available here:  
<https://maps.viewprogis.com/ecp/marquette-mi#> (click on embedded links below)

- The [Table of Uses by District](#) (begins on p.3-3 of the LDC)
- The [Official Zoning Map](#) (on the last page of the LDC)

➤ Download a Zoning Compliance Permit by clicking [here](#) for single-family/duplex, for all others click [here](#).

➤ For all other Zoning Permits, click [here](#).

➤ For Building Permits (Marquette County Building Codes Department), click [here](#).

## Permit Fees

The City of Marquette has an annual budget cycle, so permit fees are updated annually on October 1<sup>st</sup> with the implementation of each annual budget. The current year Fee Schedule lists all fees for the City’s operations, and most of the fees associated with development are listed under the Community Development Dept. section of the schedule. The applications found by using the links provided above will include the up-to-date required fees. Please find the fee schedule here: [Fee Schedule FY2023-2024](#).

## RELEVANT BOARDS and COMMISSIONS

Commission / Board name	Responsibility regarding Property Development	Meeting Information	Staff Contact Person
Planning Commission	Master Planning; Zoning/ Code recommendations; review of some Site Plans, all Special Land Use Permits, all Rezoning requests, all PUDs	1 <sup>st</sup> and 3 <sup>rd</sup> Tuesdays of each month*, beginning at 6:00 p.m., usually in the City Hall Commission Chambers	David Stensaas, City Planner
Board of Zoning Appeals	Appeals board for LDC (dimensional standards only), IPMC violations, and administrative decisions	1 <sup>st</sup> Thursday of each month*, beginning at 7:00 p.m., in the City Hall Commission Chambers	Andrea Landers, Zoning Official
City Commission	Approval of Planned Unit Developments, Subdivisions, Development Codes, Rezoning Requests	2nd and last Mondays of each month, beginning at 6:00 p.m., in the City Hall Commission Chambers	Sean Hobbins, Assistant City Manager

\*special meetings at other times may be possible, there is an application and fee that applies if the proposed meeting date is available to the Planning Commission or BZA members.

## RELEVANT STAFF

Department / Division	Staff Contact Person	Title	Telephone # (906)	E-mail address @marquettemi.gov	Primary responsibilities
Community Development	Dennis Stachewicz	Director	225-8377	dstachewicz	Dept. oversight, economic development and project planning
Engineering Division	Mikel Kilpela	City Engineer	225-8979	mkilpela	Oversight of City street/utility projects, curb cut and driveway permits, right-of-way work permits
Planning-Zoning Division	David Stensaas	City Planner and Zoning Administrator	225-8103	dstensaas	Long-range planning, Code updates, Planning Commission liaison
Planning-Zoning Division	Andrea Landers	Zoning Official	225-8383	alanders	Zoning permits and site plan review; BZA liaison
City Manager	Sean Hobbins	Assistant Manager	225-8387	shobbins	Development agreements, municipal property sales
City Clerk	Kyle Whitney	Deputy City Clerk	225-8667	kwhitney	Business licensing and related activities
Assessing	Dulcee Ranta	City Assessor	225-8378	dranta	Land division applications, tax assessment
Fire	Jeff Fossit	Fire Marshal	225-8953	jfossit	Fire prevention, enforcement of relevant codes
Public Works	Scott Cambensy	Superintendent	228-0444	scambensy	Water and Sewer permits, street maintenance, arborist, sexton, parks maintenance.

## Land Use Applications and Approval Authority

There are several applications that are handled by the Community Development Dept., but the main permit that is needed in order to proceed to either construct something or seek a building permit is the Zoning Compliance Permit (ZCP). For fences, signs, residential accessory structures, residential animal keeping, interior remodeling, re-paving, residential driveways, and some other "small-scale" activities a ZCP may be all that is required.

For commercial, and larger-scale residential projects a Site Plan Review application is likely to be required in order to acquire a ZCP. The Site Plan Review may be reviewed administratively (by staff), or it may be required to be reviewed by the Planning Commission, depending on the scope of work proposed. Details are provided in the section on Site Plan Review below. Other applications - for Special Land Uses, Planned Unit Developments, Rezoning, LDC text amendments - are subject to both Planning Commission and City Commission approval. Table 1, below, shows the type of application in the first column and the relevant approval authority, or review requirements, per the LDC.

**Table 1 - Land Use Applications and Approval Authority**

	<i>Makes Recommendation</i>	<i>Approves</i>			
	Planning Commission	Planning Commission	City Commission	Board of Zoning Appeals	Administrative (Staff)
Site Plan		X			X (limited*)
Special Use Permit		X			
Rezoning/Conditional Rezoning	X		X		
Text Amendment	X		X		
Zoning Compliance					X
Variance				X	
Appeal				X	
Intpretation				X	

\*Projects that meet the Minor Site Plan Review as described in the LDC Figure 49 or for the MDW form-based code site plan reviews that have a maximum building floor-plate (footprint) of 25,000 sq. ft.

## Planning Commission and Board of Zoning Appeals Filing Deadlines and Agendas

For applications that requires Planning Commission approval there is a table on our website that shows the deadline for the submission of "complete" applications (those providing all required information, including site plan information, and fees) for the current year's scheduled meetings. You can also find the published agendas and approved meeting minutes from past meetings online as well. See: <https://www.marquettemi.gov/commission/boards-and-committees/current-rosters/planning-commission/>

For cases that are going to the Board of Zoning Appeals (BZA), for published BZA agendas and approved meeting minutes, see: <https://www.marquettemi.gov/board-of-zoning-appeals/>

## Zoning Compliance Permits

The purpose of a Zoning Compliance Permit (ZCP) review is to ensure that the proposed use, structure, fence, sign(s), site work/improvements (landscaping, grading, clearing), etc., meets the requirements of the Land Development Code (LDC). See the following page for a list of the land uses and development that is subject to a ZCP application. Download a Zoning Compliance Permit by clicking [here](#) for single-family/duplex, for all others click [here](#).

***The following uses and development are subject to Zoning Compliance Permit (ZCP) application (per section 54.1401(B) of the LDC):***

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

### Pre-Application Conferences are Encouraged

A pre-application meeting with staff allows for a preliminary review of the application procedures, project timelines, compliance with the LDC, and other project criteria, and prevents most situations that may result in a project being administratively delayed. Pre-application meetings are recommended for applicants and their representatives, particularly for the development of Site Plan applications of any scale, for Special Use Permit applications, Planned Unit Developments, and Rezoning applications. Our staff welcomes opportunities to meet with applicants at their request for any zoning application, but for many relatively simple projects a phone call may be the most efficient way to address initial concerns.

## Site Plan Review

**Site Plan Review is required to ensure that our community develops in a predictable way that is in conformance with the City ordinances. If Site Plan Review is required for the project a Zoning Compliance Permit will be issued following approval of the Site Plan Review application by staff or the Planning Commission, per Table 1.**

The required review process for uses and development is shown in Table 2 on the following page, which replicates Figure 49 of the Land Development Code. This information, along with Permitted Uses by Zoning District, the Schedule of Regulations (dimensional requirements for lots, yards, building height, etc.), Parking requirements and Sign standards - by zoning district - may be found online [here](#). Download a *Site Plan Review* application [here](#).

## Steps in the Basic Permit Process - Zoning Compliance and Site Plan Review

### A. Initial Application Submission and Review

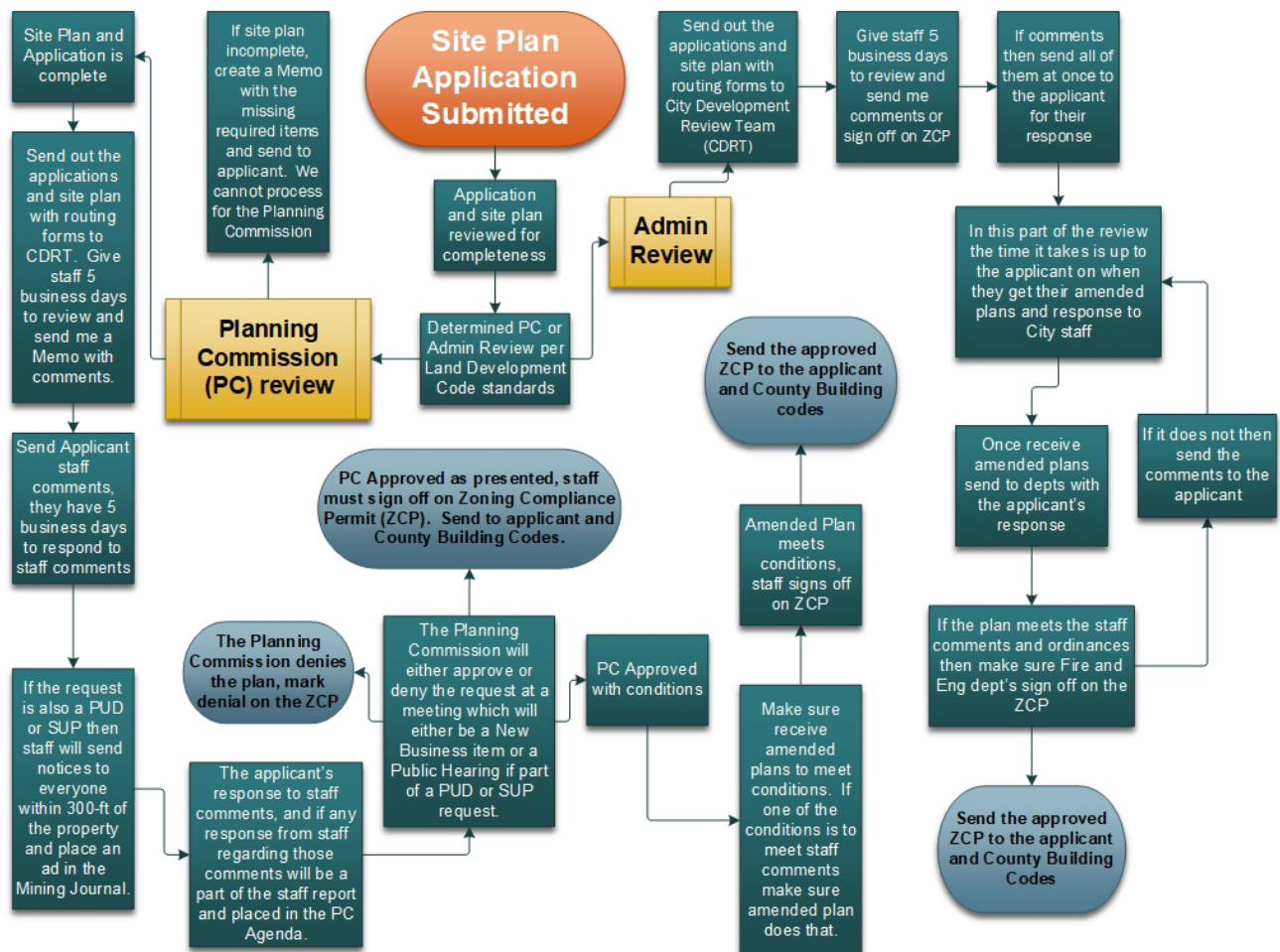
- 1) Submit your completed, signed application(s) with a check made out to the City of Marquette for the appropriate fee. Be sure to fully describe the project.
- 2) Zoning staff reviews the application(s) for completeness (per section 54.1401(C) of the Land Development Code) and accepts it if all required items, including the property owner's signature, are complete.

#### FOR ZONING COMPLIANCE PERMITS ONLY:

Staff shall, *within ten (10) business days*, grant approval of a Zoning Compliance Permit in writing, or deny approval in writing, if it is not linked to a Site Plan (see below for Site Plan Review). When approved staff will notify the applicant by phone and e-mail, and will also provide a digital copy of the permit to the County Building Codes office if a Building Permit will be required (as the Zoning permit is prerequisite to the Building Permit).

### B. Site Plan Review (SPR) – for all site plans – Permitted Uses, Special Uses, and PUDs

In addition to step A, our staff will review the SPR application *site plans* with a checklist to identify the required elements for preliminary and final *site plans*, as well as for sketch plans - as shown in [Figure 52 of the Land Development Code](#). If the *site plans* are complete, they will be circulated to relevant City staff members for their review and comments (Engineering, Fire, DPW, Police). If the plans are missing required elements, the *site plan set* may be denied for incompleteness. After the applicant has provided all the required information the *site plans* will be reviewed, and a review by the Planning Commission (PC) will be scheduled if required (click [here](#) to access PC agenda deadlines online). See the flowchart below for details.



**Table 2 - Required Review Process Based on Development Activity**

Development Activity	Site Plan Review (SPR)	Minor Site Plan Review	Exempt from SPR
Special land uses	•		
Planned Unit Developments	•		
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	•		
Site Condominium development - New, amendment, or expansion	•		
Filling a parcel of land to an elevation above the established grade of adjacent developed land.		•	
New construction, additions, alterations, or site improvements for multi-family residential units that contain or will contain five (5) to twenty (20) <u>dwelling units</u> , and for all 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 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		•	
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 less than 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			•
Multi-family dwelling 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 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			•

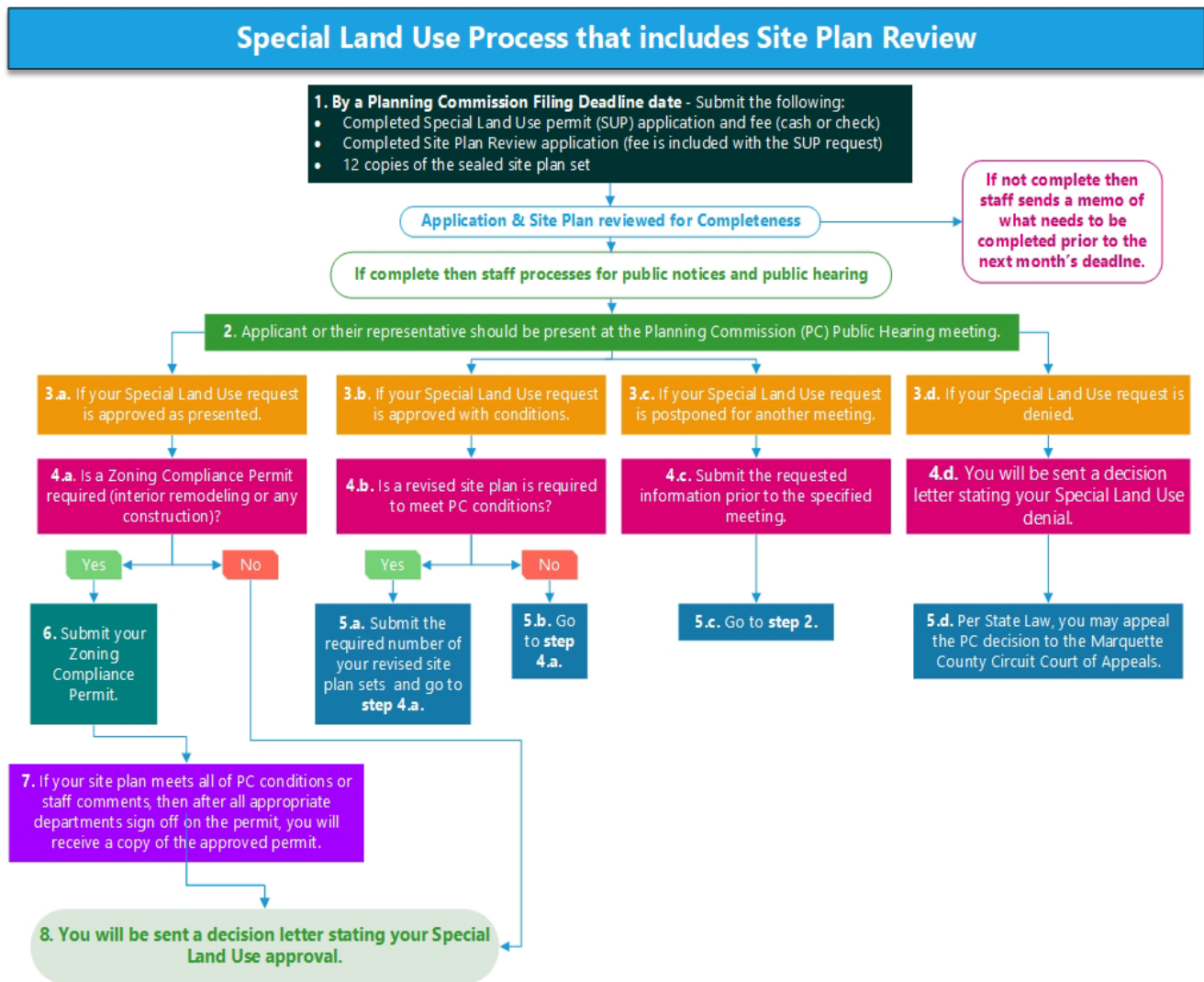
## Special Land Use Permits (SLUPs)

Some land uses in a zoning district are permitted “by right” (also known as “principal uses”), and the establishment or expansion of those types of activities are allowed via standard application and permitting procedures. But there are other land uses may be permitted in a zoning district, and those are identified in Article 3 of the Land Development Code as [Special Land Uses](#), and there are additional [standards](#) that are specific to each use and an application for a Special Land Use Permit is required to be reviewed in a public hearing conducted by the Planning Commission (PC).

The **application process for a SLUP** is subject to the same administrative procedures and timeframes as that for a Site Plan Review application (see page 7 above), as site plans are required to be submitted with each SLUP application, with the added requirements for:

- 1) Review of the Special Land Use standards specific to the use (as stated in Article 6 of the LDC); and
- 2) A Public Hearing will be held by the Planning Commission.

The Public Hearing notification procedures are explained in more detail on the following page (p.10) SLUP applications *do not* go to the City Commission for approval, the Planning Commission has approval authority under P.A. 110 of 2008. The process, in addition to the SPR process shown above, is shown below.



See [Figure 8 of the LDC](#) for Permitted and Special Land Uses by zoning district for zoning districts (except the *Third Street Corridor* district and *Downtown Marquette Waterfront* district, which are treated separately).

For the [Downtown Waterfront District](#), SPECIAL LAND USES that may be considered for placement in the RESIDENTIAL USE classification are found in Section 54.321(C)(3)(b)), and for placement in the COMMERCE USE classification are found in Section 54.321(C)(3)(c)).

For the [Third Street Corridor District](#), see Figure 22 for a chart of permitted and special land uses, by “transect district” (there are two). Using the link below, find the Table of Figures in the preliminary section of the Land Development Code and click on the Figure 22 title to bring up the chart:

**Download a Special Land Use Permit application here:**

[SUP Application](#)

### Special Meetings

As shown on p.3, the Planning Commission (PC) and the Board of Zoning Appeals (BZA) have set meeting schedules. Each of these bodies may hold “Special Meetings” if there is a written request submitted for a meeting on a date other than one that is scheduled. The process for such a request is to contact the relevant staff liaison with the request and that person will contact the members of the PC or BZA and ascertain if a quorum of members is available to meet on the requested date. If there is a quorum of members available the applicant will then submit the approved fee to schedule the meeting and staff will coordinate the meeting schedule details such as the required public notice (a “legal ad” with a minimum 15-day period prior to the meeting) and begin an applicable application process.

### State Required Notification Procedures

The Michigan Zoning Enabling Act (MZEA) is the state legislation that creates the authority for municipal zoning regulations in Michigan. Importantly, it requires certain notification and public hearings processes to ensure public input in specific types of application requests. If a public hearing is by statute, the City’s notification procedures are implemented, as identified in articles 54.1406 and 54.1407 of the Land Development Code. Generally, for permit requests that require a public hearing, a notice will be published in the local newspaper of general circulation and is mailed to the subject property and all persons owning property within 300 feet of the boundary of the subject property at least fifteen (15) days before the hearing. Occupants within apartment buildings are also notified if the apartment has less than 12 units.

The notice shall:

- Describe the nature of the request.
- Identify any property that is the subject of the request, including all street addresses contained upon the property, or other means of parcel identification.
- State when and where the request will be considered.
- Indicate when and where written comments will be received concerning the request.

If notification procedures are not required by statute, the City does not conduct notifications to adjacent property owners for permit requests, as notifications are time consuming and otherwise costly.

## **Planned Unit Development (PUD) – also see the PUD flowchart on the following page**

A Planned Unit Development (PUD) is a zoning district applied to a specific, large parcel of land or several contiguous parcels of land, for which a comprehensive physical plan has been recommended by the Planning Commission, approved by the City Commission, and documented in a contract (PUD Agreement) between the City and site owner/developer. The PUD option is intended to encourage, with City approval, private or public development that is substantially in accord with the goals and objectives of the Community Master Plan, and development permitted as a PUD shall be considered as an optional means of development only upon terms agreeable to the City. Use of the PUD option will permit flexibility in the regulation of land development and benefit the City by:

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

The PUD may be used to:

- Permit nonresidential uses of residentially zoned areas.
- Permit residential uses of non-residentially zoned areas.
- Permit land uses and the mixing of land uses that would otherwise not be permitted, provided the objectives are supported by the Master Plan and the intent of this Ordinance and the resulting development promotes the public health, safety, and Welfare without a material adverse impact on adjoining existing and planned uses.

A PUD plan and contracted development establishes functional use areas and density patterns; provides a fixed system of streets, public utilities, drainage, and other essential services; and accounts for similar factors necessary for and incidental to the intended land uses. The minimum size requirement for a PUD is two acres, with possible exceptions, and the requirements for development are drawn from similar uses in existing zoning districts. Approval of a PUD is more complex than applying to develop in an established zoning district, but in some cases the PUD offers an option where the development would otherwise not be possible.

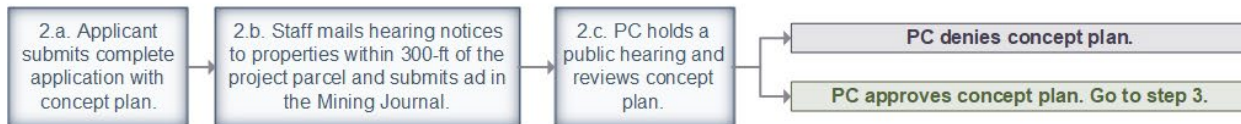
The PUD process is multi-phased, requires public hearings at the Planning Commission and City Commission levels, and although a PUD may be amended after being approved the approved uses run with the land in perpetuity, in accordance with the adopted PUD Agreement. For more information about the PUD, including the Criteria for Qualifications, Submittal and Approval of a Preliminary PUD Plan, and other steps in the process of developing a PUD Agreement, please see flowchart on the following page and click [here](#) for the PUD text of the Land Development Code.

➤ **Download a Planned Unit Development application [here](#)**

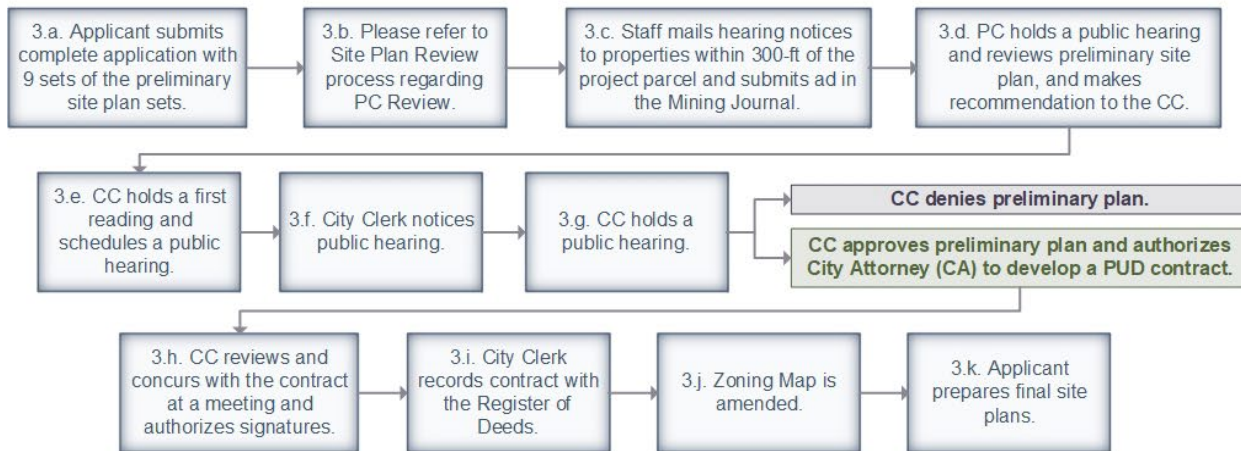
# Planned Unit Development (PUD)

## 1. Pre-application Conference with City Planner/Zoning Administrator

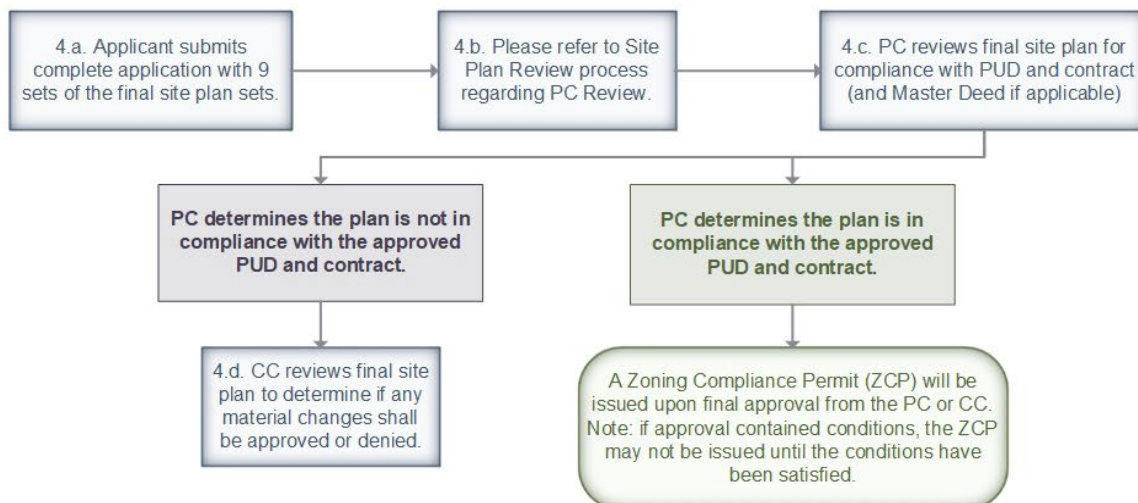
## 2. Applicant Submits for Concept and Request for Consideration of Project Qualifications review with the Planning Commission (PC)



## 3. Applicant Submits for Review of the Preliminary Plan with the PC and City Commission (CC)

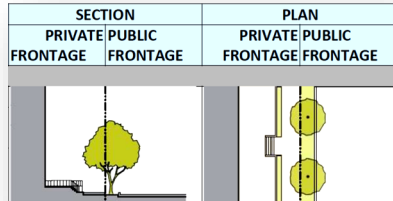


## 4. Applicant Submits for Final Site Plan Review with the PC



## Form-based Codes

There are two form-based development districts in the city - the **Downtown Marquette Waterfront (DMW)** and the **Third Street Corridor (TSC)** districts - where the physical form is the organizing principle for the code, rather than land uses. Form-based codes are intended to foster predictable built results and a high-quality public realm by addressing the relationship between building facades and the public realm, the form and mass of buildings in relation to one another, and the scale and types of streets and blocks.



There is more flexibility for land use in the form-based code districts, which allow for some mixed-use development (commercial and residential combined), but there is a higher bar for the form of buildings in these districts than that for other zoning districts.

In the **DMW** district there is a Regulating Plan that defines the designated Building Form Standard (basically this consists of six (6) unique subdistricts), a Required Building Line, and a Parking Setback Line. The Building Form Standards are based on a street frontage designation that provides a coherent street-space for each “subdistrict”, and they establish both the boundaries within which things may be done and specific things that must be done. The DMW form-based code has unique standards for development and the code is provided in Article 3 of the LDC, beginning on p.3-30, with a map of the district by Building Form Standards provided on p.3-36.

The following link is for the DMW district:

<http://online.encodeplus.com/regs/marquette-mi/doc-viewer.aspx#secid-273>

The **TSC** district is another form-based code district that is specific to parcels fronting on N. Third St. and some of the intersecting streets between a transect that runs from Fair Ave. on the north to Ridge St. on the south. The code for the TSC is unique, and unlike the DMW with several “subdistricts”, the TSC is divided into only two unique subdistricts (T4 and T5) that are based on a density-based urban transect model of the corridor. There are unique parcel standards for each transect, which define the placement of principal buildings and outbuildings, building height, the location/placement of vehicular parking areas, and encroachments permitted into required yards and the public right-of-way. Building standards are guided by the “frontage type” for each principal building.



The following link is for the TSC district:

<http://online.encodeplus.com/regs/marquette-mi/doc-viewer.aspx#secid-326>

## Non-Conforming Uses, Structures, and Lots

The City of Marquette classifies structures and land uses that do not conform to the current standards of the Land Development Code (LDC) as “non-conforming” and the LDC uses two classifications – Class A and Class B – to define regulations for the continued use, maintenance, and alteration of such structures that were legally established. Article 12 of the LDC contains detailed information regarding nonconformities.

**Class A** structures and uses are 1) one- and two-family structures and uses, and 2) structures and uses whose continued use have been found by the BZA to be compatible with general public health, safety and welfare concerns. Structures and uses other than one- and two-family are designated as Class A by the Board of Zoning Appeals (BZA), via an application process similar to that for a zoning variance.

**Class B** structures and uses are those that have not been designated as Class A, and these structures that have limited allowances for replacement if severely damaged, and any maintenance or repair may not increase the nonconformity of the structure or cost more than the market value of the structure using current tax roll information.

Parcels of land, or lots, that are created through land division or combination with other lots - and all existing lots - must conform with the lot area and lot width requirements stated in the LDC (see Article 4 for the Schedule of Regulations) to be usable for any new development.



## Home Offices and Home Occupations

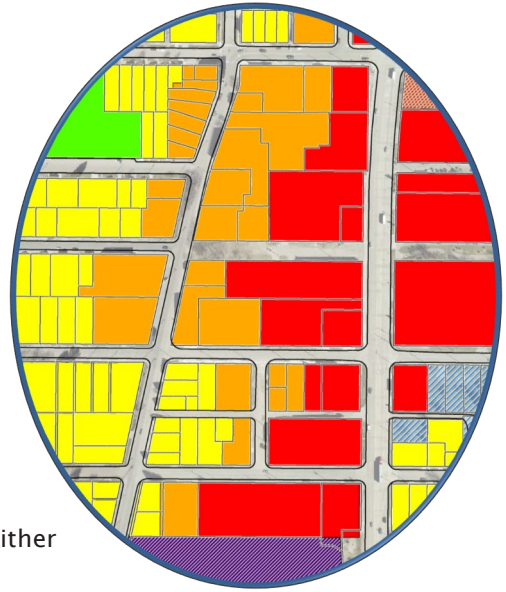
Working from home or operating a business out of a home has become a necessity for many people since the Covid-19 pandemic struck. The Land Development Code provides that a dedicated space of up to 500 square feet in a dwelling unit, and accessory structures on the property, may be used by the resident(s) as a *Home Office* to carry out certain functions of a commercial, service, or organizational nature – such as administration and sales. The Home Office does not require a permit, but it must meet the standards of section 54.622 of the Land Development Code. A link to the LDC is provided on page 4.

Similarly, a *Home Occupation* may be carried out in a residential dwelling unit, *with an approved permit* and in accordance with the standards of section 54.621 of the Land Development Code. Typical Home Occupations are tax preparation, accounting, legal or other professional counseling, hair styling, music instruction, and other personal services. The home must basically retain the appearance of a home, without signs and with limited customer traffic. Retail and manufacturing uses are not allowed. Permits for Home Occupations may be downloaded here: <https://www.marquettemi.gov/departments/community-development/#cdforms>

## Zoning Amendments and Rezoning

When a property owner wants to use their land for something that is not permitted by the existing zoning of the property, it may be possible to have the text of the Land Development Code (LDC) amended or to initiate a re-zoning of the property to a classification that permits the desired use. The Community Master Plan (CMP) guides the consideration of proposed LDC text amendments and rezoning requests, and it includes specific considerations for each that are independent of other considerations such as the creation of illegal “spot zones” by rezoning.

Amending the text of the Land Development Code is a major undertaking, as is a rezoning of property, and an application for either is first considered by the Planning Commission, which provides a recommendation to the City Commission after conducting a public hearing on the request, based on the stated considerations in the CMP and the regulatory aspects of the proposal. The City Commission also holds a public hearing on the request since a decision to approve the proposal would somehow change the legally approved uses of the property. The Zoning Administrator does track potential amendments that may improve the LDC and will periodically bring these to the attention of the Planning Commission and City Commission for consideration of amendments as well. It is highly recommended that the Zoning Administrator is consulted about either of these processes prior to an application being submitted. See Chapter 3 of the CMP for more information, specifically pages 3-30 to 3-32. A link to the CMP is provided on page 4 of this guide.

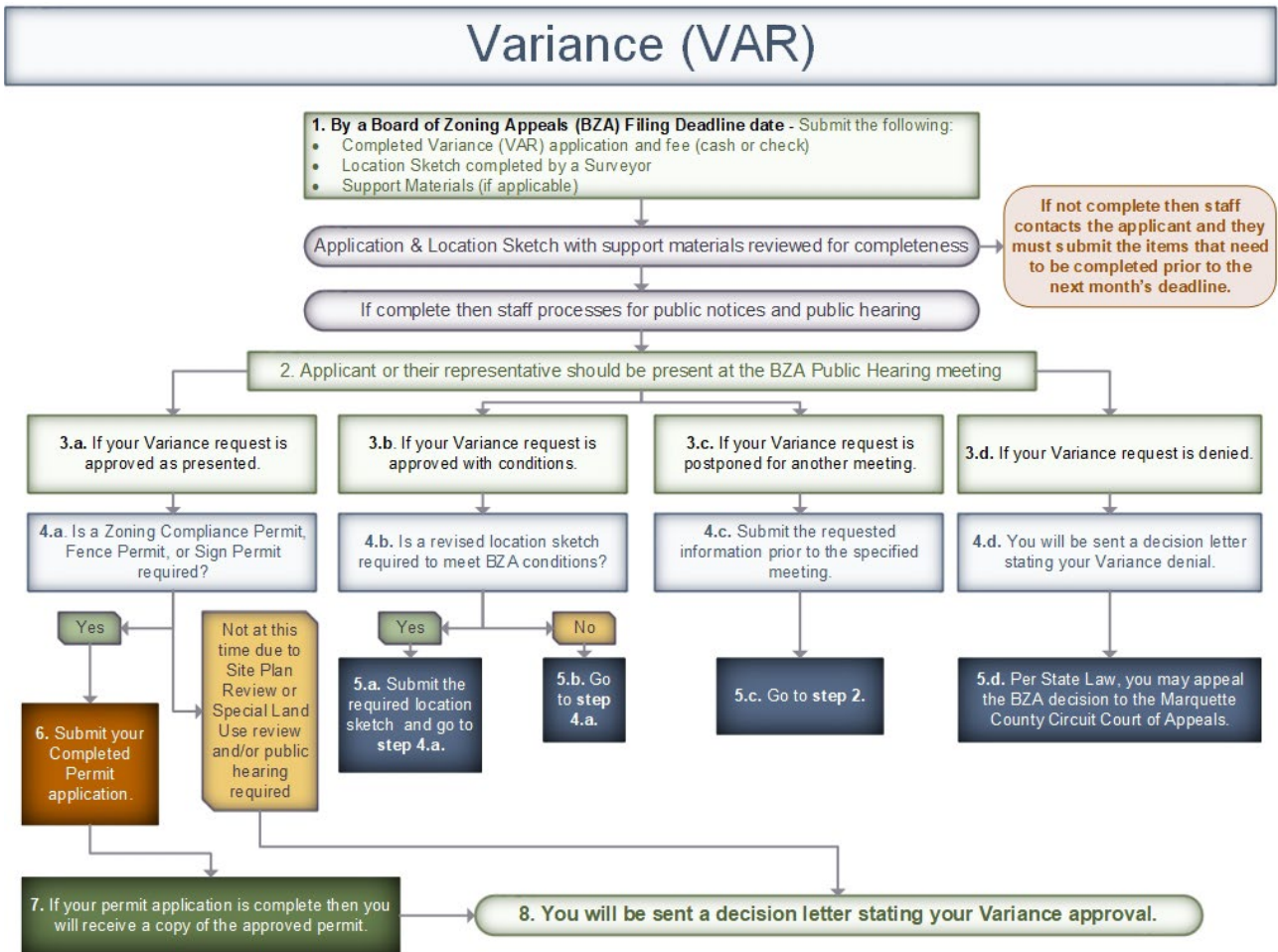


## Zoning Variances

“Variance” is possibly the most misunderstood term in the realm of zoning. A zoning variance is a modification to the literal standards of the zoning ordinance (LDC in our case), granted by the Board of Zoning Appeals (BZA) when it finds that the strict enforcement of the standards would cause practical difficulty owing to circumstances unique to the individual property on which the variance is granted. A zoning variance may be sought for dimensional issues only, such as the maximum allowed height of a building or the encroachment of a structure into a setback, and not for alternative land uses to those permitted via the Land Development Code. For example, if a zoning district does not allow telecommunications facilities as either a permitted or special land use, a variance cannot be accepted to allow for such a facility.

An application for a variance requires the applicant to address specific criteria regarding the practical difficulty of complying with the LDC and other aspects of the request, and in most cases requires the applicant to provide a location sketch or survey prepared by a licensed surveyor. The “variance process” should begin with a discussion with the Zoning Official and/or Zoning Administrator of the issues that could be the subject of a variance. The complete process for a Variance application is shown in a flowchart on the following page.

There may be alternatives to a seeking a variance, but if an application is submitted and accepted a public hearing will be scheduled and then conducted by the BZA. Decisions by the BZA are final at the municipal level, and appeals would be conducted through the Marquette County Circuit Court.



### Outdoor Entertainment and Community Events

For outdoor events open to the public and with more than 50 people invited/expected, and with a public address system or loud music/activities planned, a permit is required. See LDC section 54.635 for details on which permit is applicable.

### Outdoor Food and Beverage Service – Outdoor Cafés

Businesses that prepare food and/or serve beverages have options for creating outdoor service areas on their private property. The standards for development are contained in section 54.636 of the Land Development Code. An approved zoning compliance permit is required for use of these facilities in the Central Business District, the General Commercial district, the Regional Commercial district, and in the Downtown Marquette Waterfront subdistricts that allow commercial uses. In Mixed-Use zoning districts and in the Third Street Corridor district, a Special Land Use Permit and Site Plan Review is required, with approval of the use by the Planning Commission. On public property, a sidewalk/terrace area, a business may create an outdoor dining area upon approval of a license for an Outdoor Café, which is issued by the City Clerk's office. See the section on Business Licenses below for more information.

## Business Licenses, Occupation Permits, Liquor Licenses

The Marquette City Code and State of Michigan laws require certain types of businesses to obtain licenses to operate in the City of Marquette. You will find a list of applications for various types of City Business Licenses on the webpage for the City Clerk's office:

<https://www.marquettemi.gov/departments/administrative-services/city-clerk/>

At the time you apply for a license, all applications materials must be completed, and must be accompanied by the required fee. Once the required paperwork is submitted, staff will submit the application to be reviewed by City departments as required by City ordinance. This process could take up to 10 business days. Questions can be directed to the Clerk's office at (906) 228-0430 or by email at [clerk@marquettemi.gov](mailto:clerk@marquettemi.gov).

## Building Permits and Building Occupancy

The [Marquette County Building Codes Department](#) issues building permits in Marquette County and enforces the Michigan State Building Code. Zoning Compliance Permits are required by the Building Codes Dept. for their approval of a building permit application and the Community Development Dept. provides approved Zoning Compliance Permits electronically to the County Building Codes Dept. as quickly as possible after permits are approved by our staff. The Building Codes Dept. also makes determinations about building occupancy classifications and issues Occupancy Permits. The physical offices of the Building Codes offices are in the historic Marquette County Courthouse, and their telephone number is 906-225-8180.

## Streets and other Right-of-ways

Private street development must also comply with the *City of Marquette General Guidelines and Standards for Street and Utility Design*. The use of public streets and pathways are regulated by the *City Codes*. Public streets are not zoned per se (see section below regarding boundaries), but some public pathways are on zoned land that was formerly private property zoned for railroads or other uses and has been rezoned for municipal functions of government such as non-motorized mobility.

### Working in the Right-of-Way (curb cuts, driveway work, blocking sidewalks, etc.)

The City's Engineering Department issues and monitors work and activities within the public Right-of-Ways (streets or public easements). Right-of-Way permits are required for all utility work, street work, hauling activities, house moving, parades or other activities that impact the street system or that will block passage of the public through a right-of-way (including sidewalks). Driveway work on private property requires a Zoning Compliance Permit. To start the process for approval of a curb cut or driveway in the right of way project, you can find the permits online here:

<https://www.marquettemi.gov/departments/community-development/engineering/>

- For more information please contact the Engineering Department at (906) 228-0440 -

## Incentives and Business Assistance

List the different types of incentives your municipality offers, such as Brownfield Redevelopment, façade programs, tax abatements, property assessed financing, and others. Let users know the requirements needed for the incentives, how the incentives work, and who to contact for more information.

### ***Brownfield Redevelopment Funding***

Brownfields are real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant. Much of Marquette is designated as Brownfield eligible due to the numerous railroads and industrial facilities that were built here during the 19<sup>th</sup> and 20<sup>th</sup> centuries. Cleaning up and reinvesting in these properties protects the environment, reduces blight, and takes development pressures off green spaces, forest lands, and other undeveloped lands. The City of [Marquette Brownfield Redevelopment Authority \(MBRA\)](#) facilitates the implementation of Brownfield plans relating to the designation and treatment of Brownfield redevelopment zones; to promote the revitalization of environmental distressed areas and, subject to such limitations and conditions as are or may be prescribed by law, exercise such other powers as may be conferred upon the Authority. The key Brownfield incentive is Tax Increment Financing (TIF). This provides reimbursement of pre-approved environmental and development costs through capture of increased taxes generated by additional investment on Brownfield sites.

To find out if your project might be eligible for Brownfield funds, call 906-235-2279 or see the MBRA [website](#).

### ***Public Art Project Incentives***



Including aesthetic enhancements of your building or landscape, free standing work or other forms of public art will ensure your development is a destination, increase visibility and attractiveness of your project and show your commitment and investment in the community. Benches, atriums, fountains, sculptures, video art, and murals are some examples of aesthetic (and possibly utilitarian) enhancements that should be considered. Strategically incorporating art, light, and color into designs, as a way of connecting people to the environment around them supports overall neighborhood beautification and is shown to improve social well-being and economic development. We thus encourage developers to consider creative ways to engage artists and architects to present works of art in their projects and we welcome development plans that include thoughtful public art.

The City believes that the inclusion of public art promotes cultural heritage, artistic development, enhances character and identity, contributes to economic development and tourism, adds beauty and accessibility to spaces and expands the experience and participation of citizens with the arts.

The Marquette Public Art Policy establishes annual funding to support the inclusion of public art on municipal property, and the Marquette Public Art Commission (MPAC) is responsible for the promotion of Marquette Art in Public Places (MAPP) Collection, including, both City and privately-owned public art. MAPP is administered by the Community Services Department, Arts and Culture Division.

<https://www.marquettemi.gov/departments/community-services/arts-and-culture/>

#### Resources and Consultations

Although MPAC does not fund privately developed public art, it does encourage and support private projects through community partnerships, resources, consultations, promotion and marketing, including:

- Consultations for managing public art projects from beginning to end (projects types, budgets, artist contracts, design development and review and maintenance and conservation).
- Artist and Grant Directories
- Distribution Listings for artist postings locally, regionally and nationally.
- Inclusion in Marquette Art in Public Places (MAPP) Collection.
- Inclusion in Public Art Directory and Map
- Inclusion in blog, newsletter and other editorial features

To schedule a formal consultation, receive resources and for general questions or to be included on the MPAC agenda, please contact the City of Marquette Arts and Culture Division Manager Tiina Morin, Arts and Culture Manager, 906.228.0472, [tmorin@marquettemi.gov](mailto:tmorin@marquettemi.gov), 217 N. Front Street, Marquette, MI 49855.

MPAC meets the second Wednesday of each month at 6:30PM. Developers and residents ARE NOT required to consult or receive approval for concept, design or artist selection by MPAC for public art projects on private property.

Public Art is subject to provisions of the Land Development Code (LDC), and the Zoning Administrator or Zoning Official should be consulted for determination of the applicable permit requirements, in accordance with the LDC. Murals DO NOT need approval or special permits. A Right of Way Permit may be needed during installation (see p.15).

#### ***The Marquette Downtown Development Authority (DDA)***

The DDA offers resources, such as a list of available properties, and some program assistance for businesses that are in their management area (the Central Business District downtown and along N. Third St.). The purpose of the DDA is to “halt property value deterioration and increase property tax valuation...and to promote economic growth.” Michigan DDA’s may conduct analyses of economic changes taking place and long-range planning; undertake land acquisition and improvements, as well as building construction, rehabilitation, maintenance and operation; and direct construction and maintenance of public facilities such as water and sewer lines, parking lots, streets, street lighting, convention centers, parks, and marinas. The [Marquette DDA](#) currently uses several sources of funding its purposes. These include tax increment financing (TIF) and a 2-mill property tax on property within the district. For more information, see: <https://www.downtownmarquette.org/general-2>

***The Lake Superior Community Partnership*** is a regional economic development resource that may provide valuable information to those considering development, business relocation, or opening a storefront in Marquette or outlying areas around the city. For more information, see: <https://marquette.org/michigan-chamber-of-commerce/>

