

∞ AGENDA ∞

MARQUETTE CITY PLANNING COMMISSION **Tuesday, April 21st, 2026, at 6:00 p.m.** **Commission Chambers at City Hall – 300 W. Baraga Ave.**

MEETING CALLED TO ORDER

- 1) ROLL CALL
- 2) APPROVE AGENDA
- 3) APPROVE MINUTES: **Minutes of 04-07-26**
- 4) CONFLICT of INTEREST



1. PUBLIC HEARINGS
2. CITIZENS WISHING TO ADDRESS THE COMMISSION ON AGENDA ITEMS
3. OLD BUSINESS
4. NEW BUSINESS
5. CITIZENS WISHING TO ADDRESS THE COMMISSION ON NON-AGENDA ITEMS
6. CORRESPONDENCE, REPORTS, MINUTES OF OTHER BOARDS/COMMITTEES
7. TRAINING

A. Article – Tools of the Trade, Planning (American Planning Association), Spring, 2026.

8. WORK SESSION ON REPORTS/PLANS/ORDINANCES

A. Land Development Code Amendments

9. COMMISSION AND STAFF COMMENTS
10. ADJOURNMENT

PUBLIC COMMENT

A member of the audience speaking during the public comment portion of the agenda shall limit his/her remarks to 3 minutes. Time does not need to be reserved for an item of business listed on the agenda, or otherwise addressed under Item #2, as time is provided for public comment for each item of business.

PUBLIC HEARINGS

The order of presentation for a public hearing shall be as follows:

- a. City Staff/Consultants
- b. Applicant
- c. Correspondence
- d. Public Testimony
- e. Commission Discussion (Commissioners must state any Ex-Parte contact or Conflicts of Interest prior to engaging in any discussions), if it occurred, prior to entering into discussion or voting on a case).

OFFICIAL PROCEEDINGS
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A regular meeting of the Marquette City Planning Commission was duly called and held at 6:00p.m. on Tuesday, April 7, 2026, in the Commission Chambers at City Hall. This meeting is also available as a video recording on the City's website.

ROLL CALL

Planning Commission (PC) members present (7): M. Rayner, J. Guter, N. Vermaat, D. Fetter, J. Fitkin, S. Lawry, Vice-Chair A. Wilkinson, Chair Kevin Clegg

PC Members absent: none

Staff present: City Planner and Zoning Administrator D. Stensaas; Zoning Official A. Landers.

AGENDA

It was moved by J. Fitkin, seconded by J. Guter, and carried 8-0 to approve the agenda as presented.

MINUTES

The minutes of the 3/24/2026 meeting were approved as presented by consent.

CONFLICT OF INTEREST

Nobody stated a conflict.

CITIZENS WISHING TO ADDRESS THE COMMISSION ON AGENDA ITEMS

Dr. Angela Palomaki stated:

I am a dentist and a business owner, and a resident and a taxpayer here in the city of Marquette. My practice is located in the Savings Bank building directly adjacent to the proposed parking structure and hotel project. My husband and I both grew up here in the area, and I graduated from Marquette Senior High School, and he from Westwood High School. After completing our education, we chose to return here to build our careers, raise our kids, and invest in this community. My practice has served thousands of patients from Marquette for 20 years. Including the previous provider, patients have been coming here for almost 40 years. Many of my patients, including those with disabilities, rely on being able to park directly next to the building or being dropped off at the ADA accessible entrance of the Savings Bank building. I want to make sure that this project does not require those same patients to navigate longer, more difficult routes, especially during the winter months. That would directly affect patient safety and accessibility. My understanding is that the ADA accessible rear door and handicap parking are reportedly being planned as part of this project, and I appreciate that. I am here to simply ask that this committee please give careful consideration to ensuring that the back entrance and the ADA-compliant handicap parking spaces are clearly committed to and delivered on a timeline that protects access to our building before any disruption occurs. My patients include people with mobility limitations, and under the ADA, accessible access to a healthcare facility is a requirement. I would kindly ask the committee to please ensure that the ADA-compliant back entrance and handicap parking access to the Savings Bank building are maintained and kept open throughout the entire construction period. I also ask that the committee give thoughtful consideration to the broader impact of construction on the small businesses in the area. Disruption to foot traffic, parking availability, noise, and general accessibility during a lengthy construction period can have a serious and lasting effect on locally owned businesses like mine. I hope

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that the committee will work with the developer to put reasonable measures in place to minimize disruption to neighboring businesses throughout the construction. I also have serious concerns about the physical impact that excavation and construction will have on the Savings Bank building and my ability to care for patients during business hours. Dental care requires a steady, controlled environment. Ground vibration and shaking from excavation pile driving and heavy construction equipment can directly interfere with the precision work that my staff and I perform on patients every single day. Loud noises and structural vibrations can also cause significant stress to patients, many of whom are already anxious about dental procedures. I would ask that the committee please encourage the developer to work with neighboring businesses to identify construction scheduling solutions that minimize these impacts during business hours. On the matter of parking, I want to emphasize how important, adequate, and accessible downtown parking is. Not for just my patients, but for everyone who works, shops, and seeks services in our downtown. I hope the committee will help ensure that this project delivers meaningful public parking and that access for the surrounding areas is preserved during and after construction. I acknowledge that the Savings Bank building and the proposed hotel development are separate land parcels and projects. However, this matter is relevant as they share the same property owner and developer. It is important that the project not be prioritized over the established long-term small-business owners in downtown Marquette, many of whom are resident taxpayers. It is my understanding that the project relies on Brownfield funding, which means future tax revenue is being deferred for many years to support this development. So, as a taxpayer, I have to ask, is this appropriate to defer that future tax revenue for a project that primarily supports a private development with limited or uncertain public benefit? We are not opposed to private development. We support thoughtful growth in our community, but we do believe that future tax revenue should be used to support public priorities like our schools, our parks, and the shared spaces that benefit everyone, especially if the public return from a project is uncertain. My ask is simple. I hope this committee will help ensure that the ADA compliant back entrance and handicap parking access to the Savings Bank building is in place and maintained throughout construction, that neighboring small businesses are thoughtfully protected from disruption, and that the project delivers reliable public parking for our downtown community so that my patients and the healthcare services this community has relied on for nearly 40 years are not left behind. Thank you for your time.

NEW BUSINESS

A. 01-SPR-04-26 – 100 & 119 S Lakeshore Blvd. - Site Plan Review

Chair K. Clegg introduced the case and said that City Staff will provide their report first.

A. Landers stated:

City staff has reviewed the proposed site plan for the construction of a new commercial building with hotel and restaurant uses, attached parking garage, balconies, parking lot, roof patio, dumpster enclosure, landscaping, lighting, and site improvements for 100 & 119 S Lakeshore Blvd, and have provided comments regarding the plan. Those comments are included in the agenda packet.

She then showed (on the room monitors) the Staff Report, the application, the applicant's response to the staff comments, an area and block maps with the parcels outlined in blue, and the site plan set. She said that City Staff recommends the following condition of approval: that an amended plan is submitted to meet staff comments.

D. Stensaas said that the Planning Commission's responsibility here is fairly narrow and that site plan

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review follows an administrative set of standards, which is dictated by state law – the Zoning Enabling Act. He said that City Staff reviews the vast majority of site plans for new construction in the city, without the Planning Commission’s involvement, and that the Planning Commission level of review is at the very high end of floor area or footprint area for building construction and number of units for multi-family housing projects, and for Special Land Use cases or Planned Unit Developments. He also said staff does our review and the Planning Commission reviews our review and asks questions, and that even though the process, although it is limited it provides a lot of objectivity, integrity, and predictability for everyone involved. He also said that questions came up from Planning Commissioners today that we responded to, and he is going to address them now, since not all members may have seen our response. He said the first question was about the district standards, and that this is the G3 subdistrict of the Marquette Downtown Waterfront form-based code, and it is quite complex, particularly for the architectural design elements, which is much different from most zoning districts. He said there was a question about if the wall adjacent to parking deck will meet the façade requirements along the RBL [required building line], and as part of a building, those do meet the definition of a building and so will meet the requirements. He also said that there was a question about the phasing of the project and how approval would be granted for the phasing.

A. Landers said that when a site plan is submitted, the applicant must complete every project shown on the site plan or they will be in violation, so the phasing provided has to be done in order to meet the form-based code.

D. Stensaas said that we can get into that in more detail and maybe Mr. Polzin can address the phasing timelines. He said another question was about the separation of driveways on Washington St., and he explained the standards for driveway and curb cut separation and said that the LDC standard is clearly met. He also said that a separate site plan is being developed for work in the right-of-way, including curbs and parking, and will be reviewed and approved through our Engineering office.

K. Clegg asked the applicant to come forward.

Mr. Barry Polzin, 101 N. Lakeshore Blvd., the architect and developer’s representative for the project, stated:

Jen Julian, the owner and developer, is also here, for any owner-related questions. As you can see here were going to build a nice hotel. We’re going to take the forlorn parking lots that have been there for quite some time, but always had plans to develop. As we all know, development and construction is not a perfect world. This thing has shifted in shape, so we’re deciding to build this portion first, of the entire development. It is an 80-room hotel. So, you know, it will be a unique hotel, but it will be part of Hilton’s Tapestry line of hotels, so it’s still tied into Hilton, but it stands there with its own name, own identity, but it is part of their website, all that kind of stuff. It does have standards that we have to meet. But it’s a unique hotel, of course, for this site right here in Marquette. We love the form-based code. It’s like a giant puzzle. So, we’ve knit it all together, and this is the form that we get, right down to the door every 60 feet. In most of the work I’ve done in the harbor area, I always give a little historical flavor. To me, this is a historic place, so we don’t want it just being number one, a black building, or too crisp or modern; it just has a little sense of history to it. But using the code, the forms, and also the reality of the cost of building it all goes into the mix and comes out as this cake. The project, laid out really simply on the site. The hotel is 68 feet wide parallel to Lakeshore Blvd. You draw a line across the site, and what’s left all the way to the corner of one of the adjoining properties is 64 feet. Perfect for the parking. They’re two distinct structures. They don’t actually touch. They don’t bear on each other. That way when the car hits the brakes, it doesn’t jiggle the hotel. It also allows us to build them separately.

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They're both going to open to operate at the same time, but just the logistics of this, we'll be able to build the building, and then come back and set up the tinker-toy pre-cast parking structure. The parking structure is laid out with the first layer at Lakeshore Blvd. In the plan, there's a porte-cochere, there's an entry that comes in so that the guests will come in, and they can park on that lowest level, which will be enclosed, heated, and temperature-controlled parking. The level above that is actually open air. That level will have access from E. Washington and E. Main, literally drive right through. It's just the same level all the way across. The third level of parking will be another 10 feet higher and that equals the grade on Washington St. at the back of the Savings Bank. We're saving that third level to when we actually come and do the Vault Hotel project in the Savings Bank. That still will be built just at a later date.

The phasing of this will be such that the third level of parking goes on after the fact. That drive-in will swing by the guest entrance of the Vault. The parking structure serves the hotel requirements. Hotel parking is perfect for mixing in downtown because the majority of the parking for the hotel is from 10 at night until about 7 in the morning. When the hotel is full, that's when all the spaces are needed. The rest of the time, they're cleared out. Go to any hotel parking lot, and you'll see it every single day. Even when the hotel is full, there's parking available during the day. So, the idea here, this structure, the open air portion, even the lower portion, will be available for the public to use to shop downtown, potentially going to work. It's going to be private, but it will function in that realm. An agreement will be worked out between the owner and the DDA regarding signage and how things will work. The parking does contribute to the parking downtown. The hotel includes 80 rooms. There are five one-bedroom suites in it. Obviously, fantastic views, great location for a hotel. It's putting up to 120, 150 fresh people downtown during the tourist season, so it's a great location to support downtown businesses. It will have a food and beverage component to it that is part of the Hilton requirement.

On the south corner of the building, we have a nice sidewalk space for a little bar restaurant. Then there will be a 100-person event at the most, probably more like a 60-80-person event space on that level next to the restaurant. It's a little mixed-use. There's definitely going to be some street activity. We're paying homage to the history of Marquette Harbor. There were many trestles through this town. There was one right across this site that ran between the Savings Bank and the building to the south, and it went out to the dock. So, we dubbed it the Trestle Hotel, and we actually have structural elements that we're exposing on the outside that are actually part of the structure, but they will be trestle-like, formed, maybe some big rivets. That's kind of the whole pitch. There are a few things we have to work out.

There's a meeting tomorrow morning with the DDA regarding E. Main St., how we're going to reshape that. What we're proposing, what we're thinking, is all the parking is on the north side of street now. We're going to move it all to the south side and not lose any parking spots. Plus, it will line up better with the traffic that runs on W. Main. Right now, it's kind of offset. It's a really awkward intersection. And the question about the driveways on the slope, one of my least favorite sidewalks in Marquette is on the north side of E. Washington where there's a drive that goes into the parking structure. It meets the car standard, but gives you this god-awful slope for the sidewalk as you run east from that driveway. I really want to work out something that compromises a little on the car and makes it a little easier on the street. The idea on this Main Street is, as well as moving the parking, is to develop a wider sidewalk. As you come downtown, you can have an easier way to walk down to the water. That'll be part of putting the sidewalk back on the north side, just a little more pleasant experience. I think that's all I really have to say. I'm certainly wide open for questions.

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It was moved by A. Wilkinson, seconded by N. Vermaat, and carried 8-0 to suspend the rules for discussion.

S. Lawry said he has a list of questions. He asked about how many parking spaces need to be eliminated to accommodate the proposed driveways.

Mr. Polzin said the intention is not to lose any on Main St. They also looked at different combinations on E. Washington. They are open for discussion of gaining more spaces on E. Washington by doing angle parking there or all angle parking on either street. Their intention is to increase, not decrease.

S. Lawry asked during the construction process, is there a greater number that will need to be closed temporarily to accommodate the construction?

Mr. Polzin said the street will be disrupted at times. The first phase of the project includes moving the power that feeds all the buildings in that block. The power will be rerouted over to Main St. A new alley is being created on the private property behind the existing buildings, including the Savings Bank and included access to the back of the Savings Bank. There will be a time period to complete the work of digging up the street to install power and other utilities and it being finished with the new design. Street parking being relocated will depend on how much of the street will need to be blocked.

S. Lawry said he was impressed with Mr. Polzin's comment to complete the hotel prior to building the parking structure, ensuring workspace on the private site without occupying much of the street right of way.

Mr. Polzin said there will always be some activity in the street. Lakeshore Blvd. will have the sidewalk closed for work to be done to that side of the building. This building is constructed of structural steel on the first floor; the deck is concrete and then there are four stories of panelized wood. The private on-site space will allow for cranes and other similar activities without street closure. There is pre-cast coming next January that will require a crane on Main St. and some on E. Washington, and the plan is to block the street for potentially a week.

S. Lawry said he wanted to bring up the component that signage and street marking direction change falls to Public Works to complete. It was suggested to talk to the City prior to the project completion so there is a formal understanding of whose responsibility it will be to complete those punch list items as it may be billed to the developer after the fact if it falls back on the Public Works Department.

S. Lawry said snow storage may be an issue. There doesn't seem to be enough allowance for storage on site and snow removal is going to be a frequent thing in that area.

Mr. Polzin said they plan a snow melt for the whole entry experience for the guests that would be snow melted along with the outside space on the private property only.

S. Lawry said in the form based code, requirements are for the building to be on the property line, but also require planting of trees, yet the City has no room in the right of way to plant trees. He recognized the City is providing a conflict without a solution. He would like an answer if the Planning Commission has the authority to waive this requirement, or what other options are the solution.

A. Landers said the code provides the Planning Commission discretion for approval if staff acknowledged the issue, and the amended plan shows that they met the recommendations.

Mr. Polzin said they did attempt to add all required plantings, but staff recommended they not be added

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to the right of way.

S. Lawry said it's a similar situation with the required screening for the electrical equipment as BLP needs pretty large access doors or physically take the covers off. BLP has in the past complained about access due to the required screening. If there are mounted transformers, they need open air flow to cool the property as well. There may be another discussion to rectify ordinance requirements.

Ms. Julian said they are on private property but serve the whole block. It may be a consideration when addressing the resolution of ordinance issues.

S. Lawry said that detours need to be planned well ahead of time. He also said sprinklers projecting into the sidewalk may require a bollard so that no pedestrians are injured, and so it's not subject to damage from snow removal equipment.

Mr. Polzin said that it may be able to be recessed into the event space and the dining porches if the Fire Department would sign off.

S. Lawry asked if the fire hydrant at the southwest corner of Lakeshore Blvd. and Washington St. will require a maintenance easement.

Mr. Polzin said there is an easement right now, on E. Washington, [being] a 20-foot triangle.

S. Lawry said he didn't think the hydrant fell in that easement, or might be right on the property line, but still needs a couple of feet behind it for maintenance or use, and recommends the City still require an easement. The requirement to review traffic flow for pedestrians and vehicles and entrance from Washington could seem confusing for some drivers. Requirements for pavement markings for public safety are suggested.

Mr. Polzin said there will be signage as well as staff to greet customers to relay directions.

S. Lawry asked if restaurant patrons using the restroom will have access to all hotel corridors.

Mr. Polzin said only access to the first floor as the elevators will be coded and stairs locked for guest safety.

J. Guter said he would like clarification on third level of the parking deck, particularly the wall along Washington St.

Mr. Polzin said there will be no facades until third level is done in the last phase prior to project completion.

A. Landers said the developer has to finish the project or they would be in violation of their site plan and code leading to City enforcement.

J. Guter asked how snow storage and removal is being addressed on the parking deck.

Mr. Polzin said that on the mid-levels, there are corners that have snow storage on them, and that they will pay to have snow hauled away. The 8-foot parking setback line prohibits us from parking there, so we're using those 8-foot pieces as snow storage. And when the third level goes on, we've actually cut out the corners of that upper deck, so it's open down to those green areas or the snow storage areas. It requires a blower for sure. It's just going to require hauling snow. The one thing about this time of winter is that occupancy is low. If you fill the hotel with events, the snow will have to be hauled because you want the people. It's a matter of business at that point.

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Ms. Julian said they have a 110-room property in Houghton that they frequently have to haul snow from, out of downtown. It's part of the everyday routine.

J. Guter asked what HVAC system is being installed on the roof and if it will be screened.

Mr. Polzin said they will have two units serving the restaurant and public spaces on the first floor, along with a DOAS, a dedicated outdoor air system, that sits on the roof that feeds all hallways with dehumidified and tempered air. The systems cannot be seen from the street, but can be from an upper floor of a building on a street higher than the project section of Main, Lakeshore, or Washington.

J. Fitkin said she would like consideration for planting requirements to be native versus non-native species.

Mr. Polzin said they chose the particular species they did for landscaping performance, and he would be all for changing the plantings to native species only.

D. Stensaas said that would require a change in the code. The current list was chosen for the species' hardiness, especially near the streets and parking lots.

J. Fitkin said the chosen Norway Maple to be used has not been identified as sterile or a reproducer and asked if any further information is available.

Mr. Polzin said it was chosen because it's an urban street tree, so it is not a reproducer. It's a tidy tree that retains a certain size, making it easy to keep in check.

J. Guter asked staff about Assessing's comment, asking for a lot combination of the hotel and parking deck.

A. Landers said the applicant will have to meet staff comments for site plan approval.

Ms. Julian said she addressed that with the Assessing staff today.

S. Lawry asked about accessibility to the Savings Bank, as inquired about by Dr. Angela Palomaki.

Mr. Polzin said there will be a time frame where a retaining wall will be built, power lines rerouted, and the alley built, which will then be accessible during the entire construction to the back of the Savings Bank. They have also added an ADA-compliant ramp at the front entrance of the building to offset the early construction process.

S. Lawry said a conversation with the Police might be warranted to secure a temporary handicap space in front of the Savings Bank building for ease of ramp access during construction.

D. Stensaas said that he wants to point out that the City likes to see the accessible parking spaces identified on site plans, but it is the County Building Codes that require them to be developed under the state's ADA rules, and so we don't have a requirement for them to be shown because Building Codes will approve them in the construction plans.

J. Fitkin asked if the earlier noted available parking on the private property would be paid parking?

Ms. Julian said it would be paid parking, but they are in discussions with the DDA over an agreement.

J. Fitkin asked if there was a construction schedule to help alleviate Dr. Palomaki's concerns regarding the project's impact on her and neighboring businesses.

Ms. Julian said they will soon release a construction schedule to all tenants and neighboring businesses, as it's set in stone and based on Planning and City Commission approvals.

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K. Clegg said that, seeing no more questions, the Site Plan Review standards can be evaluated. He began reciting each standard in section 54.1402(E). Each item was found to be satisfactory, and the following comments were made during the review:

S. Lawry said, regarding item (E)2, that as he commented earlier regarding the hotel drop-off area, pavement markings should be required.

J. Guter said, regarding item (E)4, he wanted to confirm that something regarding the planting amendment needs to be included in the motion.

It was moved by J. Guter, seconded by A. Wilkinson, and carried 8-0 that after review of the site plan and the supplemental documentation dated 3-10-26, and the Staff Report for 01-SPR-04-26, the Planning Commission finds substantial compliance with the City of Marquette Land Development Code, the Site Plan Review Standards in Section 54.1402E, and hereby approves the site plan with the following conditions:

- 1. That an amended plan is submitted to meet staff comments.*
- 2. The Planning Commission waives the requirement for evergreen screening on the sides adjacent to neighboring parcels for the electrical equipment, as permitted under Section 54.1006 of the Land Development Code, and approves the landscaping depicted around the electrical equipment on Sheet L1.0.*

S. Lawry said he'd like to make the developers aware of an issue...before they leave. He said that in the 1990s, I was contacted by Dr. Berube, who was having a problem in the corner of the parking lot at Washington and Lakeshore. He said he worked on it for some time, testing the roof drains and sanitary sewers of adjacent buildings and those in Jackson Cut alley. He said there was an old sewer that followed Jackson Cut alley, which went under Front St., and it ran through this property and down to the harbor. He said they could not find any buildings tied to it, but there are probably still remnants of that pipe under the parking lot. He said the pipe they found didn't seem to go very far, they couldn't put a router into it, and it still had a trickle of water coming through, but it wasn't sewage from any adjacent buildings.

Mr. Polzin said it is interesting, and they dug along the line of the old trestle and didn't find any remnants of that old sewer.

D. Stensaas said that he would like to add, for Dr. Palomaki's information, that there were staff responses to all the standards that were discussed, and those are in the published agenda, and also that the Planning Commission has absolutely nothing to do with Brownfield funding. He said that it is a separate issue, and the Planning Commission's focus is strictly on the Land Development Code.

CITIZENS WISHING TO ADDRESS THE COMMISSION ON NON-AGENDA ITEMS

Nobody provided comments.

WORK SESSION ON REPORTS/PLANS/ORDINANCES

A. Land Development Code (LDC) Amendments

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A. Landers presented the work session materials, as presented in the published agenda, on the monitors and addressed each of the items. The Planning Commission asked several questions and discussed these potential LDC changes for approximately thirty minutes.

COMMISSION and STAFF COMMENTS

J. Guter said he wanted to again bring up data centers and potential related zoning issues. He asked whether there had been a response yet from the City Manager to the board's memo. He also asked whether it's possible to be proactive and begin reviewing wording for a related sound ordinance, as that may be within our purview. He said the Planning Commission has no control over the electricity or water, and buildings just have to meet the codes, but we don't have anything to prevent the noise from being an issue. D. Stensaas said that after the last meeting, he checked his mailbox and discovered the email with the memo was still in his draft folder, and that he did send it up after that, and added that it probably isn't a high enough priority to elicit a quick reply.

A. Landers related that the timeline of the LDC amendments is such that staff is behind schedule on the initial list, to get changes adopted before the summer building rush begins, and that the data center issues are going to be added as another item for future consideration.

M. Rayner said that you can limit sound by setting decibel levels, which can protect residential areas. She also asked whether there was any news on the legislation to impose a statewide moratorium on data center construction.

J. Fitkin asked a question about the allowances for building heights in the area of the Trestle Hotel. Staff answered the question. She also commented that light pollution is a constant here and asked about the possibility of reducing it. She also asked if the list for street trees could be updated to remove non-native trees. A. Landers explained that the current lighting standards are better than those in the old Zoning Ordinance, and said that there are a lot of non-conforming lights that will be replaced over time to current standards. She also said that they would need to coordinate with the City Arborist on the street tree list. D. Stensaas said that he was talking with Director Stachewicz recently about the possibility of working on a light ordinance, which would create lighting overlay zones in which maximum light levels are established for different land use districts. He said that is a good idea but a big project as well.

D. Fetter said that she is glad to learn about the hotel and that they are working with the City on the parking plans, and that parking would not be just for the hotel. She also said she sees a lot of light coming from NMU and asked how the City can work with NMU on lighting. She said she can identify multiple NMU light sources from her property and would want to work with them if we develop a light ordinance at some point.

S. Lawry said that he would like to suggest another LDC amendment that is already within today's list, and he said it would be good for consistency to add the term "or lodging rooms" to "dwelling units" in paragraph (B)2 in Figure 64. He also thanked everyone for listening to his long list of concerns for the hotel development.

N. Vermaat said Marquette County will be holding a County Master Plan input event for residents of the Marquette region on May 7th at Barrel and Beam, beginning at 6:00 p.m.

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A. Landers said that there is just a work session scheduled for the (April 21) meeting.

K. Clegg said he wants to concur with Commissioner Guter's data center "poking" question, and he said he is glad to see the development that will be happening downtown, but the two apple trees that are on the lot will be removed. He said that he got several gallons of applesauce from those trees and he said that he would like to inquire if it would be possible to incentivize the planting of fruit trees as an ornamental tree type. He said that many people could benefit from fruit being available for picking when the going gets tough. A majority of the commission members agreed with the concept.

ADJOURNMENT

K. Clegg adjourned the meeting at 7:45 p.m.

Prepared by A. Cook, Administrative Assistant (transcription), and D. Stensaas, Planning Commission Staff Liaison (transcription and editing).

TOOLS FOR THE TRADE

KNOWLEDGE YOU CAN PUT TO WORK

Zoning | Climate | Career

ZONING

A SOLUTION FOR THE POP, POP, POP OF PICKLEBALL

As the nation's fastest-growing sport transforms the sound of parks and neighborhoods, planners have a chance to lead—before the conflicts land in court. *By Charles Leaby*

IN JUST A DECADE, pickleball has become not only the fastest-growing sport in the U.S. but also the source of a fast-spreading land use conflict. Thousands of cities have converted tennis courts or built new ones to meet demand, often in residential areas and with little thought to acoustics or compatibility. The result: noise complaints, lawsuits, and court closures that pit neighbors against players, with all involved looking to city hall for help.

A new kind of noise

The noise from pickleball might seem harmless. How loud could a plastic ball being hit by a wooden paddle be? But that friendly “pop” carries. A single strike can be 20 decibels louder than tennis, and it happens up to 900 times per hour per court. Convert one tennis court into four pickleball courts and you get 3,600 sharp, high-frequency impulses every hour.

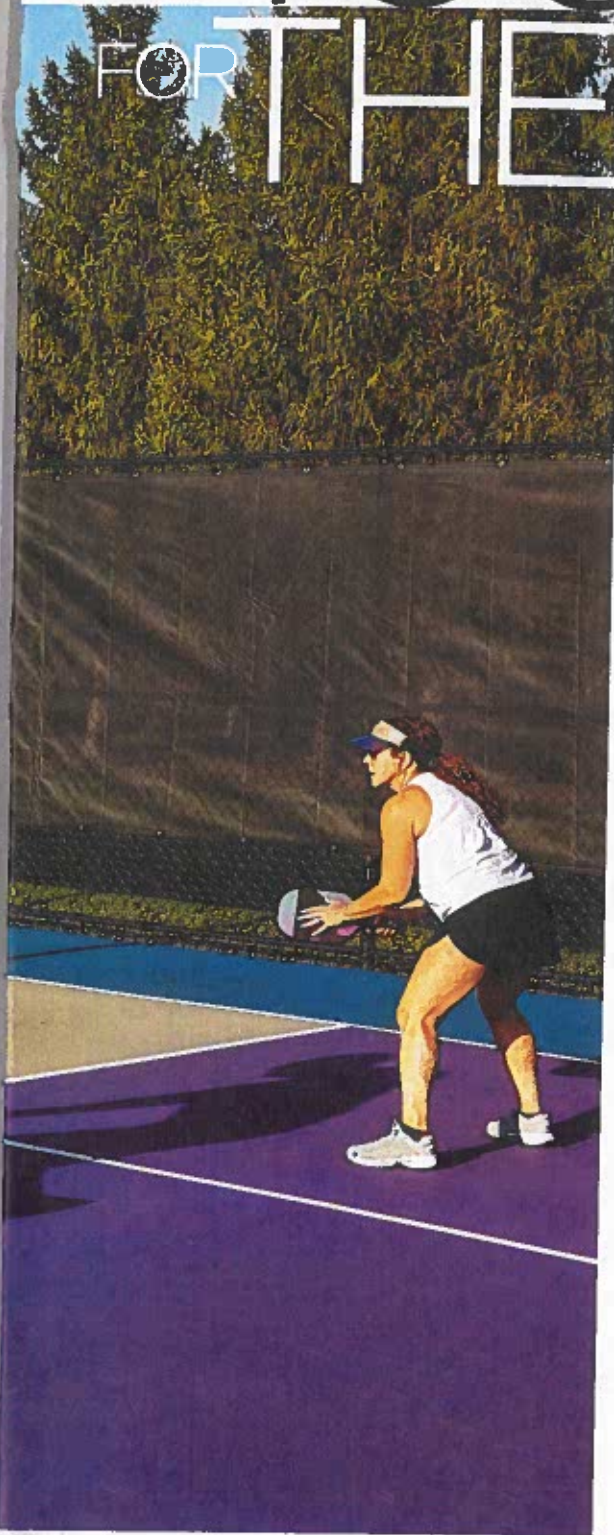
Compounding the problem,

these sounds fall squarely in the range where human hearing is most sensitive. They are brief, irregular, and impossible to tune out. Physiologically, they trigger the body's fight-or-flight response. Over time, fatigue, irritability, and disrupted sleep can lead to health impacts. Factoring in laughter, chatter, and day-long play, one can start to understand why nearby homeowners might take exception.

In response, cities often first turn to local noise ordinances, only to find they were never designed for this kind of sound. A-weighted decibel limits measure steady noises well, but they miss the piercing quality of short, high-frequency pops. But even when readings fall below legal thresholds, residents still suffer.

Meanwhile, code enforcement staff rarely have instruments or training for managing this type of noise, and citations can be awkward when the offender is the city's own recreation department.

But planners are well-equipped to handle this challenge, with



tools—such as setbacks, conditional use permits, and public hearings—to separate incompatible uses before construction begins. Pioneering communities have shown the way with a three-tier permitting framework based on distance from homes and other noise-sensitive sites:

PROHIBITED ZONE: Within the closest setback zone, pickleball is simply not compatible because it cannot be adequately mitigated.

CONDITIONAL USE ZONE: In this middle zone, courts may be approved with a conditional use permit (CUP) if mitigation is demonstrated and neighbors are notified. CUPs are important because they allow planning departments to revisit issues when conditions—or complaints—change.

BY-RIGHT ZONE: Although the popping noise can travel 1,000 feet, depending on weather and reflections, serious conflict is unlikely beyond about 800 feet. In this far zone, courts can be permitted as of right.

Making mitigation work

Experience from across the country suggests a toolbox of mitigation fixes might work—but each has its own strengths and weaknesses. Using quieter equipment, such as “whisper

paddles” and foam balls, substantially reduces the sound volume. But players don’t like using these substitutes, and this approach requires on-site management to ensure no one is using loud paddles. Alternatively, requiring courts to be in enclosed buildings would also solve the noise issue, but it might deter those who are looking for outdoor activities.

There are other options, however, that planners can select to mitigate noise.

Going long with your setback distance requires no expense and no supervision and is easy to measure. By increasing the distance between the sound source and the listener, it reduces sound energy and gives the other tools a chance to work.

Sometimes, it is OK to put up barriers. Ten-foot vinyl “AcoustiFence” panels and similar products are a possible solution. But because sound radiates in all directions rather than in a straight line, noise will go over the top—potentially impacting two-story homes or nearby housing units that are higher than the panels. Also, barriers are widely disliked because they add expense, require maintenance, and block visibility for

police, players, and neighbors.

Another option is to limit hours and days of play. Ambient noise drops in evenings and on weekends, making the pickleball pops extra burdensome. Setting limits—such as no games after 6 p.m. or on Sundays or holidays—can send the signal that the city values neighborhood well-being as much as recreation.

How to make sure setbacks don’t set the game back

The most consequential challenge for planners is choosing the minimum setback from residential property lines. Smaller setbacks of less than 250 feet have low success rates even with a combination of aggressive barriers, quiet equipment, and limited hours. Larger minimum setbacks of 250,

350, or 500 feet will still need help from one or more of these mitigation strategies.

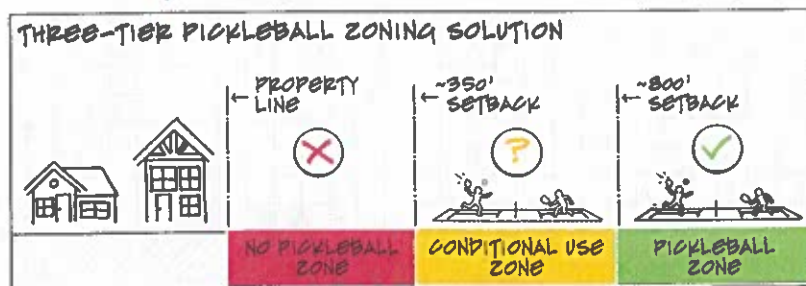
Another challenge is ensuring that these same zoning standards apply to city-owned and park-district courts, as well as courts within housing developments, country clubs, and the backyards of private residences.

Zoning codes require frequent updates to keep up with novel land uses. More than 20,000 zoning authorities nationwide now face the same question—how to manage a popular but noisy activity that crosses departmental boundaries.

By integrating acoustics, public health, and fairness into zoning practice, planners can prevent conflict, reduce litigation risk, and model transparent governance.

MANAGING PICKLEBALL NOISE THROUGH ZONING

Zoning Practice offers a framework that balances demand for pickleball courts, neighborhood compatibility concerns, and legal risks.



One pickleball court can deliver 900 sharp, high-frequency impulses every hour, each strike 20 times louder than in tennis. Tools such as setbacks and conditional use permits can separate incompatible uses before court construction begins.

Charles Leahy is a retired mechanical engineer and attorney.



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MEMORANDUM

TO: Planning Commission
FROM: Dave Stensaas, City Planner and Zoning Administrator
DATE: April 16, 2026
SUBJECT: Work Session – Land Development Code Amendments for 2026

Staff and the Planning Commission will continue the recent work on potential amendments to the Land Development Code. Materials for the work session are included, but more content may be added to the draft amendments and presented at the meeting.

Land Development Code language for Discussion at the April 21, 2026, Planning Commission meeting

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

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

Example) H. Light Manufacturing

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

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

Other text that is neither highlighted or lined-through is included for context.

Some text is highlighted in blue to explain features of the amended text.

Fix Article 14, for Rezoning with Conditions

Section 54.1405 Zoning Ordinance Amendment Procedures

(H) Rezoning (Zoning Map Amendment) with Conditions/Conditional Rezoning.

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* (also called Conditional Rezoning) requested by a property owner. Only conditions voluntarily offered in writing by the property owner may be considered by the City in accordance with MCL 125.3405; the City shall not request, require, or impose relevant conditions. 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 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.~~

Conditional Rezoning allows the applicant to propose specific *Principal Permitted Uses* and *Special Land Uses* for a zoning district other than the currently approved district, to be allowed at the subject property. If approved through this process, only those proposed land uses from another zoning district would be carried over to the new conditional zoning district. The proposed uses of the proposed zoning district are the basis for the conditions of the rezoning.

(1) Conditional Rezoning Agreement. The conditions attached to the rezoning shall be set forth by submitting a Conditional Rezoning Agreement (CRA) listing the proposed conditions at the time of application submission. ~~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:

- (a) A statement acknowledging that the *Rezoning with Conditions* was proposed by the applicant to induce the City to grant the rezoning, and that the City relied upon such proposal and would not have granted the rezoning but for the terms spelled out in of the conditional rezoning agreement CRA; and, further agreement and acknowledgment that the conditions and conditional rezoning agreement are authorized by all applicable state and federal law and constitution, and that the Agreement is valid and was entered on a voluntary basis, and represents a permissible exercise of authority by the City.
- (b) ~~Agreement and understanding:~~ Acknowledgment that the property in question shall not be developed or used in a manner inconsistent with the conditional rezoning agreement except as proposed in the CRA.
- (c) ~~Agreement and understanding~~ Acknowledgment that the approval and Conditional Rezoning Agreement shall be binding upon and inure to the benefit of the property owner and City, and their respective heirs, successors, assigns, and transferees.
- (d) The date upon which the *Rezoning with Conditions* becomes void, as specified in Section 54.1405(H)(3), below. If an extension of approval is granted by the City Commission, a new conditional rezoning agreement CRA with the new expiration date shall be recorded.
- (e) ~~Agreement and understanding~~ Acknowledgment that, if a *Rezoning with Conditions* becomes void in the manner provided in Section 54.1405(H)(3), below, no development shall be undertaken or permits for development issued until a new zoning district classification of the property has been established.
- (f) ~~Agreement and understanding~~ Acknowledgment that each of the requirements and conditions in the conditional rezoning agreement CRA represents a necessary and reasonable measure which, when considered with all other conditions and requirements, is roughly proportional to the increased impact created by the use represented in the approved *Rezoning with Conditions*, taking into consideration the changed zoning district classification and the specific use authorization granted.
- (g) A legal description of the property affected by the *Rezoning with Conditions*.

- (h) Development regulations affected by the conditions of rezoning, including but not limited to density, setbacks, height, site coverage, signs, parking, architecture, lighting, landscaping, etc. This shall be stated or shown as a reference to the standards for the specific zoning district that will become effective with approval of the proposed Conditional Rezoning.
- (i) Acknowledgment that revocation of approval provisions, returning the property to its original zoning designation, will occur if the developer violates the terms of the agreement.
- (j) A conditional rezoning agreement may contain a conditional rezoning plan as an attachment, with such detail and inclusions proposed by the applicant and approved by the City Commission in accordance with this Section, following recommendation by the Planning Commission. Inclusion of a conditional rezoning plan as an attachment to a conditional rezoning agreement shall not replace the requirement for Preliminary and Final Site Plan, Subdivision, Condominium, or Special Land Use review and approval, as the case may be.

Conditional Rezoning Plan inclusion.

- (i) A CRA may contain a conditional rezoning plan as an attachment, with relevant illustrations and details to convey a proposed development of the property in accordance with the conditional rezoning request.
- (ii) Inclusion of a conditional rezoning plan as an attachment to a conditional rezoning agreement shall not replace the requirement for Preliminary and Final Site Plan, Subdivision, Condominium, or Special Land Use review and approval, as the case may be.
- (iii) Any conditional rezoning plan submitted with an application shall be considered conceptual and informational only, and shall not be interpreted as a binding condition of rezoning unless the applicant explicitly offers the plan, or specific elements of the plan, as a voluntary written condition within the Conditional Rezoning Agreement. Only those plans or plan elements expressly incorporated by reference into the Agreement and approved by the City Commission shall be considered binding conditions.

- (2) **Amendment to Conditional Rezoning Agreement.** A proposed amendment to a conditional rezoning agreement shall be reviewed and approved in the same manner as a new rezoning with conditions.
- (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 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.

- (a) **Expiration or Extension.** In the event bona fide development has not commenced within two (2) years from the effective date of the rezoning, the rezoning with conditions and the conditional rezoning agreement shall be void and of no effect. The landowner may apply for a one (1) year extension one (1) time. The request must be submitted to the Zoning Administrator before the two (2) year time limit expires. The landowner must provide to the City Commission good cause as to why the extension should be granted. If an extension of approval is granted by the City Commission, a new conditional rezoning agreement with the new expiration date shall be recorded.
 - (b) **Effect of Expiration.** If the rezoning with conditions becomes void in the manner provided in this section, either or both of the following actions may be taken:

 - (i) The property owner may seek a new rezoning of the property; and/or
 - (ii) Pursuant to MCL 125.3405, the land shall revert to its former zoning classification following the process for approval of a rezoning with conditions.
 - (4) **Zoning Map.** If approved, the zoning district classification of the rezoned property shall consist of the district to which the property has been rezoned accompanied by a reference to “CR Conditional Rezoning.” The Zoning Map shall specify the new zoning district plus a reference to CR. By way of example, the zoning classification of the property may be “CBD Central Business District with CR Conditional Rezoning,” with a Zoning Map designation of “CBD CR.”
 - (5) **Review and Approval Process.** An application for a rezoning with conditions shall be reviewed following the same process and procedures applicable to a rezoning set forth in [Section 54.1405\(C\)](#), with the exception that the conditional rezoning agreement shall be executed between the applicant and the City Commission at the time of City Commission approval of a rezoning with conditions. During the review of a rezoning with conditions, any site plan, concept plan, sketch, or illustrative layout submitted by the applicant shall be treated as conceptual and informational unless the applicant expressly identifies the plan, or specific elements of the plan, as voluntary conditions offered for inclusion in the Conditional Rezoning Agreement.
 - (6) **Recordation of a Conditional Rezoning Agreement.** A rezoning with conditions shall become effective following publication in the manner provided by law, and after the conditional rezoning agreement is recorded with the County Register of Deeds.
-

Amend the existing service establishment to allow for small-scale instructional studios

Existing definition

(206) Service Establishment: Any establishment whose primary activity is the provision of assistance, as opposed to products, to individuals, business, industry, government, and other enterprises including printing, legal, engineering, consulting, barber and beauty shops, photographic studios, drop-off/pick-up dry cleaners with no on-site treatment, and other similar services.

Proposed showing mark-up

(206) Service Establishment: Any establishment whose primary activity is the provision of assistance or personal services, rather than the sale of goods, ~~as opposed to products,~~ to individuals or businesses, including professional services, ~~to individuals, business, industry, government, and other enterprises including printing, legal, engineering, consulting, barber and beauty shops, photographic studios, drop-off/pick-up dry cleaners with no on-site treatment, and other similar services.~~ This category may also include small-scale instructional studios such as yoga studios, dance studios, martial arts studios, or similar personal improvement uses, provided that such instruction is conducted entirely indoors, does not involve spectator-oriented events, and is not more appropriately classified as Indoor Recreation.

Clean Copy of Proposed

(206) Service Establishment: Any establishment whose primary activity is the provision of assistance or personal services, rather than the sale of goods, to individuals or businesses, including professional services, barber and beauty shops, photo studios, drop-off/pick-up dry cleaners with no on-site treatment, and other similar services. This category may also include ~~small-scale~~ instructional studios such as yoga studios, dance studios, martial arts studios, or similar personal improvement uses, provided that such instruction is conducted entirely indoors, does not involve spectator-oriented events, and is not more appropriately classified as Indoor Recreation.

At the 4-7-26, PC mtg, the PC asked staff to fix Figure 64 to match (B)(2) below and add lodging rooms. Everything else has already been approved by the Planning Commission.

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 64. 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 site plans that meet the standards herein, as described in Figure 64 and Section 54.1402(D)(1), 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 64. Required Review Process Based on Development Activity

Development Activity	Site Plan Review Required by P.C.	Minor/Admin Site Plan	Exempt From Site Plan Review
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	•		
Additions, alterations excluding any diminution of a building , non-residential and multi-family accessory structures, and renovations that are more than 16,000 sq. ft. in footprint area or 40,000 sq. ft. in gross floor area.	•		
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) dwelling units or lodging rooms , 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.		•	

Clarifying SPR Amendments

Reviewing the code for site plan review amendments. We would like to add clarification.

This is how the sections are applied:

- (1) addresses approval is required
- (2) addresses how the correct review body is determined and what is evaluated
- (3) addresses when a revision is eligible for review

Original

Section 54.1402 Site Plan Review

(G) Amendments to Approved Site Plans.

- (1) No changes, erasures, modifications, or revisions shall be allowed for any approved site plan without prior approval by the Zoning Administrator or the Planning Commission, in accordance with [Figure 64](#) of this Ordinance.
- (2) The ability to approve any changes to an approved site plan shall remain consistent with the ability of the Planning Commission or Zoning Administrator to approve or deny a specific development activity stated in [Figure 64](#).

Proposed

(G) Amendments to Approved Site Plans.

- (1) No changes, erasures, modifications, or revisions shall be allowed for any approved site plan without prior approval by the Zoning Administrator or the Planning Commission, in accordance with [Figure 64](#) of this Ordinance.
- (2) ~~The ability to approve any changes to an approved site plan shall remain consistent with the ability of the Planning Commission or Zoning Administrator to approve or deny a specific development activity stated in [Figure 64](#).~~ The applicable review authority for amendments to an approved site plan shall be determined based on the proposed modifications only, such as an increase in building footprint, in accordance with [Figure 64- Required Review Process Based on Development Activity](#), in [Section 54.1402](#).
- (3) For site plans subject to Planning Commission or administrative review, revisions shall not be eligible for review until all conditions of site plan approval have been satisfied and City staff has approved a Zoning Compliance Permit for the proposed development.

Fix (B) which states we provide a report on the master deed and deed restrictions but we do not require it until after CC review per (H). Also adding timeline for submittal.

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, as amended, all site condominiums 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 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. The master deed and deed restrictions shall be reviewed by City staff following City Commission approval, in accordance with [Section 54.503\(H\)](#).
- (1) Notice.** Prior to the Planning Commission meeting, a notice shall be sent by mail or personal delivery to the contiguous adjacent property owners, and the adjacent property owners from the site access point (this includes those across the street from the site access point).
- (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.
- (D) Initial Information.** Concurrently with notice required to be given to the City of Marquette pursuant to Section 171 (Notice of Proposed Action) of Condominium Act, as amended, 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 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:

- (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).
 - (b) All engineers, attorneys, architects or registered land surveyors associated with the project.
 - (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 Zoning Administrator.
- (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, 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.
 - (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.

(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 or if the proposal is for a private road meeting the standards of an approved (PUD), 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(E) (1), (2), (6), (7), and (8) items. The standards in Section 54.501(E) (3), (4), and (5) do have to be met, however any reference to “street” will be replaced with “private road”.

(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. The timing and procedure for such submittal shall be as set forth in subsections (a) and (b) below, based upon the applicable approval process. ~~Once the review is complete and the City gives its final approval~~ Following review and final approval by the City, the Master Deed shall be recorded in the office of the Marquette County Register of Deeds.

(a) Site Condominiums. For site condominiums approved by the City Commission, the draft master deed and/or restrictive covenants shall be submitted to the City zoning office within a reasonable period following City Commission approval, and in all cases prior to one (1) year from the date of approval, in order to satisfy the requirements of [Section 54.503\(H\)\(3\)](#).

(b) Condominiums. For administratively reviewed condominiums, the applicant shall submit a revised master deed and/or restrictive covenants if review of such documents is required pursuant to [Section 54.503\(C\)](#), to the City zoning office addressing all staff review comments within a reasonable period, not to exceed one (1) year from the date the City transmits its initial written review comments. If the revised documents are not

submitted within this period, the condominium application shall be considered inactive and shall expire upon written notice from the City. Any resubmittal after expiration shall require a new application and payment of all applicable fees.

- (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) Through (N) are not applicable for this amendment.

Section 54.618 Food Production, Minor

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

- (A) **Minimum Setbacks and Clear Vision Triangle Area.** All garden structures must maintain a three-foot setback from all property lines as well as meet traffic visibility regulations of [Section 54.704](#), with the exception of an arbor that is adjacent to the front property line as part of a fence or freestanding. Garden vegetation shall not encroach onto adjacent lots.
- (B) **Permitted Structures.** In addition to the accessory structure regulations of [Section 54.705](#), the following requirements shall apply to Minor Food Production structures (such as home gardens and community gardens). If these standards are met, the structures are in compliance with this section and no permit is required:
- (1) **Trellises and Arbors.** If located in a required setback area (see [Article 4](#)), the maximum height of a trellis or arbor is 8 feet. Arbors may be freestanding or built into fences along the front property line.
- (2) **Raised Planting Beds.** If located in a required setback (see [Article 4](#)) or in a front yard, the maximum height of a raised planting bed is 24 inches. Planting beds must be kept out of the public right-of-way, unless otherwise permitted by the City Code or a City Policy. Raised planting beds higher than 24 inches must meet the minimum setback requirements for accessory structures in the district ([Section 54.705](#)).

Section 54.706 Fences and Walls

(C) Requirements by Zoning District:

(1) LDR, MDR, and MFR Districts.

(a) **Height.** Fences and walls shall not exceed six (6) feet in height, with the following exceptions:

(i) **Adjoining a Lot Containing a One- or Two-Family Dwelling or Adjoining a Vacant Lot that Could Contain a One- or Two-Family Dwelling.** Where a fence or wall is within ten (10) feet of an adjoining lot containing a one- or two-family dwelling or within ten (10) feet of an adjoining a vacant lot that could contain a one- or two-family dwelling; the fence or wall shall not exceed four (4) feet in height if it is located in the side or front yard (see [Section 54.706\(C\)\(1\)\(a\)\(iii\)](#) for additional front yard requirements), with the following exceptions:

(1) For required retaining walls.

(2) On corner lots, a residential screening fence may be six (6) feet tall, located in the rear yard and up to the front wall of the primary dwelling in the side yard.

(3) An interior block property adjacent to a corner property may place a 6-ft. tall screening fence within its property boundaries to match the placement allowed on the corner property so that either property has the same opportunity to have a screening fence in directly adjacent areas of their yards.

(4) For interior-block residences that are located fully behind the adjacent primary residences along the side lot lines, screening fences may be six (6) feet tall, located in the rear yard and up to the neighboring primary dwellings' rear wall.

(5) For interior-block residences, where the rearmost wall of the neighboring primary dwelling structure is between the front wall and rear wall of the subject home, a 6-ft. screening fence may be built to a point aligned on the rear wall of the neighboring primary dwelling in that side yard of the subject property. Each side of the property is treated independently. Where the rearmost portion of the subject property is a shed/garage for vehicle or other storage, and not containing dwelling space, it shall not be counted as the rearmost portion of the dwelling.

(ii) **Street Sides of Corner Lots.** On the street sides of corner lots, a fence or wall may not exceed four (4) feet in height between the front wall of the primary dwelling and the corner on either street frontage, unless it is approved as a Special Purpose fence as identified in [Section 54.706\(E\)](#).

(iii) Front Yard Requirements. A fence in a front yard may not exceed four (4) feet in height unless it meets [Section 54.706\(C\)\(1\)\(a\)\(i\)](#) above. Walls over three (3) feet in height are prohibited in a front yard except for retaining walls. Walls must be set back at least (12) inches from the front lot line. The columns in between the walls or fences are allowed to be four (4) feet in height, **unless it is approved as a Special Purpose fence as identified in Section 54.706(E).**

(2) M-U and CBD Districts.

(a) Height. **With exceptions as enumerated below,** fences and walls in the side yard **and front yard** shall not exceed four (4) feet in height, **or and in the** rear yard **shall** not exceed six (6) feet in height. ~~A fence in a front yard may not exceed four (4) feet in height.~~ Walls are prohibited in a front yard except for retaining walls.

Exceptions:

(i) A wall or fence in the side or rear yard of an approved commercial Outdoor Alcoholic Beverage Service use (see [Section 54.636](#)) and for Outdoor Entertainment and Community Events (see [Section 54.635](#)) may be up to eight (8) feet in height for the purposes of visual and noise screening of that particular use.

(ii) A wall or fence in the front or side yard that has a commercial off-street parking lot abutting a residential use may be up to six (6) feet in height. In lieu of a wall or fence, the owner may plant and maintain an evergreen greenbelt buffer in accordance with [Section 54.1003\(D\)\(2\)\(c\)](#).

(iii) **For residential uses, on corner lots, a residential screening fence may be six (6) feet tall, located in the rear yard and up to the front wall of the primary dwelling in the side yard.**

(iv) **For residential uses, an interior block property adjacent to a corner property may place a 6-ft. tall screening fence within its property boundaries to match the placement allowed on the corner property so that either property has the same opportunity to have a screening fence in directly adjacent areas of their yards.**

(v) **For residential uses, interior-block residences that are located fully behind the adjacent primary residences along the side lot lines, screening fences may be six (6) feet tall, located in the rear yard and up to the neighboring primary dwellings' rear wall.**

(vi) **For residential uses, where the rearmost wall of the neighboring primary dwelling structure is between the front wall and rear wall of the subject home, a 6-ft. screening fence may be built to a point aligned on the rear wall of the neighboring primary dwelling in that side yard of the subject property. Each side of the property is treated independently. Where the rearmost portion of the subject property is a shed/garage for**

vehicle or other storage, and not containing dwelling space, it shall not be counted as the rearmost portion of the dwelling.

(vii) Special Purpose Fences as identified in Section 54.706(E)

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(E) Special Purpose Fences.

- (1) Swimming Pools.** All swimming pools with a water depth of two (2) feet or greater at any point must be enclosed with a six (6) foot high fence, not closer than four (4) feet from the pool's edge on any side. Gates in the fence must have a self-latching catch or lock located not closer to the grade than four (4) feet and otherwise made inaccessible from the outside to small children.
- (2) Protective Measures Fence.** A protective measures fence may only be erected upon a finding by the Board of Zoning Appeals of the need for such fence. The BZA's established procedures of [Section 54.1404](#) must be followed. In determining whether the applicant has a practical difficulty, the BZA shall determine that the definition of a "protective measures fence" is met and that there is no reasonable alternative to the erection of the fence. A protective measures fence shall not exceed twelve (12) feet in height in the I-M district, ten (10) feet in height in the GC, RC, M, C, CR, and BLP, and eight (8) feet in height in all other districts. The BZA may permit the owner of a protective measures fence to erect necessary and reasonable barriers along the uppermost edge of such fence including barbed wire. Security fences for telecommunications towers and other facility that require such fencing are exempt from the provisions of this sub-section.
- (3) Temporary Fences.** Temporary fences, as defined herein, may be permitted by the City in conjunction with an approved temporary activity/purposes, such as construction; landscaping and grading erosion control; temporary sales areas; temporary and events; ~~or snow~~ exclusion, and garden and wildlife exclusion fencing ~~(as long as it is not permanently anchored and the use is temporary for the snow or growing season).~~ The type of temporary fencing used must be appropriate for the temporary activity, and in most cases a temporary fence must be installed prior to the temporary activity and should be removed soon after the end of the temporary activity. Temporary fencing that does not meet these standards may be considered a violation of this section. Temporary garden/wildlife exclusion and snow fences cannot be in place ~~greater~~ longer than 6 months in a calendar year. Temporary fencing that is not permanently anchored and the use is temporary does not require a fence permit. Wildlife exclusion fencing must comply with the standards of [Section 54.706\(E\)\(5\)](#)
- (4) Dog Pens and Runs.** *Section 10-42* of the City Code states, "Dog pens and runs shall not be placed in front yards. Such pens shall be located not less than ten feet from adjacent properties unless a six-foot solid screen obscuring fence is constructed to separate the pen and run from adjacent property. For purposes of this article, any enclosed area used exclusively to contain a dog shall be

considered a dog pen or dog run”.

- (5) **Wildlife Exclusion Fences (WEFs).** To encourage gardening in areas of the city in which deer commonly browse tree saplings, seedlings, and garden plants, residents may erect temporary fences designed to exclude deer, in accordance with the following standards:
- (a) WEFs may be up to six (6) feet in height.
 - (b) WEFs may be placed in any yard on the residential property, including the front yard.
 - (c) Because these fences must be tall and robust, they may be attached to buried or anchored posts, which must be removed when the growing season has ended.
 - (d) Fence materials may include polymers, plastic mesh, wood components, and should be durable, non-toxic, and designed to minimize entanglement and injury. Electric fencing is prohibited.

Section 54.320 RO, Riparian Overlay District

(H) Required Planting.

- (1) **Activities that Require Planting.** In addition to maintaining the required vegetative strip ([Section 54.320\(F\)](#)) within all riparian buffer areas, the following condition(s) shall trigger the requirement for inventorying and, if necessary, planting of native vegetation in areas where riparian buffers are required:
- (a) Site plan review for parcel, site condominium, planned unit development (PUD).
 - (b) Application for a building permit.
 - (c) Any work requiring a Soil Erosion and Sedimentation Control Permit.
 - (d) Any work requiring an Inland Lakes and Streams Permit.
- (2) **Required Plan Information.** All plans prepared for recording, site plan review, and all right-of-way plans shall clearly:
- (a) Show the extent, including dimensions, of any riparian buffer on the subject property.
 - (b) Identify all adjacent wetlands.
 - (c) Identify percent slope of lands adjacent to waterway.
 - (d) Identify the 100-year floodplain limits.
 - (e) Label the riparian buffer.
 - (f) Provide a note to reference the riparian buffer stating: “There shall be no clearing, grading, construction or disturbance of vegetation except as permitted by the City of Marquette”.
- (3) **Required Native Trees and Shrubs.** All new plantings must be native species. The following are the required minimum frequencies for plants in a riparian buffer area when an activity requires inventory and, if necessary, planting (see [Section 54.320\(H\)\(5\)](#) for species requirements):

- (a) One (1) native tree per every 10 lineal feet of each stream bank.
 - (b) Four (4) native shrubs per every 10 lineal feet of each stream bank.
- (4) **Required Native Groundcover.** If any part of the riparian buffer area is fallow or lacking any plants at all, native grass and/or native wildflowers shall be planted using the following (see [Section 54.320\(H\)\(5\)](#) for species requirements):
- (a) Grass seed at a rate required by seed package.
 - (b) Straw mulch at one bale per 100 square feet.
- (5) **Permitted and Prohibited Species of Plantings.** ~~A list of allowable and prohibited native species of trees, shrubs, and groundcover shall be maintained by City staff and may include recommended species of the Natural Resources Conservation Service (NRCS) based on general soil type.~~
- Existing and proposed vegetation may not include plant species identified as invasive, noxious in the City Code or Land Development Code, or by the USDA Natural Resources Conservation Service (NRCS) for this county or region. The NRCS's PLANTS database should be used to verify species acceptability prior to Site Plan Review application.

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:

- (D) **Maneuvering Lane Requirements.** All spaces shall be provided adequate access by means of a maneuvering lane. Backing directly onto a street is prohibited.
- (E) **Driveway Requirements.** Driveways may only be built from an improved right-of-way. Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for all vehicles. There shall be a minimum of 25 feet between curb cuts or cuts and intersections. There shall be a clear vision triangle at each intersection pursuant to [Section 54.704](#).