

∞ AGENDA ∞

MARQUETTE CITY PLANNING COMMISSION Tuesday, June 02, 2026, at 6:00 p.m. Commission Chambers, City Hall

MEETING CALLED TO ORDER

- 1) ROLL CALL
- 2) APPROVE AGENDA
- 3) APPROVE MINUTES: **Minutes of 05-05-26**
- 4) CONFLICT of INTEREST

1. PUBLIC HEARINGS

- A. 01-SUP-06-26 424 N. Third St. and 143 W. Michigan St. – Blackrocks Brewery-Taphouse**
- B. 01-ZOA-06-26 Land Development Code Amendments**

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

8. WORK SESSION ON REPORTS/PLANS/ORDINANCES

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
MARQUETTE CITY PLANNING COMMISSION
May 05, 2026

A regular meeting of the Marquette City Planning Commission was duly called and held at 6:00p.m. on Tuesday, May 05, 2026, in the Commission Chambers at City Hall. This meeting was videorecorded and the recording is available at the City's website.

ROLL CALL

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

PC Members absent: (1) D. Fetter

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

AGENDA

It was moved by A. Wilkinson, seconded by J. Guter, and carried 7-0 to approve the agenda as presented.

MINUTES

The minutes of the 4/21/2026 meeting were approved by consent, with one correction noted.

CONFLICT OF INTEREST

Nobody stated a conflict.

CITIZENS WISHING TO ADDRESS THE COMMISSION ON AGENDA ITEMS

Anna Ellis, of 509 Rock St., stated:

I am a forestry research educator with MSU Extension, and I want to throw in my two cents because I heard you are going to be editing your tree-planting list. I want to professionally recommend that it is a good idea to remove Columnar Norway Maple and Japanese Lilac from the tree planting list, and if you make future edits to the list, that you prioritize native tree species. Native species are evolutionarily adapted to thrive in the weather conditions that we live in. When you bring in an exotic species or transplant a tree species that grows faster, you get that benefit, but they are less hardy against the environmental pressures of this environment. Sometimes they're slower growing and more of a time investment, but they're more likely to (inaudible), and they also support other native species like insects, that have specifically adapted to rely on those native trees (inaudible), the community ecosystem. I also think (inaudible) of Marquette as a cool, really eco-friendly city, and I think we all would like it to be. Thank you.

NEW BUSINESS

A. 04-SPR-05-26 – 1101 W US 41 (PIN: 0514233)

A. Landers said that staff have reviewed the proposed amended site plan for the construction of a new commercial building, new parking lot, dumpster enclosure, landscaping, and site improvements for 1101 W US 41, and have provided comments regarding the revised plan. She then described the parts of the staff report being shown on the monitors in the room and named each item included in the agenda for the case, including the site plans.

Mr. Brian Savolainen, representing the applicant, said if this plan looks familiar, we were in front of you about a year ago, or eight or nine months ago. What happened was we got your approvals and getting ready to do zoning compliance, but budget numbers came in and weren't in range for what the owner was anticipating at that time. Oddly, they started going through numbers and what they had, and they really needed a little bit more body shop space in the building so they would have had to be doing some things somewhere else. I think they didn't have quite enough room.

OFFICIAL PROCEEDINGS
MARQUETTE CITY PLANNING COMMISSION
May 05, 2026

He said they were really looking the whole time at getting 18 more feet added to their garage area to allow for an extra stall or two. It ended up working out in terms of the way our site plan was originally situated, we only actually expanded our hard surface like five feet further to the east. We had a little bit bigger lanes at that time and we had some extra area for different vehicle display areas. That's part of the parking discrepancy there that we have to clean up when we get it back to Andrea this time for zoning compliance. What it did, it actually created a little more efficiency. And what we looked at too was, we did a slight rotation of the building. We actually shifted the western half a little bit closer to US-41 where we had room. It was probably about 6 or 8 feet, I think. We held the rear end, it's closer to being parallel with 41. And the reason for the shape you see there, what used to be there was an old hotel and storage units. They're built on two different shelves on top of that hill. The buildings had been demolished previously, but the foundation is still there. The old parking areas are still there if you have visited the site. What we're doing, and we were doing this in the original one, to be able to get that space, we actually are cutting like the top three to four feet off of from where the hotel site was, and we're filling about a foot or two where the storage units were. That allowed us to spread the site out without having to cut the existing slopes.

There are already pretty well-established green spaces. And then the way we developed the grading plan, which is the same way we did the last, is we actually drain towards the building lanes, and then back up to the building. So, we're not pushing water to the building, but we're also not pushing water off the site. And then we have a storm system that brings things to the eastern side. We initially had a longer retention basin, but there's a portion back there that didn't work out for grades without having to do a big berm up next to the property. We split it into two different basins, and we expanded a little bit on the northeast corner, away from it. We have an emergency spillway that goes down to the primary MDOT storm sewer, but the official outlet goes from the west side. There's two storm leads that were already run up to the site, and the water meter is out through them. The water goes to the east, builds up to the pond and the first thing is it perks, but if it gets up about a foot below the emergency spillway, then it starts using an outlet that goes in the MDOT system on the other thing, and it meets their requirements. We're going through the permitting process with them right now for that.

Just like the last one, we had met with MDOT previously, and they like the drive there. They didn't require any additions. We have the two lanes. And versus that same facility that's down below the hill, it's much improved over what they did. Doing that shift also helped us with the semis to have a little cleaner route around the entire building. That was the change. It was the shift of adding about 18 feet. Mitch Sharkey is here. He's the general contractor with Midwest, and if there are questions on the building and what's being done there, he can answer those for you. But really, we're doing the same completion.

We had some issues with the site lighting, and we actually brought in a different lighting consultant and that's why we attached an actual plan this time, because we kept getting told that they were going to do this shading, do this, but the new guy actually did. So, we showed them on there. If this goes, we'll address those final additions, any comments that may come up tonight that are additional, and we're going to try and get [the site plan] back in as early as the end of the week for zoning compliance review. The hope here is to get rolling on earthwork in the next three or four weeks, if possible.

K. Clegg asked if there were questions for the applicant.

S. Lawry stated:

I have a couple things. I noticed at the start of the application, you said that you're not managing stormwater, and are applying for stormwater utility...

Mr. Savolainen stated (interjecting):

No, we're managing stormwater, we're just not applying for the stormwater discount. The stormwater actually goes through MDOT on this because it's their system in both right of ways. But we are providing those calcs to Engineering, and they had some questions on that as well.

S. Lawry stated:

That's what I saw going through the whole list of staff comments. There's still an awful lot of information that they're asking you to provide. Do you feel like there's going to be any issues providing it?

OFFICIAL PROCEEDINGS
MARQUETTE CITY PLANNING COMMISSION
May 05, 2026

Mr. Savolainen stated:

No, I don't believe so. I think it's more clarification and I think it's me doing my particular calcs a certain way and have worked with your hydraulic engineer quite a bit here in the past, but that position's changed now so it's probably more of a clarification on the way that's done, but we have to follow MDOT guidelines when it comes to that, which are stringent if not more than the City's actually are.

S. Lawry stated:

With regard to the plan, one thing I didn't see is a location for bulk oil intake, for waste oil or even for your bulk fluid storage.

Mr. Sharkey stated:

That it's all contained inside the building and no waste will go to the stormwater system.

There were no other questions for the applicants.

K. Clegg stated each of the site plan review standards and asked for concurrence that each was satisfied. The Planning Commission found that each standard would be met by the proposal.

K. Clegg said that we are now seeking a motion stating that it meets the eleven site plan review standards.

It was moved by J. Fitkin, seconded by A. Wilkinson, and carried 7-0 that after review of the site plan and the supplemental documentation dated 04-07-26, and the Staff Report for 04-SPR-05-26, the Planning Commission finds substantial compliance with the City of Marquette Land Development Code, the Site Plan Review Standards in Section 54.1402(E), and hereby approves the site plan with the following condition that an amended plan is submitted to meet staff comments.

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

City Staff and the Planning Commission discussed the proposed amendments and staff noted some minor changes that were requested.

D. Stensaas said that the revision to Figure 59 is going to have to wait until the City Arborist has a chance to evaluate the proposed revisions.

COMMISSION and STAFF COMMENTS

N. Vermatt said that the County is holding a County Master Plan update public input session for Marquette-area residents at the Barrell and Beam this Thursday at 6:00 p.m.

J. Guter thanked the staff for preparing the LDC amendments and working through the issues involved.

ADJOURNMENT

K. Clegg adjourned the meeting at 7:25 p.m.



CITY OF MARQUETTE
PLANNING AND ZONING
1100 WRIGHT STREET
MARQUETTE, MI 49855
(906) 228-0425
www.marquettemi.gov

MEMORANDUM

TO: Planning Commission
FROM: Andrea Landers, Zoning Official
DATE: May 28, 2026
SUBJECT: 01-SUP-06-26 – 424 N. Third Street & 143 W. Michigan Street (PIN: 0181310 & 0181380)

Staff has reviewed the Special Land Use permit for a for an Outdoor Alcoholic Beverage Service use area that includes mobile vending units at their off-street parking lot located at 424 N. Third Street and 143 W. Michigan Street.

Please see the attached Staff Report/Analysis for more specific information regarding the Special Land Use application and site plan.

RECOMMENDED ACTION:

The Planning Commission should review the Special Land Use application, Site Plan Review application and site plan, along with the support information provided in this packet, and determine whether or not the proposed Special Land Use is in compliance with the City of Marquette Land Development Code, more specifically, the Special Land Use Standards in Section 54.1403, the Site Plan Review Standards in Section 54.1402, and Section 54.636 for Outdoor Alcoholic Beverage Service.

In accordance with State Law, if the proposed Special Land Use meets all of the standards prescribed in the City Land Development Code then it shall be approved. However, the Planning Commission may consider placing conditions on approval if it is deemed necessary to assure compliance with the above standards.

As always, it is highly recommended that any motion approving the Special Land Use include:

*After holding a public hearing and review of the site plan set dated April 28, 2026, with supplemental documentation and the Staff Report/Analysis for 01-SUP-06-26, the Planning Commission (*finds/does not find*) that the request (*meets/does not meet*) the intent and requirements of the Land Development Code Sections 54.1403, 54.1402, and 54.636, and hereby (*approves/denies*) 01-SUP-06-26 (*as presented/with the following conditions*).*

- **Staff recommends the following condition of approval that an amended plan is submitted to meet staff comments.**



STAFF FILE REVIEW/ANALYSIS

Completed by Andrea Landers – Zoning Official

Reviewed by David Stensaas – City Planner and Zoning Administrator

Case #: 01-SUP-06-26 & 05-SPR-06-26

Date: May 27, 2026

Project/Application: Special Land Use Permit for an Outdoor Alcoholic Beverage Service use area that includes mobile vending units at their off-street parking lot.

Location: 424 N. Third Street and 143 W. Michigan Street

Parcel ID: 0181380 & 0181310

Available Utilities: Natural Gas, Electricity, City Water, City Sewer, and Garbage Collection.

Current Zoning: TSC-T5 – Third Street Corridor-Transect 5

Surrounding Zoning: North: TSC-T5 – Third Street Corridor-Transect 5
South: TSC-T5 – Third Street Corridor-Transect 5 & MFR – Multiple Family Residential
East: MFR – Multiple Family Residential
West: TSC-T5 – Third Street Corridor-Transect 5

Zoning District Standards (Staff Comments in Bold Text):

Section 54.322 Third Street Corridor District Form-Based Code

T5 Urban Center (T5): This district consists of higher intensity *mixed-use* buildings that accommodate retail, offices, institutional, townhouses, and apartments. The thoroughfares have wide sidewalks and buildings are set close to the sidewalks.

As per Figure 24. Use, outdoor alcoholic beverage service is an allowable *special land use* in the TSC- T5 Zoning District.

Relationship to the Land Development Code Standards Applicable to Specific Land Uses (Staff Comments in Bold Text):

Section 54.636 Outdoor Alcoholic Beverage Service

(A) Outdoor Food and/or Alcoholic Beverage Service on Public Property. Outdoor food and beverage service (including alcoholic beverages) on public property is subject to the requirements of Chapter 12 (Business), Article 6 (Sidewalk Café Permits) of the City Code of Ordinances.

N/A.

(B) Outdoor Alcoholic Beverage Service on Private Property. Outdoor food and beverage service on private property is subject to the following requirements:

- (1) Accessibility. Outdoor alcoholic beverage service on private property shall be located in a manner that will not interfere with vehicular or pedestrian mobility or access, and shall meet Michigan barrier-free requirements. Outdoor alcoholic beverage service areas shall not obstruct the entrance to any building or sidewalk, nor shall they obstruct any barrier-free ramp or access aisle. If outdoor food and beverage service areas are located on a private sidewalk, a minimum five (5) foot wide unobstructed pathway shall be maintained on the sidewalk, for pedestrian traffic.

To be determined by the Planning Commission. The applicant did not have a narrative response to this.

- (2) Mobile Food Vending Units. Mobile Food Vending Units per Chapter 35 of the City Code are not considered Outdoor Food and Beverage Service. Outdoor tables and chairs are considered Outdoor Food and Beverage Service, so if a mobile food vending unit proposed to add this to the site, then they must meet Section 54.636 and submit a zoning permit for this use.

To be determined by the Planning Commission. The applicant did not have a narrative response to this. A mobile vending unit's area is shown on the site plan set.

- (3) Location of Outdoor Alcoholic Beverage Service Areas. Tables and chairs must remain within a well-defined and clearly marked area. The City may require enclosures consisting of metal railing, brick walls, landscape planters or other suitable materials using decorative, wrought iron fencing, or other suitable materials. The City may permit temporary enclosure structures, provided the temporary enclosure structures meet the requirements of Section 54.705(F).

To be determined by the Planning Commission. The applicant did not have a narrative response to this. The location of the tables and chairs are shown on the site plan set.

Relationship to the Land Development Code Special Land Use Standards (Staff Comments in Bold Text):

Section 54.322(C)(7)(a):

- (a) Special land uses shall be administered by the Planning Commission in accordance with Section 54.1403 of the Land Development Code. Special land use permits shall be granted if the following conditions are met:

- (i) The use will not materially endanger the public health or safety or constitute a public nuisance if located where proposed and developed according to the plans and information submitted and approved.

To be determined by the Planning Commission.

- (ii) The use will not substantially injure the value of adjoining property; or that the use in a public necessity.

To be determined by the Planning Commission.

- (iii) The location and character, if developed according to the plans and information approved, will be in harmony with the proximate land uses, and consistent with the purposes of the district.

To be determined by the Planning Commission.

Section 54.1403 Special Land Use Review

- (C) Standards of Special Land Use Review. In permitting a special land use, the Planning Commission shall make a finding that the special land use will be in compliance with the general purpose of the ordinance and the intent of the district in which it is located and will not be injurious to the spirit of this Ordinance and intent of the district, and will not be injurious to the neighborhood, or otherwise detrimental to the public health and welfare. A request for approval of a land use or activity shall be approved if the request is in compliance with the following standards, as well as other applicable City ordinances, and state and federal statutes:

- (1) Intent of Zoning District. *The intent of the Zoning District is met and the proposed use is in harmony with appropriate and orderly development of the district.*

T5 Urban Center (T5): This district consists of higher intensity *mixed-use* buildings that accommodate retail, offices, institutional, townhouses, and apartments. The thoroughfares have wide sidewalks and buildings are set close to the sidewalks.

- (2) Use of Adjacent Lands. *The current use of adjacent lands and neighborhood are compatible with the proposed use.*

The neighborhood is comprised of single family and multiple family structures that are both rentals and owner-occupied, retail, offices, service uses, and parking lots. A proposed marijuana retailer was previously approved, but the parcel is still vacant.

- (3) Physical Appearance of Structures. *The physical appearance of existing or proposed structures (location, height, bulk of building as well as construction materials) meets the standards of this Ordinance.*

The existing structure is listed as being in average and good condition per the City assessment records.

- (4) Landscaping. *The suitability of the proposed landscaping in providing ground cover, screening, and decoration on the site. See Article 10.*

No landscaping is proposed.

- (5) Operations of Use. *The nature and intensity of operations involved in or conducted in connection with the proposed use is appropriate for the site and not in conflict with surrounding properties and uses.*

The proposal would allow for an increase in the intensity of operations.

- (6) Time of Use, and Physical and Economic Relationship. *The proposed or estimated time(s) of use and the physical and economic relationship of one type of use to another are not in conflict with each other or with surrounding properties and uses.*

Per the application, the proposal limits the hours of operation from noon-11 p.m. daily for the proposed alcoholic food and beverage area. Per the applicant's response to zoning comments, the food trucks will be closed after 9pm.

- (7) Number of Persons or Employees. *The proposed or estimated assembly of persons or employees shall not be hazardous to the neighborhood or incongruous or conflict with normal traffic or activity in the vicinity.*

The assembly of persons and traffic would be an increase with the proposed outdoor area addition.

- (8) Vehicular and Pedestrian Circulation. *Proposed or estimated vehicular and pedestrian traffic volumes and patterns, particularly of children, as well as vehicular turning movements do not negatively impact traffic flows, intersections, site distances, and safety.*

It is anticipated that vehicular volumes to/from the site will increase during the hours of operation with this expansion request. Michigan St. is classified as an Urban Local Street per the Community Master Plan, with traffic volumes considered low. N. Third Street is classified as Urban Collector, with traffic volumes considered to be moderate. Bicycles are a significant mode of travel to and from the site, and the current bicycle parking area is not shown on either the Existing Condition Site Plan or the Proposed Site Plan (see comments for item 1402.E.2 below), and the existing and proposed bike parking must be shown on revised site plans, per LDC subsection 54.908.

- (9) Physical Characteristics of the Site. *The current and proposed physical characteristics of the site such as area, drainage, topography, open space, landscaping, and access to minor and/or major streets will meet the requirements of this Ordinance and all other City standards. The use and development shall consider the natural environment and help conserve natural resources.*

No problems anticipated.

- (10) Public Services. *Proposed or estimated demands upon public services such as electricity, sewer, water, police, and fire protection, schools and refuse disposal shall not be overly burdensome, based on the readily available information.*

No problems anticipated.

- (11) Environmental Factors. *The type and amount of litter, waste, noise, dust, traffic, fumes, glare and vibration which may be generated by such use shall be minimized and/or properly mitigated.*

Careful management of the property will be necessary to avoid nuisance problems. To be determined by the Planning Commission.

- (12) Site Area and Potential Future Expansion Areas. *That the Planning Commission has determined that there is sufficient site area for the proposed use to prevent nuisances to neighboring uses, and that there is the potential for reasonable anticipated expansion of the use without nuisances to neighboring uses.*

Any future expansion would require an additional public hearing.

- (13) Additional Neighborhood Factors. *Other factors shall be considered as necessary to maintain property values in the neighborhood and guarantee safety, light, air and privacy to the principal uses in the district.*

To be determined by the Planning Commission.

- (14) Master Plan. *Conformance and harmony with the Master Plan.*

The Planning Commission should review: Chapter 2 – Future Land Use, Historic Core; Chapter 3 – Guiding Principles of the Community Master Plan to determine compliance.

Relationship to Site Plan Review Standards (Staff Comments in Bold Text):**Per Section 54.1402 of the Land Development code:**

(E) Site Plan Review Standards. In addition to the development standards of this Ordinance as well as the underlying zoning district, each site plan shall be designed to ensure that:

- (1) Public Health, Safety, and Welfare. The uses proposed will not harm the public health, safety, or welfare. All elements of the site plan shall be designed to take into account the site's topography, the character of adjoining property, and the type and size of buildings. The site shall be developed so as not to impede the normal and ordinary development or improvement of surrounding property for uses permitted in this Ordinance.

Proposal includes an Outdoor Alcoholic Beverage Service use area that includes mobile vending units at their off-street parking lot.

- (2) Safe and Efficient Traffic Operations. Safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation within and to the site shall be provided. Drives, streets, and other elements such as walkways shall be designed to promote safe and efficient traffic operations within the site and at its access points.

No new vehicle parking is proposed. The site plan must be updated to show the current bicycle parking area on the site, which is over the drainage area in the SE portion of the 143 parcel, and not where shown along Michigan St.

- (3) Vehicular and Pedestrian Circulation. The arrangement of public or common ways for vehicular and pedestrian circulation shall be connected to existing or planned street and pedestrian or bicycle pathways in the area. There shall be provided a pedestrian circulation system which is separated from the vehicular circulation system. In order to ensure public safety, special pedestrian measures, such as crosswalks, crossing signals and other such facilities may be required in the vicinity of schools, playgrounds, shopping centers, and other uses which generate a considerable amount of pedestrian traffic.

They are proposing to add bike racks. Please see applicant's response to zoning and fire comments.

- (4) Topography and Landscaping. The landscape shall be preserved in its natural state, insofar as practical, by removing only those areas of vegetation or making those alterations to the topography which are reasonably necessary to develop the site in accordance with the requirements of this Ordinance. Landscaping shall be preserved and/or

provided to ensure that proposed uses will be adequately buffered from one another and from surrounding property.

No landscaping is proposed.

- (5) *Storm Water Management.* *Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Surface water on all paved areas shall be collected so that it will not obstruct the flow of vehicular or pedestrian traffic or create standing water.*

No problems anticipated with the existing storm water management system.

- (6) *Emergency Vehicle Access.* *All buildings or groups of buildings shall be arranged so as to permit emergency vehicle access as required by the Fire Department and Police Department.*

The Police Department do not have any comments in regard to vehicle access. Please see the applicant's response to the Fire Department comments regarding access.

- (7) *Outdoor Storage and Loading and Unloading Areas.* *All outside storage areas, including refuse storage stations, shall be screened from the view of the street and/or adjacent residentially zoned properties. All loading and unloading areas shall be reasonably screened for residentially zoned properties.*

No changes proposed to the existing refuse storage area. The loading area located in the parking lot will be reduced in size by the proposed temporary barrier and bike parking.

- (8) *Lighting.* *Exterior lighting shall be arranged so that it is deflected away from adjacent properties and bodies of water so that it does not impede the vision of traffic along adjacent streets or impair navigation on the waterway. Flashing or intermittent lights shall not be permitted.*

No new lighting is proposed.

- (9) *Location of Building Entrances.* *For consistency in areas where adjoining properties face the street, the Planning Commission may require that primary structures shall be oriented so that their main entrance faces the street upon which the lot fronts. If the development is on a corner lot, the main entrance may be oriented to either street or to the corner.*

The existing main building entrance is on Third Street. There is a secondary entrance from the parking lot to the outdoor space, and then the entrance to the building.

(10)*Nuisances. No noise, vibration, dust, fumes, or other nuisance shall leave the property in a manner that affects the surrounding area.*

To be determined by the Planning Commission.

(11)*City of Marquette Engineering Design and Construction Standards. The site plan must comply with the City of Marquette Engineering Design and Construction Standards.*

No new construction is proposed.

Attachments:

- Special Use Permit application
- Site Plan review application
- Engineering, Zoning, and Fire staff comments
- Applicant's response to Zoning and Fire staff comments
- Area Map
- Block Map
- Photos
- Site Plan set
- June 7, 2011, Planning Commission minutes from the original approval for case 02-CUP-06-11
- June 4, 2013, Planning Commission minutes for case 06-SPR-06-13
- September 1, 2015, Planning Commission minutes for an expansion request for case 12-CUP-09-15
- July 11, 2017, Planning Commission minutes for an expansion request for case 04-CUP-07-17
- May 7, 2019, Planning Commission minutes for an expansion request for case 04-SUP-05-19
- June 2, 2020, Planning Commission minutes for outdoor entertainment as an accessory use and an expansion for outdoor food and beverage service for case 11-SUP-06-20
- July 18, 2023, Planning Commission minutes for a Special Land Use Permit for a one-story building addition that will have Light Manufacturing use for additional beer brewing vessels and an Outdoor Alcoholic Beverage Service use on the new rooftop terrace for case 03-SUP-07-23

PRINT

CITY OF MARQUETTE
SPECIAL LAND USE PERMIT APPLICATION



Parcel ID #: 0181380 + 0181310 CITY STAFF USE File #: 01-SUP-06-26
Receipt/Inv #: 537463 Check #: 13599 Received by and date: 4-28-26 AC
• Article 6 Use Requirements Narrative Submitted: Y / (N) (not applicable-no requirements) 5-1-26
• SPR application submitted: (Y) / N (not applicable 1-2 family residential) Number of Site Plans Submitted: 20
Application Deadline (including all support material): 5-5-26 Notice Date: 5-15-26 Hearing Date: 6-2-26

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED, THE SITE PLAN REVIEW REQUEST WILL NOT BE SCHEDULED FOR A HEARING UNTIL IT HAS BEEN VERIFIED THAT ALL OF THE INFORMATION REQUIRED IS PRESENT AT THE TIME OF THE APPLICATION - NO EXCEPTIONS!

FEE SCHEDULE (We can only accept Cash or Check (written to the City of Marquette))

- | | |
|---|---------|
| ☐ 1 or 2 Family Residential Units; Group Day Care | \$995 |
| ☐ Commercial and Multi-family Residential (w/ CDRT review) | \$3,055 |
| ☒ Commercial and Multi-family Residential (w/out CDRT review) | \$1,425 |

If you have any questions, please call 228-0425 or e-mail alanders@marquettemi.gov. Please refer to www.marquettemi.gov to find the following information:

Planning Commission page for filing deadline and meeting schedule
Excerpts from the City Land Development Code

- [Section 54.1402 Site Plan Review](#)
- [Section 54.1403 Special Land Use Review](#)
- [Article 6 Standards Applicable to Specific Land Uses](#)

APPLICANT CONTACT INFORMATION

PROPERTY OWNER

Name Andy Langlois/ David Manson
Address 950 W. Washington
City, State, Zip Marquette, MI 49855
Phone # 906-869-4966
Email andy@blackrocksbrewery.com

****APPLICANTS OR REPRESENTATIVES ARE STRONGLY ENCOURAGED TO BE PRESENT AT THE MEETING****

APPLICANT/OWNER'S REPRESENTATIVE

Name _____
Address _____
City, State, Zip _____
Phone # _____
Email _____

****APPLICANTS OR REPRESENTATIVES ARE STRONGLY ENCOURAGED TO BE PRESENT AT THE MEETING****

PRE-APPLICATION CONFERENCE

It is strongly encouraged that all applicants and their representatives meet with City of Marquette staff prior to submitting an application for a Special Land Use Permit. A pre-application meeting with staff allows for a preliminary review of the application procedures, project timelines, compliance with the City Master Plan, and other project criteria, and prevents most situations that usually results in a project being postponed.

PROPERTY INFORMATION

Property Address: 143 Michigan + 424 N Third Property Identification Number: 0181310
0181390

Size of property (frontage / depth / sq. ft. or acres): 0.464 Acres

Zoning District: TSC-T5

Current Land Use: Parking Lot, Light Industrial, outdoor alcohol on 424 N Third parking

Surrounding Zoning Districts:

North - MFR

East - MFR

South - MFR

West - TSC

Surrounding Land Use:

North - Parking Lot

East - Residentail

South - Parking

West - Brewery

SPECIAL LAND USE REQUESTED

- Attach a separate sheet to indicate how you meet Article 6 requirements for the proposed use (if applicable).
- A site plan review (SPR) application and the required sealed site plan sets must be submitted with the application (See Section 54.1402 Site Plan Review of the LDC) Note: One and two-family residential uses are exempt from SPR.

Proposed Special Land Use:

Seasonal outdoor food and beverage service with alcohol within the existing parking lot area.

Description of physical changes that will be made to the property/structure:

Seasonal/temporary use of the parking area during the late spring, summer and late fall including bike parking and temporary barricades.

Hours of Operation:

12:00 (noon) - 11:00 PM, seven days per week

Any other pertinent information:

SIGNATURE

I hereby certify the following:

1. I am the legal owner of the property for which this application is being submitted.
2. I desire to apply for the Special Land Use Permit indicated in this application with the attachments and the information contained herein is true and accurate to the best of my knowledge.
3. The requested Special Land Use Permit would not violate any deed restrictions attached the property involved in the request.
4. I have read Article 6 of the Land Development Code and understand the necessary conditions that must be completed; and I have read Section 54.1402 Special Land Use Review and understand the consideration that will be given in making a decision on this petition.
5. I understand that the payment of the application fee is nonrefundable and is to cover the costs associated with processing this application, and that it does not assure approval of the plan.
6. I acknowledge that this application is not considered filed and complete until all of the required information has been submitted and all required fees have been paid in full. Once my application is deemed complete, I will be assigned a date for a public hearing before the Planning Commission that may not necessarily be the next scheduled meeting due to notification requirements and Planning Commission Bylaws.
7. I acknowledge that this form is not in itself an approval of the Special Land Use Permit but only an application for a Special Land Use permit and is valid only with procurement of applicable approvals.
8. I understand if my Special Land Use Permit is approved that the permit can be revoked at any time if the required conditions are not being met.
9. I authorize City Staff and the Planning Commission members to inspect the site.

Property Owner Signature: 

Date: 4/28/26

PRINT

CITY OF MARQUETTE
SITE PLAN REVIEW APPLICATION



CITY STAFF USE

Parcel ID #: 0181380 + 0181310 *per 01-SUP-06-26* File #: 05-SRP-06-26
Receipt/Inv #: _____ Check #: _____ Received by and date: _____
Site Plan Sheet Set (PC Review - 6 copies / Admin Review - 3 copies) Submitted ☒ Y / N Digital Copy ☒ Y / N
If applicable - Hearing Date 6-2-26 Notice Date 5-15-26 Application complete (checklist, etc) ☒ Y / N
Does the site plan meet the required items: ☒ Y / N

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED, THE SITE PLAN REVIEW REQUEST WILL NOT BE SCHEDULED FOR A HEARING UNTIL IT HAS BEEN VERIFIED THAT ALL OF THE INFORMATION REQUIRED IS PRESENT AT THE TIME OF THE APPLICATION - NO EXCEPTIONS!

Businesses may need to be made accessible to the public and employees per the Americans with Disabilities Act and State Construction Code.

FEE SCHEDULE (We can only accept Cash or Check (written to the City of Marquette))

Commercial, Industrial, Residential with 3 or more units,
and Final PUD Site Plan (includes zoning compliance
fee)

- | | |
|--|---------|
| ☐ Sketch Plan | \$1,005 |
| ☐ Preliminary SPR | \$1,990 |
| ☐ Administrative Review (CDRT review) | \$2,185 |
| ☐ Administrative Review (Non-CDRT review) | \$1,145 |
| ☐ Planning Commission Review | \$2,495 |

Revised Site Plan (Developer Initiated)

- | | |
|--|---------|
| ☐ Administrative Review (CDRT) | \$1,645 |
| ☐ Administrative Review (Non-CDRT review) | \$1,110 |
| ☐ Planning Commission Review | \$1,900 |

Site Condominium

- | | |
|--|---------|
| ☐ Site Condominium Review | \$2,855 |
| ☐ Revised (Developer Initiated) | \$1,045 |

Plats/Subdivision

- | | |
|--|---------|
| ☐ Preliminary | \$2,930 |
| ☐ Final | \$4,450 |
| ☐ Revised (Developer Initiated) | \$1,535 |

- | |
|--|
| ☒ Site Plan Review fee is included in the
Special Land Use Permit or Planned Unit
Development application fees |
|--|

If you have any questions, please call 228-0425 or e-mail alanders@marquettemi.gov. Please refer to www.marquettemi.gov to find the following information:

Planning Commission page for filing deadline and meeting schedule
Excerpts from the City Land Development Code

- Section 54.1402 Site Plan Review (this is attached to the application).
- Section 54.1401 Zoning Permits and Zoning Compliance Review.
- If you are applying for a Site Condominium/Plat/Subdivision, please review Article 5.

STORMWATER

Will you be managing stormwater and applying for a stormwater utility fee reduction? ☐ Yes ☒ No

If yes, please refer to the Stormwater Utility Fee Reduction Application on the City website at www.marquettemi.gov under the Engineering applications.

PRE-APPLICATION CONFERENCE

It is strongly encouraged that all applicants and their representatives meet with City of Marquette staff prior to submitting an application for a Site Plan Review. A pre-application meeting with staff allows for a preliminary review of the application procedures, project timelines, compliance with the City Master Plan, and other project criteria, and prevents most situations that usually results in a project being postponed.

APPLICANT CONTACT INFORMATION

PROPERTY OWNER

Name: Andy Langlois/David Manson
Address: 950 W. Washington
City, State, Zip: Marquette, MI 49855
Phone #: 906-869-4966
Email: andy@blackrocksbrewery.com

APPLICANT/OWNER'S REPRESENTATIVE

Name: _____
Address: _____
City, State, Zip: _____
Phone #: _____
Email: _____

ARCHITECT

Name: Klimmek and Associates
Address: 717 Lakewood Ln
City, State, Zip: Marquette, MI 49855
Phone #: 906-236-5990
Email: daarch@charter.net

ENGINEER

Name: _____
Address: _____
City, State, Zip: _____
Phone #: _____
Email: _____

SURVEYOR

Name: Lynch Surveying
Address: 370 North Rd.
City, State, Zip: Negaunee, MI 49866
Phone #: 906-362-5555
Email: ensign1643@gmail.com

PROPERTY INFORMATION

424 N Third St

0181310

Property Address: 143 Michigan St.

Property Identification Number: 0181380

Size of property (frontage / depth / sq. ft. or acres): 0.464 Acres

Zoning District: TSC-T5

Current Land Use: Parking Lot/Retention/ Dumpster

Light Industrial, Outdoor Alcohol

Surrounding Zoning Districts:

Surrounding Land Use:

North - TSC

North - Retail

East - MFR

East - Multi-family residential

South - MFR

South - Parking lot

West - TSC

West - Nano brewery/ vacant land

DESCRIPTION OF PROJECT

Proposed use(s): Seasonal (spring, summer, fall) food truck parking/service and outdoor beverage service in a portion of the existing parking lot

Proposed structures (including stairs) and dimensions, building style, and materials:

No new structures

Proposed site improvements:

No site improvements

Proposed phases and timelines for work:

spring/summer of 2026

Ultimate ownership: applicant

SIGNATURE

I hereby certify the following:

1. I desire to apply for a site plan review indicated in this application with the attachments and the information contained herein is true and accurate to the best of my knowledge.
2. The request would not violate any deed restrictions attached the property involved in the request.
3. I have read the attached Site Plan Review section of the Land Development Code and understand the necessary requirements that must be completed.
4. I understand that the payment of the application fee is nonrefundable and is to cover the costs associated with processing this application, and that it does not assure approval of the plan.
5. I acknowledge that this application is not considered filed and complete until all of the required information has been submitted and all required fees have been paid in full.
6. I acknowledge that no work can commence until the review process has been completed (includes clearing and earthwork).

Applicant Signature: _____

Date: 5/1/26

1. I am the legal owner of the property for which this application is being submitted.
2. I authorize City Staff and the Planning Commission members to inspect the site.
3. If the applicant is other than the owner, the owner hereby grants permission for the applicant to act on his/her behalf.

Property Owner Signature: _____

Date: 5/1/26

Project Name: Seasonal food truck parking/food beverage service

File #: 05-SPR-06-26

Parcel #: 0181380 + 0181310

PLEASE VERIFY THAT YOU HAVE ADDRESSED ALL THE ITEMS ON THIS LIST IN YOUR SITE PLAN. IF THERE IS NOTHING SHOWN ON THE SITE PLAN PLEASE INCLUDE A STATEMENT AS TO WHY IT HAS NOT BEEN SHOWN, OR MARK IT "NOT APPLICABLE". FAILURE TO ADDRESS THESE ITEMS WILL DELAY APPROVAL. SITE PLAN REVIEW WILL NOT BE SCHEDULED UNTIL COMPLETE PLANS ARE SUBMITTED.

Site Plan Information Required in the Site Plan Set (See Figure 65 in LDC)		APPLICANT	
		Location in site plan	
Identification of Project			
1. The applicant's name.		sheet P1.1	
2. Name of the development.		P1.0 and P1.2	
3. The preparer's name and professional seal of architect, engineer, or landscape architect indicating license in the State of Michigan.		P1.0 and P1.2	
4. Small scale location sketch of sufficient size and scale. (SKETCH PLAN ONLY)		P1.0	
5. A survey of the property, sealed by a surveyor licensed in the State of Michigan.		S1.1	
6. Date of preparation and any revisions.		P1.0, P1.1, S1.1	
7. North arrow.		P1.0, P1.1, S1.1	
8. Complete and current legal description and size of property in acres.		P1.0, P1.1, S1.1	
Existing Features			
9. Property lines and dimensions drawn to scale.		S1.1	
10. Zoning and current land use of applicant's property and all abutting properties and of properties across any public or private street from the site.		P1.0, P1.1, S1.1	
11. Lot lines and all structures on the property and within 100 feet of the site's property lines.		p1.0, S1.1	
12. Locations of all significant natural features – streams, wetlands and floodplains (see Section 54.805), steep slopes (see Section 54.806)		S1.1	
13. Boundary of any Riparian Overlay Districts, per Section 54.320(E) . Applicable where streams and/or steep slopes, wetlands, and surface water bodies may be impacted by proposed development. Location of steep slopes (>12 percent), per Section 54.806		N/A	
14. Any existing private or public easements		none	
15. Location of any access points on both sides of the street within 100 feet of the site along streets where access to the site is proposed.		P1.0	
16. Locations of existing utilities.		S1.1	
17. Existing topography at a minimum of two (2) foot contour intervals.		S1.1	
		Location in site plan	N/A attach reason
Proposed Construction			
18. Building footprints, setbacks, and elevations showing height for all proposed structures with the acreage allotted to each use. See Article 3 , Article 4 , and Article 7 .		X	
19. Floor area and ground coverage ratios. See Article 3 and Article 4 .			X
20. Schematic storm water management plan, including elements stated below for Final Site Plan requirements, as needed to show intended compliance with the requirements of the Land Development Code. (Preliminary Site Plan submittal only)			X
21. Proposed topography with a site grading plan with topography at a maximum of two (2) foot contour intervals.		X	

	APPLICANT	
	Location in site plan	N/A attach reason
22. Boundary of any Riparian Overlay Districts, per Section 54.320(E) . Applicable where streams and/or steep slopes, wetlands, and surface water bodies may be impacted by proposed development. Location of steep slopes (>12 percent), per Section 54.806	X	
23. Location and method of screening for all waste dumpsters. See Section 54.1003(F) .	X ⁺	
24. Location and dimensions of parking spaces. See Article 9 .		X
25. General landscaping design concept acceptable to the Zoning Administrator. (SKETCH PLAN ONLY)		X ⁺
26. A landscaping plan indicating proposed plant locations with common plant name, number, and size at installation. Berms, retaining walls or fences shall be shown with elevations from the surrounding average grade. See Article 10		X ⁺
27. Details of exterior lighting including locations, height, and method of shielding. See Section 54.802 .	X ⁺	
28. The location of all permanent or temporary signs, existing or proposed, including their area, size, height, illumination, and the type of construction. See Article 11 .		X ⁺
29. Locations of utility services (with sizes) and storm water management elements, including, storm drainage, retention or detention ponds and/or swales, rain gardens, riparian buffer vegetative strips, per Section 54.803 . Any proposed public or private easements.	X	
30. Fire hydrant number and placement or other water supply, and standpipe connection type; Fire dept. connection location; Alarm panel location; Fire dept. access details.	X ⁺	
31. If the application is related to property scheduled for phased development, the proposed layout for the total projected development shall be indicated, and the projected scope and time period shall be estimated for each additional phase. The phasing plan must be acceptable to the City staff to ensure that each phase can function independently and is not reliant on future phases if they are not constructed. Tree clearing and grading is limited to the areas that are proposed and approved for a phased timeline.		X
Site Circulation Details and Access Design		
32. General site circulation and access including: indication of street right-of-way and pavement widths; access points; and location of pedestrian paths. See Section 54.907 . (SKETCH PLAN ONLY)	X	
33. Street horizontal and vertical dimensions, including curve radii.	X	
34. Dimensions of access points including distance from adjacent driveways or intersecting streets, including those across a street. See Section 54.907 .	X	
35. Schematic location and names of abutting public streets and other right-of-ways, and schematic location of proposed streets/roads, driveways, parking areas, pedestrian and bicycle paths.	X	
36. Schematic of access points, including from adjacent driveways on intersecting streets, including those across a street. See Section 54.907 .	X	
37. Locations, dimensions, and names of abutting public streets and other right-of-ways, and of proposed streets/roads, driveways, parking areas, pedestrian and bicycle paths or trails.	X	
38. Pavement widths and pavement types for all streets/roads, pedestrian and bicycle paths.	X	
39. Written verification of access easements or agreements, if applicable.		X
Additional Information		
40. Any other information necessary to establish compliance with this and other ordinances.		X

	APPLICANT	
	Location in site plan	N/A attach reason
Voluntary Information/Considerations – callouts/notes and narrative would be appreciated		
41. Infrastructure for Electric Vehicle (EV) charging stations (wiring, conduit, etc.)		X
42. Incorporation of green infrastructure elements such as a bioswale/rain garden (see Fig. 41), pervious pavers, vegetative/green roof, living retaining wall, French drains.		X
43. Public art elements such as sculpture, murals, interactive installations.		X
44. Affordable housing (including of explanation of how affordability is calculated).		X
45. Encourage colorful cladding materials (black, white, grey materials should be limited to <50 percent of total exterior cladding and trim colors).		X
46. Inclusion of bicycle parking facilities (racks, shelters, lockers, etc.) not required by the LDC.	X	

	APPLICANT		DEPARTMENT
	Location in site plan	N/A attach reason	Approved / Waived
ENGINEERING DEPT			
Please refer to the Engineering Department General Guidelines and Standards for Street and Utility Design: https://www.marquettemi.gov/wp-content/uploads/2019/03/Design-and-Construction-Standards-Rev.-5-4-16.pdf			
Will you be managing stormwater and applying for a stormwater utility fee reduction? ___ Yes <u>X</u> No If yes, please refer to the Stormwater Utility Fee Reduction Application: https://www.marquettemi.gov/wp-content/uploads/2019/03/Fillable-Stormwater-Utility-Fee-Reduction-Application.pdf			
47. Include under general statements: "All utility construction work to be accepted by the City of Marquette into their utility system and all work done in public rights-of-way or easement must be done in accordance with Michigan Department of Transportation and City of Marquette standards and specifications"		X	
48. Curb cut, water, sanitary sewer, storm sewer permits, etc. required? (obtain prior to construction activities)		X	
49. Vehicle maneuvering lane size		x	
50. Pavement width/type			
51. Vegetated buffer or curbing between street and sidewalk and between sidewalk parking areas		X	
52. Storm sewer ≥12" diameter, in right-of-way, shall be reinforced concrete		X	
53. Sumps in catch basins?		x	
54. Plans to be stamped, dated and signed by a professional engineer	X		
55. Is the downstream storm sewer capacity adequate?		x	
56. Verify that storm water runoff volume or velocity is not increased onto adjacent properties		X	
57. Does any earthwork disturb adjacent properties?		x	
58. Wetland concerns/proper permits obtained?		x	
59. Traffic impact minimal to existing conditions (stacking, etc.)?		x	

	APPLICANT		DEPARTMENT
	Location in site plan	N/A attach reason	Approved / Waived
ENGINEERING DEPT CONT.			
60. Vehicular and non-motorized circulation		x	
61. Sanitary sewer inlet to outlet angles greater than or equal to 90 degrees?		X	
62. Is there a hydrant at the end of any proposed dead end water main?		X	
63. Size and material type of proposed and existing utilities shown?		X	
64. Street horizontal and vertical dimensions, radii		x	
65. Width and materials for non-motorized paths		x	
66. Dimension of access points including distance from adjacent driveways or intersecting streets		X	
67. Profiles will be shown for all utilities to be accepted by the City of Marquette into their utility system. All grades, pipe sizes, pipe materials, inverts and rim elevations will be shown on the profiles (water mains must have a minimum of 6 feet of cover, sanitary sewer mains must be installed under water mains with 1.5 feet of clearance		X	

	APPLICANT		DEPARTMENT
	Location in site plan	N/A attach reason	Approved / Waived
PUBLIC WORKS DEPT.			
68. Delineate & dimension all public or private easements		x	
69. Show public utility main locations & sizes within 100 feet of property boundary		X	
70. Extension or re-routing of public utility systems required		x	
71. Capacity and condition concerns of existing utility lines to serve the project		X	
72. Abandonment of existing utility lines associated with the project		X	
73. Location of existing and proposed utility services (with sizes), including storm water to be shown		X	
74. Utility metering requirements of the project		X	
75. Backflow and cross connection requirements applicable to the project including any proposed irrigation systems		X	
76. Sanitary waste pretreatment requirements		x	
77. Adequate snow storage provided on the property, without clear vision or utility obstructions		X	
78. Provisions to collect drainage from snow storage areas collected on property		X	
79. Access to public property (permits required for any work on ROW) (Drive, sidewalk, and trail connections)		X	
80. Additions or changes to public signing or traffic control required or recommended		X	

PUBLIC WORKS DEPT. CONT.	APPLICANT		DEPARTMENT
	Location in site plan	N/A attach reason	Approved / Waived
81. Additions to existing public sidewalks, or plowed routes, required or recommended		X	
82. Impact of project on public snow removal/storage		x	
83. Effect on plowing or ice control priorities		x	
84. New signing, overhangs, access ramps, grade changes, retaining walls, fences, etc. to be constructed in City ROW or easements		X	
85. Adequate, proper, and accessible on-site waste storage		x	
86. Adequate clearances and clear vision maintained for maintenance and sanitation equipment		X	
87. Removal, trimming, or planting of public trees required		x	
88. Maintenance-friendly design for any portions of the project to become public property		X	
89. Storage of hazardous materials associated with the project near public utilities		X	
90. Blasting near public utilities associated with the project		x	

FIRE DEPARTMENT DEPT.	APPLICANT		DEPARTMENT
	Location in site plan	N/A attach reason	Approved / Waived
91. Buildings meet NFPA standards/NFPA Life Safety Code 101/ BOCA National Property Maintenance Code		X	
92. Proper water supply for fire suppression including fire hydrants and water mains		X	
93. Safe outlets for flushing fire hydrants		x	
94. Easements to test hydrants		x	
95. Water supply meets NFPA standards		x	
96. Fire Apparatus Access		x	
97. Surface Construction		x	
98. Ability to support fire trucks		x	
99. Fire truck angle of approach		x	
100. Outside turning radius		x	
101. Grade of drive or road ok		x	
102. Overhead clearance adequate		x	
103. Driveways and access roads meet NFPA standards		x	

POLICE DEPARTMENT DEPT.	APPLICANT		DEPARTMENT
	Location in site plan	N/A attach reason	Approved / Waived
104. Cross reference with accident data at nearest intersection(s)		X	

CITY OF MARQUETTE
SITE PLAN REVIEW - CHECK LIST ITEMS

(Referenced by Application Number)

Blackrocks Brewery – Seasonal Parking Lot Use for Food/Beverage Service

April 30, 2026

- 13 The existing site/system will remain unchanged
- 19 No new structures are being proposed
- 20 Existing storm management is in place and will not be altered
- 24 The existing parking spaces will remain in place
- 25-26 No additional landscaping will be added
- 28 No signs will be added
- 31 No phased development is required
- 39 No easements exist
- 40-45 These items will not be required
- 47-53 No changes to the existing systems will occur
- 55-58 No changes to the existing systems will occur
- 59 Moving food trucks from the street to the parking area will improve traffic movement
- 68-85 No changes to existing systems are required
- 86 The existing dumpster and access will remain
- 87-90 These items will not be required
- 91-103 No changes to the existing systems will be needed. Fire trucks will have access to two streets and the parking area
- 104 Not aware of accident data

SITE PLAN REVIEW COMMITTEE
Site Plan Review
CITY OF MARQUETTE
300 W. Baraga
Marquette, MI 49855

Date: May 12, 2026

Location: 143 Michigan Street

Submittal Documents:

Plan Title: Blackrocks Pub – Brewery Seasonal Parking Lot Use for Food/ Beverage Service –
Existing Conditions Site Plan
Submitted by: Klimmek and Associates, Inc.
Plans Stamped: 4/3/26

The Engineering Division has no comments after reviewing the documents identified above.

Respectfully Submitted,

Engineering Department



CITY OF MARQUETTE
PLANNING AND ZONING
1100 WRIGHT STREET
MARQUETTE, MI 49855
(906) 228-0425
www.marquettemi.gov

MEMORANDUM

TO: Don Klimmek
FROM: Andrea Landers, Zoning Official
DATE: May 19, 2026
SUBJECT: 01-SUP-06-26 (05-SPR-06-26) – 424 N. Third Street & 143 W. Michigan Street (PIN: 0181310 & 0181380)

After review of the plans, zoning staff has the following comments:

Sheet P1.1

1. This has an area demarcated as Art Market? Please describe what this is.
 - a. If it is a Farmers Market/craft fair-style concept, then it would be a group transient merchant license, under Sec. 12-72 of the City Code. The City Clerk's office would ask that you provide a schedule of events under that license.
2. Regarding the bike racks, per Section 54.908(B) this proposal is exempt from creating new bike parking.
3. Regarding the proposed food truck parking. Are the food trucks using generators or are you planning on adding electrical?
4. Hours of operation state 12:00 noon to 11:00 pm. Seven days a week, but for the food trucks they are only allowed to be until 9pm unless you receive approval to extend the time per a resolution from the City Commission. Did you get this approval? Or do you plan to request it? Please see the resolution language below.

Operations on private property

- Units operating from private property may only do so between the hours of 9 a.m. and 9 p.m., only with the permission of the property owner, and only if the activity is allowed under the provisions of the Marquette Land Development Code.
- The City of Marquette Chief of Police may, following a review of proposed vending times and activities, allow a vending unit to operate beyond the hours of 9 a.m. to 9 p.m.



CITY OF MARQUETTE
Fire Department
418 S. Third St.
MARQUETTE, MI 49855
(906) 225-8941
jfossitt@marquettemi.gov



MEMORANDUM

TO: Andrea Landers
FROM: Jeff Fossitt
DATE: 05-15-26
SUBJECT: 01-SUP-06-26 (05-SPR-06-26)
Parcel Numbers: 0181380+0181310
143 W Michigan

FIRE DEPARTMENT COMMENTS:

- The bike parking is blocking access for the fire department. The bike parking will need to be redesigned so there is no barrier that blocks or restricts fire department access.
- How many mobile food vending trucks/trailers will be operating at one time? How many total mobile food vending areas are requested?
- Clearance of at least 10 feet from buildings, structures, vehicles, and any combustible materials is required when spacing the mobile food vending units.

Jeff Fossitt
Fire Marshal
Marquette Fire Department



Applicant's Response to Zoning and Fire Comments



Re: Staff comments to 01-SUP-06-26 424 Third and 143 Michigan: Blackrocks

From Andy <andy@blackrocksbrewery.com>

Date Tue 5/26/2026 8:40 AM

To Andrea Landers <alanders@marquettetmi.gov>; Don Klimmek <daarch@charter.net>

Good Morning,

1. There are no current plans for an Art Market. We thought it might be something fun to do at some point so we showed it on the plan. If we do have an art market, we'll be sure to acquire a transient merchant license.
2. Noted.
3. Food trucks will be using existing electrical.
4. Food trucks are closed after 9pm.

For Jeff:

1. We'll ensure that bike parking does not restrict fire department access.
2. Our plan is to have 3 food trucks.
3. I spoke with the truck owners and they will maintain the 10ft requirement.

Thank you,

Andy Langlois
Blackrocks Brewery
(906)869-4966

From: Andrea Landers <alanders@marquettetmi.gov>

Sent: Tuesday, May 19, 2026 8:48:50 AM

To: Don Klimmek <daarch@charter.net>

Cc: Andy <andy@blackrocksbrewery.com>

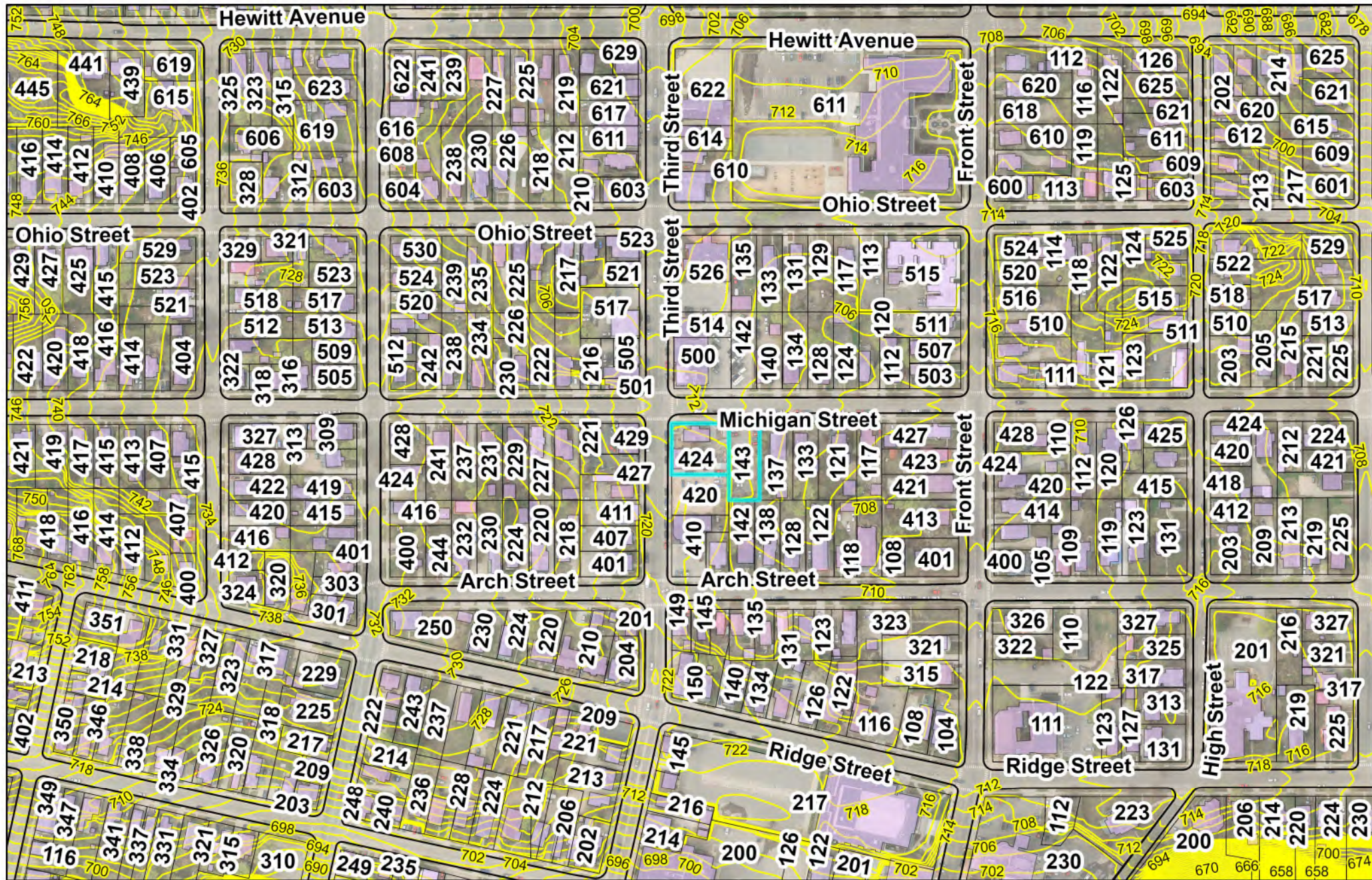
Subject: Staff comments to 01-SUP-06-26 424 Third and 143 Michigan: Blackrocks

Hi,

Please see the attached staff comments. Please send me your narrative response to these comments by Tuesday, May 26th.

Thanks,

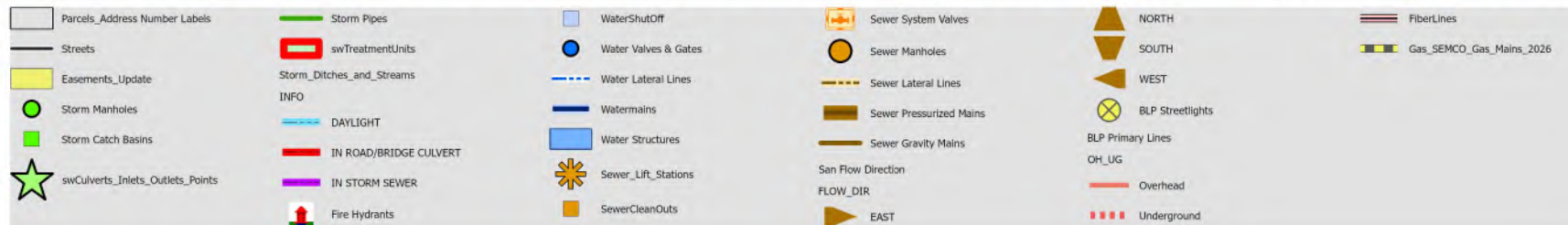
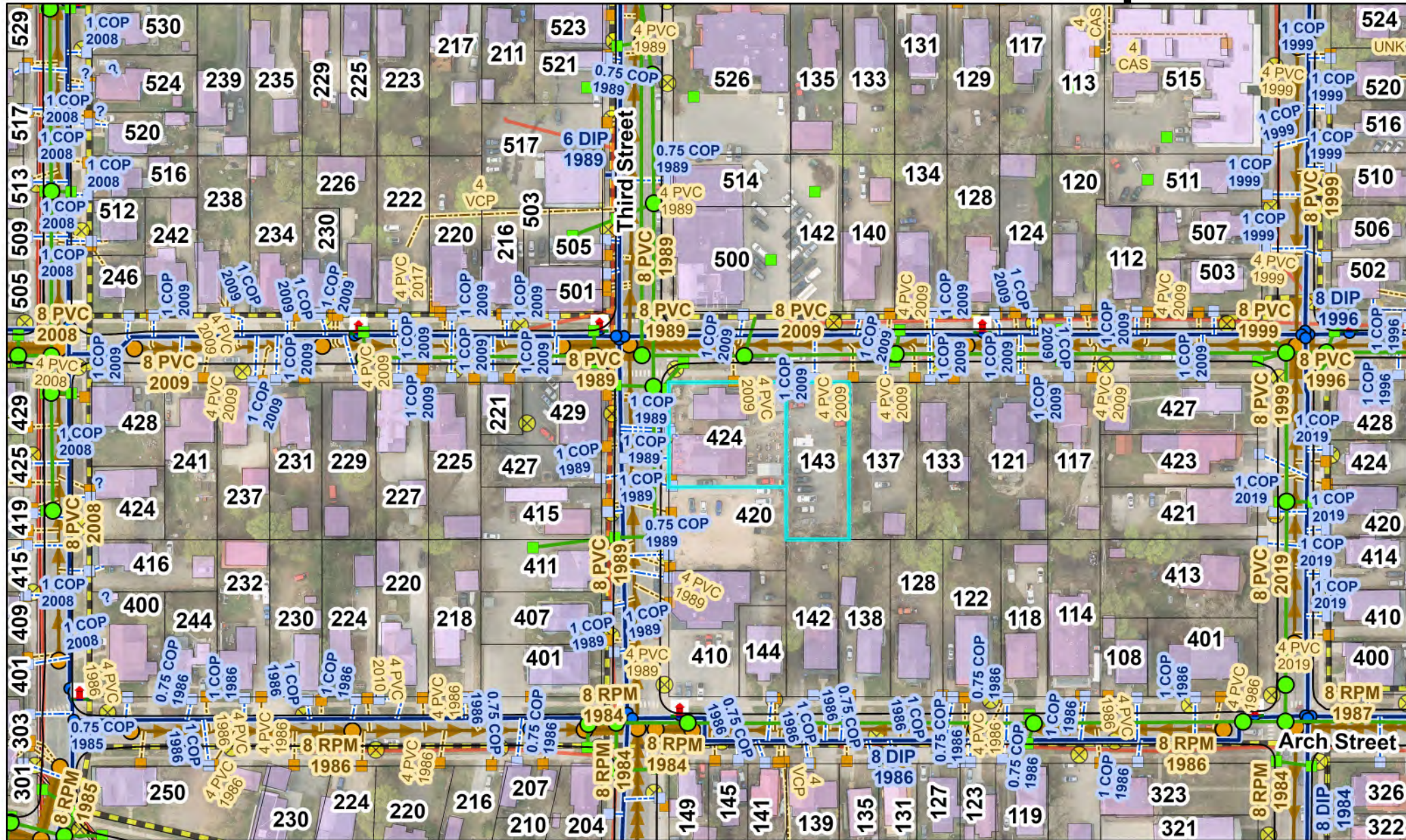
01-SUP-06-26 Area Map



1 inch equals 250 feet

- Building Footprints
- Contours2FT_From_2002
- Parcels_Address Number Labels
- Easements_Update

01-SUP-06-26 Block Map











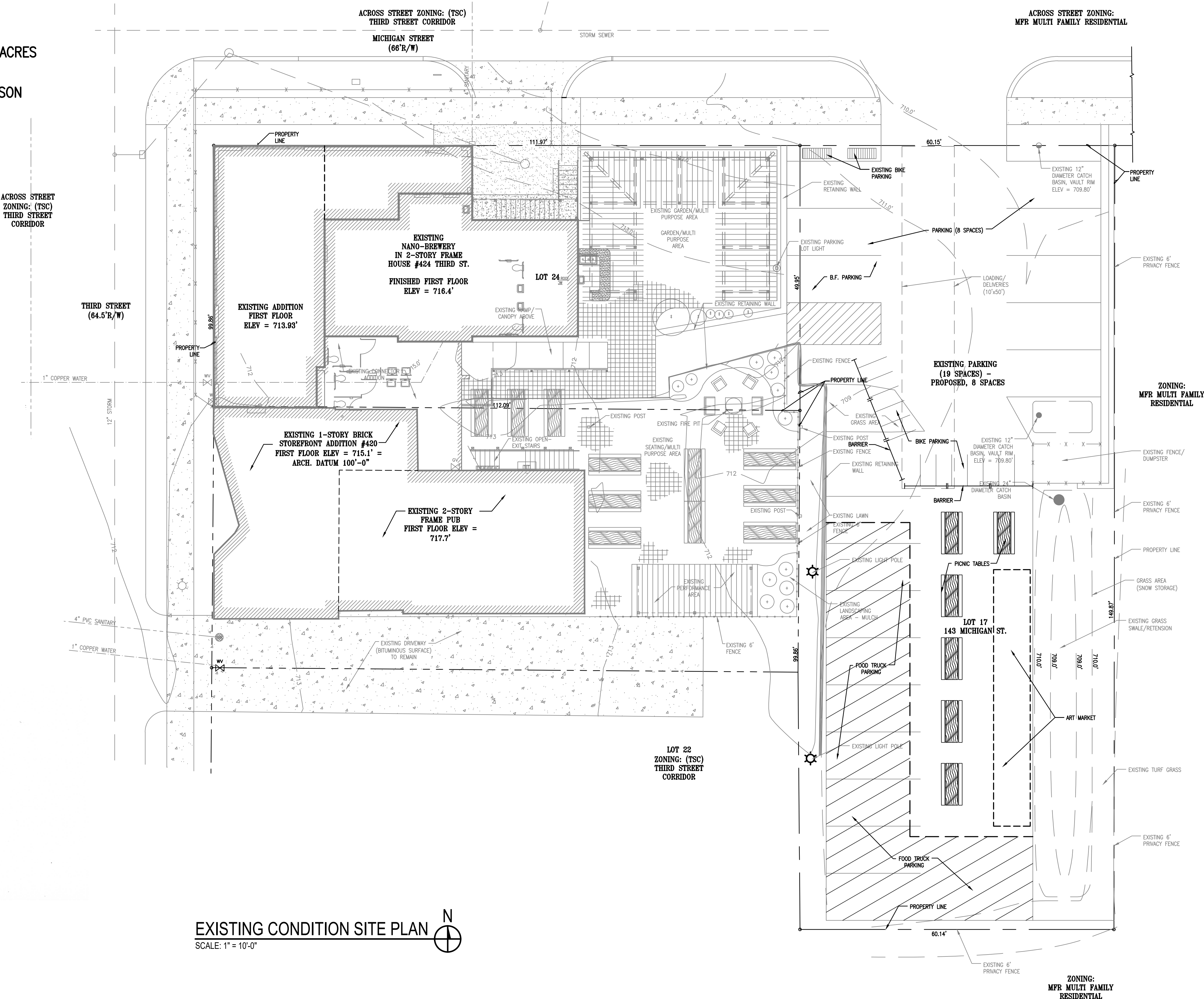


INDEX OF DRAWINGS	
P1.0 EXISTING CONDITION SITE PLAN P1.1 PROPOSED SITE PLAN S1.1 SITE SURVEY	
<u>SEASONAL PARIKING LOT USE:</u> <u>BLACKROCKS PUB</u> 420/424 THIRD STREET – 143 MICHIGAN ST. MARQUETTE, MICHIGAN	
PREPARED BY: <u>KLIMMEK AND ASSOCIATES, INC.</u> ARCHITECTS 717 LAKEWOOD LANE, MARQUETTE, MICHIGAN 49855 PHONE: (906)236-5990 EMAIL: daarch@charter.net DATE PREPARED: 4/10/26 JOB #26-01	
EXISTING CONDITION SITE PLAN	SHEET P1.0

BLACKROCKS PUB - BREWERY SEASONAL PARKING LOT USE FOR FOOD/BEVERAGE SERVICE - PROPOSED SITE PLAN

LOTS 23 & 24, LOT 17 and the West 10' of LOT 16,
John Burt's Addition to the City of Marquette
Marquette County, Michigan

PROPERTY SIZE: 20,270 S.F. / .46 ACRES
(LOTS 23, 24, & 17)
OWNERS: ANDY LANGLOIS/DAVID MANSON



- NOTES:
1. PROPERTY LINES, STRUCTURES & ACCESS POINTS IN SURROUNDING AREA MAP FURNISHED BY THE CITY OF MARQUETTE.
 2. ALL ELEVATIONS ARE CITY OF MARQUETTE DATUM.
 3. TOTAL AREA OF BLACKROCKS BREWERY PROPERTY PARCELS 17, 23, & 24 ARE 22,270 S.F. (0.465 ACRES).
 4. THE LOT COVERAGE PERCENTAGE IS 26% (3 LOTS).
 5. SEE SHEET S1.0 FOR EXISTING TOPOGRAPHIC DATA.

Blackrocks Third Street Addition – Bike parking calculations:

1. Short term bike parking–
Total floor area of all buildings = 8,417 SF
Spaces required for restaurant use; 2 spaces + 4 spaces= 6 spaces
2. Long term bike parking–
Spaces required for restaurant use; 2 spaces + 1 (4 employees) = 3 spaces

TOTAL BIKE SPACES NEEDED AND PROVIDED – 9 spaces minimum

Light Manufacturing Parking Requirements:

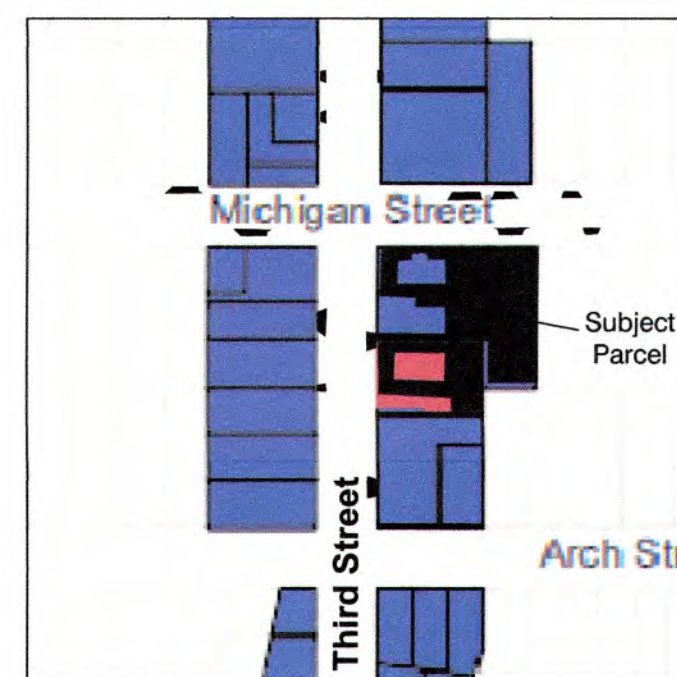
Land Use: Production or processing of goods
Requirements: 1 space/1000 SF of floor area,
Plus 1 space for each 10,000 SF of site area
Calculation:
Floor area = 2,826 SF
2,826/1000 = 2.8 or 3 spaces required
Site area = 20,270 SF
20,270/10,000 = 2.03 or 3 spaces required

Total parking spaces required = 6 spaces/8 temporary spaces provided

KEY TO SYMBOLS	
	PROPOSED SPOT ELEVATIONS
SEASONAL PARKING LOT USE: BLACKROCKS PUB 420/424 THIRD STREET – 143 MICHIGAN ST. MARQUETTE, MICHIGAN	
PREPARED BY: KLIMMEK AND ASSOCIATES, INC. ARCHITECTS 717 LAKEWOOD LANE, MARQUETTE, MICHIGAN 49855 PHONE: (906)236-5990 EMAIL: daarch@charter.net DATE PREPARED: 4/10/26 JOB #26-01	
PROPOSED SITE PLAN	SHEET P1.1

GRAPHIC SCALE

(IN FEET)
1 inch = 15 ft.



LOCATION SKETCH

1"=300' (Approx.)
access points, property lines and
near-by structures

	Property Line
	Plat Lot Line
	Storm Sewer
	Sanitary Sewer
	Underground Gas Line
	Under Ground Telephone
	Fence Line
	Water Line
	Overhead Electric
	Existing Building
	Concrete Surface
	Brick Paver Surface
	Asphalt Surface
	Fire Hydrant
	Water Valve
	Light Pole
	Power Pole
	Electric Manhole
	Stop Sign
	Gas Meter
	EJW Cover
	Curb Catch Basin
	Storm Manhole
	Bee Hive Catch Basin

NOTE:
The utilities illustrated in this site plan show their approximate locations and are not to be relied upon for construction.
Prior to beginning any earthwork call MISS DIG 811 at 811 or 1-800-482-7171.

BY: Neil J. Lynch DATE: 4-25-2023
NEIL J. LYNCH P.S. # 41918

SITE PLAN

Lynch  Surveying L.L.C.

Neil J. Lynch PS
Professional Surveying Services
370 North Road
Negaunee, MI. 49866
(906) 362-5555

	INITIALS	DATE
DESIGN		/ /
DRAWN	NJL	04/12/23
CHECKED	NJL	04/24/23
APPROVED		/ /

[illegible]

BLACKROCKS REAL ESTATE, LLC
a Michigan Limited Liability Corporation
424 N. Third Street
Marquette, MI 49855

Site Plan for Building Addition

PROJ. NO. 103-2023 REV. NO.

S 1.1

Excerpt from the June 7, 2011, Planning Commission meeting minutes

T. Hongisto stated if rezoning was granted, he would like the parking to be on the eastern most lot.

G. Van Neste asked if the undeveloped portion of Hancock Avenue was accessible. A. Landers stated a small portion of the street is graveled and could be used. G. Van Neste stated he would not be in favor of a driveway entrance coming off from Hancock Avenue because it is directly adjacent to an extremely busy day care center. He stated it has been the Planning Commission's goal to eliminate isolated zoning and to approve the request would not help to accomplish that goal.

Planning Commissioners discussed the different aspects of the rezoning such as the allowable uses, yard requirements, lot sizes, green space, and safety.

It was moved by G. Van Neste, supported by C. Shafer and carried 5-3 that after review of the staff file review/analysis for 01-REZ-05-11, the Planning Commission finds that the request does not meet the intent of the Zoning Ordinance as it expands a spot zoning, and hereby recommends to the City Commission denial of the request as presented. The vote on the motion was:

AYES: Chairman S. DeGoosh, G. Van Neste, S. Cambensy, S. Lawry, and C. Shafer.

NAYS: T. Hongisto, R. O'Neill, and Wayne Premeau.

02-CUP-06-11 – 424 N. Third Street (PIN: 0181380): Kinsey, LLC, Andy Langlois, and David Manson are seeking approval of a Conditional Use Permit to have outdoor food and beverage service and operate an establishment to sell alcoholic beverages for consumption on the premises located at 424 N. Third Street.

T. Hongisto declared a conflict of interest and removed himself from the dais.

A. Landers, Planning/Zoning Official, stated Andy Langlois and David Manson are seeking approval of a Conditional Use Permit to have outdoor food and beverage service and operate an establishment to sell alcoholic beverages for consumption on the premises at 424 N. Third Street. She stated outdoor food and beverage service and the sale of alcoholic beverages for consumption on the premises are allowable as conditional use in the BC, Community Business District. She also stated the Planning commission should determine if there is enough area to safely accommodate four tables with sixteen chairs and two benches.

She stated the proposed outdoor seating hours of operation are from 12:00 p.m. to 10:00 p.m. She also stated that the required condition for selling alcohol is that "no dancing shall be allowed on the premises" and that the Planning Commission should make this a condition of approval. She stated the proposed 6-foot high fence and the 3.5-foot high fence shall be no more than 50% closed construction. She also stated the applicants are proposing concrete pavers, a tree and bushes or perennial flowers with mulch surrounding them. She stated there are no outside trash receptacles and beverage containers could become litter, and that if noise becomes an issue the City does have a Nuisance Ordinance. She stated the request is supported by the Community Master Plan, by promoting infill and reuse of an underutilized property and that the property is located in the Village Commercial area which is intended to provide commercial and retail services in a pedestrian-focused area. She also stated in accordance with State Law, if the proposed Conditional Use meets all of the standards prescribed in the Zoning Ordinance, then it shall be approved; however, the Planning Commission may consider placing conditions on approval if it is deemed necessary to assure compliance with the intent of the district and the conditional use permit requirements and/or administrative standards.

A. Landers read a letter of support submitted by Ursula Stock, owner of the Sweet Water Café at 517 N. Third Street, which stated she is confident that the owners will do what it takes to keep their business respectable and thriving.

R. O'Neill asked if the proposed outdoor seating would increase the need for parking. A. Landers stated it would not because parking is considered by the number of occupants inside the building.

G. Van Neste stated his concern regarding outdoor seating and the potential of over occupancy if it were to rain.

A. Langlois, co-owner of the Black Rocks Brewery, resides at 122 W. Hewitt Avenue, stated he and his partner David Manson started the business due to hard economic times and that they are trying to provide

an aesthetically pleasing business on Third Street. He stated patrons have expressed their desire for outdoor seating and that they would like to fulfill their request.

T. Vear stated he agreed with Ms. Stock and that the brewery does bring many different people to Third Street. He stated it is important to keep businesses on Third Street.

R. O'Neill stated he would like to see only one way to enter and leave through the building to access the outdoor seating. He stated this would ensure that there would be no under age drinking. Planning Commissioners, staff and the applicants discussed potential ways to solve the issue.

Chairman DeGoosh opened the public hearing.

Paul Maas, resides at 427 N. Front Street, stated he lives in the neighborhood and that everything is within walking distance and that he is in full support of the request.

James Goodreau, resides at 18 Grandview Circle, stated he owns 420 N. Third Street which is directly next door to the brewery. He stated he does not want a drinking party on Third Street and that he knows people who avoid the bar side of the street because of the drinking. He also stated he does not believe the bar will help Third Street and that his tenants in the rental units next door have to put up with second hand cigarette smoke coming into their apartments. He stated customers of the bar do exactly what they want, when they want, and that the building is too small for what the owners are trying to accomplish.

Barton Carroll, resides at 1030 Second Street, owner of South Shore Barber Shop at 420 N. Third Street, stated that the original plan was for a "tasting room" and that parking would not be an issue. He stated that as soon as the owners were granted a parking variance, the establishment began operating as a bar. He also stated that he is concerned with drinking and driving of cars and bicycles. He stated everything that the owners told him that wouldn't happen such as, littering, smoking, and load noise, has happened. He asked the Planning Commission to turn down the request.

Wally Pearson, resides at 3204 Lakeshore Boulevard, stated that it is his belief that the picture being portrayed of the clientele that frequent the establishment is inaccurate. He stated the environment at the establishment is very unique, which keeps customers coming back, and that he is in favor of the request.

Mariah Lash, resides at 802 N. Seventh Street, stated she is full support of the request and that she believes the owners encourage a community type atmosphere.

Steve Holman, resides at 490 Lake Enchantment Road, stated he was in support of the request. He stated the establishment allows people to meet individuals that they would have never met otherwise.

Carol Maas, resides at 427 N. Front Street, stated she is in support of the request.

Wendy Hill Manson, resides at 122 W. Hewitt Avenue, stated she is very proud of her husband, David Manson and his partner Andy Langlois, for starting the business. She stated they received an award from the Marquette Beautification Committee for cleaning up the building. She also stated they are very diligent at checking people's identification to assure there is no under age drinking.

Chairman DeGoosh closed the public hearing.

S. DeGoosh asked the applicants how drinking on the front porch came about. A. Langlois stated they received a permit from the State of Michigan to occupy the porch as long as they met the states height requirements for the railing. He stated they also had to place signage on the porch which read, "No alcoholic beverages could leave the porch". He stated they did make the railings higher and put the appropriate signage up per state regulations.

S. DeGoosh asked the owners if they could address the various questions the public had. A Langlois stated smoking is permitted 20 feet from the establishment. He stated the current business hours of operation are Thursday 5:00 p.m. until 10:00 p.m., Friday and Saturday 5:00 p.m. until 12:00 a.m. and Sunday, 3:00 p.m. until 9:00 p.m. He also stated the trash receptacle is emptied almost daily and that they give their grain away to local farmers. He stated it could be possible to work out a more efficient way to have the hops removed and would look into it. He also stated, in reference to noise, the business does not generate any more noise than any other bar on Third Street.

G. Van Neste asked if outdoor seating was going to go beyond 10:00 p.m. The applicants stated it would not.

C. Shafer stated he had lived in a commercial district and that there are a lot more issues neighbors have to deal with because of the zoning. He stated the clientele at Black Rocks Brewery is not rowdy and that he would like to see outdoor seating because it adds character to neighborhood.

S. Cambensy stated she lives in the area and understands the concern of the neighbors. She stated she is in support of the business and that the owners are willing to work with the City to implement any conditions that may be placed on the use.

R. O'Neill stated he did not believe the Planning Commission would have to put stipulations on the amount of people outside or the noise. He stated if things get out of hand, the City Police can become involved. He also stated that the fence the applicants recently put up will help alleviate some of the issues Mr. Goodreau has.

It was moved by R. O'Neill, supported by C. Shafer and unanimously carried 7-0, that after review of the staff file review/analysis for 02-CUP-06-11, the Planning Commission finds that the request meets the intent and requirements of the Zoning Ordinance and hereby approves 02-CUP-06-11 with the following conditions:

1. No dancing on the premises.
2. Outdoor trash receptacles are placed on the premises.
3. Outdoor seating can be no later than 10:00 p.m.
4. Site plan for the outdoor food and beverage service meets the conditions of the Michigan Liquor Control Commission for the use of alcohol.

T. Hongisto returned to the dais.

NEW BUSINESS

Request for an Extension of PUD Agreement for the Picnic Rocks Condominium PUD (01-PUD-05-09)

G. Van Neste declared a conflict of interest and removed himself from the dais.

A. Landers stated Lakeshore Residences, LLC is requesting that the PUD Agreement for the Picnic Rocks Pointe Condominium Project be extended to February 22, 2012. She stated PUD requirements are such that within a period of one (1) year following approval of the PUD contract by the City Commission, preliminary plans and/or final site plans must be submitted. She also stated upon the developer showing good cause for the extension, the Planning Commission can recommend that the City Commission grant an extension of one year for submission of the preliminary plat and/or final site plan.

William McDonald, attorney for Lakeshore Residences LLC, stated that the applicant could not acquire an easement from the adjoining land owner, Lakeshore Park Place, per the one of the City's condition for the PUD, because they did not have the authority under its governing documents to grant such an easement. He stated, in turn, Lakeshore Residences, LLC had to redesign the development to include its own private drive, and that design change was approved by the Planning Commission on October 5, 2010. He also stated the developer is waiting for a Response Activity Plan from the Michigan DNRE because they have to meet certain remediation standards in order to allow for residential occupancy.

Dan Keller, representative for Lakeshore Residences, LLC, stated he does not believe the DNRE will have a Response Activity Plan in place until September or October of 2011.

The Planning Commission and the applicant's representation discussed the DNRE issue at length and that the approval has not yet been acquired due to the proposed development being located on a Brownfield site, which was only remediated for commercial development.

It was moved by T. Hongisto, supported by S. Lawry and unanimously carried 7-0, that after review of the correspondence dated May 26, 2011, the Planning Commission finds that the developer has shown good cause and hereby recommends that the City Commission grants, with a post date of February 22, 2012, a one year extension of 01-PUD-05-09 as presented.

G. Van Neste returned to the dais.

the calculations for the development were correct based on the legal description and not what was on the plan dimension. H. Sharland stated that the plan dimension is a typographical error and that the legal description is correct as well as the area. S. Lawry stated that the easement documents have two areas that affect the project; the first being that there is a provision in the document that states any modification to the storm sewer collection be approved by all parties to the agreement, and the second being that the snow storage area be increased to accommodate the plan. He also stated that amendments to both easements would be required to adhere to the applicant's request. H. Sharland stated that she had spoke with the neighboring property owner, Border Grill, and that they have never had an issue with snow storage, but understood that the easement documents would need to be amended. S. Lawry stated he would like to see an area for bicycle storage as there was not one noted on the plan.

It was moved by S. Lawry, seconded by T. Klipp and carried 7-0 that after review of the site plan and the supplemental sheets dated 5-07-13, and the STAFF FILE REVIEW/ANALYSIS for 05-SPR-06-13, the Planning Commission finds substantial compliance with the City of Marquette Zoning Ordinance and hereby approves the site plan with the following conditions:

1. The existing easement document governing the parcel and the neighboring parcels be amended to properly depict the adequate snow storage area.
2. That permission required by the easement document for modification of the storm sewer system be obtained.
3. That the site plan be revised to reflect the correct east lot line dimension of 141.47'.
4. That the site plan be revised to meet the conditions required by staff.
5. That the amended site plan reflects the new location of handicap parking spaces.

G. Moran questioned if there was a need for a traffic study in the area with the addition of the business as well as the new bank going in. D. Stensaas stated that the City Commission recently approved funding for a traffic study to be done City-wide covering all significant corridors and intersection in the upcoming year.

S. Penglase stated that the development is a good idea and it is nice to see something being done in the area.

06-SPR-06-13 – Black Rocks Brewery – Site Plan Review located at 143 W. Michigan and 424 N. Third Street (PIN: 0181310 & 0181380)

A. Landers, Planning/Zoning Official, stated that the site plan had shown the commercial interior remodeling plan, which requires more parking and that is why the site is being changed to a parking lot. She also stated that as the site work is over 2,000 square feet the Planning Commission must review the site improvement portion. Per the Zoning Ordinance the commercial interior remodeling is only required to be reviewed by the Zoning Administrator, and it is City policy to also have the Fire Department review it. She stated the attached Fire Department comments are in regard to the commercial interior remodeling portion of the review and they are requiring an egress to be added to the existing structure, since the fire escape is less than 2,000 square feet, the addition would fall under an administrative site plan review. She also stated the Planning Commission should review the site plan and support information provided in the packet and determine whether or not the site plan for the commercial building and some site work is in compliance with the City of Marquette Zoning Ordinance, more specifically, the Site Plan Review Standards in Section 80.62.5.A. Visual of the site and attachments were shown.

S. Lawry stated that his first cousin owns property just west of the site and asked the commission if they felt that would be a conflict of interest. It was the consensus of the Planning Commission there was no conflict of interest.

The owners Andy Langlois of 412 E. Arch Street and David Manson of 122 W. Hewitt Avenue, and Richard Hicks on behalf of MBA Architects, were available for comment and questions. Mr. Hicks stated that originally they wanted to save the building and have parking to the south side of the building, but because of the requirement for eleven additional parking spaces, there would be no way to get safe access in from Michigan Street to the back side of the house. He stated that they have provided handicap access from the new parking lot to the Black Rocks building and that they believe most of Black Rocks patron's will utilize the new parking lot, resulting in less on-street parking on Third and Michigan Street. He also stated the site plan shows a storm water/sedimentation basin with a below grade/subsurface infiltration basin that can handle all the storm water on-site. He stated they are going to use the existing basement foundation walls to act as the vault by filling it with clean cobbles such that a parking lot can be built on top. He also stated that a screening fence is required on the east and south sides of the parking lot which they plan on doing with a solid picket fence that matches the existing. He stated a 3' x 3' gabion

retaining wall is needed on the west side of parking lot to isolate the adjacent parking lot, and that the proposed parking lot will be approximately 3' lower than the adjacent lot due to the natural grade of the land. He also stated that they are going to move the waste/recycling area to the east side of the proposed parking lot, away from the Black Rocks Building which will result in a more attractive space. He stated the current parking lot has five parking areas that will be moved to the new lot, freeing up space for a garden area as well and making the site more visually appealing. He also stated the current loading/delivery area at the Black Rocks site will remain in place and that deliveries usually occur during morning, non-business hours. He stated that there will be a new fire escape constructed on the Black Rock's building which will front Michigan Street.

G. Moran asked about the multipurpose garden area. R. Hicks stated that there is 2' x 4' gabion wall which is needed because there is a grade differential between the existing parking lot and the new proposed lot. He stated the existing retaining wall height will be increased to give a barrier between the parking, the building, and its surrounding area. He stated the surrounding area will be used for whatever the needs of the owner may be. He also stated that he and the property owner's have not got into the design development process of the existing building yet, but will work on that after the current phase is complete.

S. Lawry asked what types of delivery vehicles are currently utilizing the loading zone area. R. Hicks stated that the plan depicts what is required by code, but that the scope of delivery vehicles is much less. He also stated that there is 14' of width for delivery vehicles. S. Lawry asked how the dumpster was going to be dumped. R. Hicks stated that the dumpster will be pulled out and then dumped. S. Lawry asked if the neighbor to the east started having drainage issues from the parking lot what type of contingency plan was in place. Kurt Simandl, North Country Engineering, stated if the situation arose, they will have a capped outlet in place which can be uncapped and utilized. R. Hicks stated even if they used permeable pavement, lateral movement is still an issue, but that the site has a lot of sand and with that they do not see as much lateral movement. S. Lawry stated that there is a right-of-way tree that will need to be replaced after the house is demolished. R. Hicks stated they can relocate the tree or plant a new one. S. Lawry asked about lighting of the parking lot. R. Hicks stated that they will go through the process of landscaping and lighting once the current phase of the project gets approved.

W. Premeau asked about the ramp and if it was going to be handicap accessible. R. Hicks stated that it would be.

It was moved by T. Klipp, seconded by G. Moran, and carried 7-0 that after review of the site plan and the supplemental sheets dated 5-07-13, and the STAFF FILE REVIEW/ANALYSIS for 06-SPR-06-13, the Planning Commission finds substantial compliance with the City of Marquette Zoning Ordinance and hereby approves the site plan with the following conditions:

1. That the site plan includes requirements in staff comments.
2. That the site plan includes the eventual inclusion of lighting.
3. That the tree in the City right-of-way on Michigan Street be replaced.

S. Penglase stated that with the upcoming Third Street Corridor Project, one of the concerns is affordable housing and that it is unfortunate the house will be taken down as it appears to be suitable for affordable housing.

W. Premeau inquired about the Third Street Corridor Project. D. Stensaas stated that any recommendations of the Third Street corridor will be likely only adopted piecemeal, over time, any recommendations could take years to implement. He also stated that it has been a long standing policy of the city to allow for the expansion of commercial activities including parking behind the buildings fronting Third Street. He stated that the planners involved with the Third Street Corridor Project recommend a reduction of parking requirement with the provision of other on-street parking enhancements, and development of other options for off-street parking.

C. Shafer asked the applicant if they wanted to tear the house down. A. Langlois stated that they originally wanted to keep the house, but once R. Hicks pointed out that parking would not work well on the site with the structure kept in place, and after an interior inspection of the house they realized removing the house would not be a bad thing. C. Shafer stated that he does not like to see houses torn down for parking lots, but that if this is something the applicant requires and needs then he is in support of the project.

G. Moran stated that there is a parking lot across the street which is exactly what the applicant is requesting, and that he sees more of the same scenario taking place in the future.

Excerpt from the September 1, 2015, Planning Commission meeting minutes

OFFICIAL PROCEEDINGS OF THE MARQUETTE CITY PLANNING COMMISSION September 1, 2015

A special meeting of the Marquette City Planning Commission was duly called and held at 6:00 p.m. on Tuesday, September 1, 2015 in the Commission Chambers of City Hall.

ROLL CALL

PRESENT: P. Schloegel, A. Andres, R. Kulisheck, Vice-Chairman G. Moran, S. Lawry, Chairman T. Klipp, and C. Kovala.

ABSENT: None.

AGENDA

Additional correspondence for Item 1.A were added.

MINUTES

It was moved by G. Moran, seconded by A. Andres and carried 7-0 to approve the August 11, 2015 minutes with some grammatical corrections and the August 18, 2015 minutes as presented.

PUBLIC HEARINGS

12-CUP-09-15 – 424 N. Third Street (PIN: 0181380)

A. Landers, Planning/Zoning Official, stated that Black Rocks Real Estate, LLC is seeking approval of an expansion to their previously approved Conditional Use Permit for outdoor food and beverage service, and their proposal is to expand their hours of operation located at 424 N. Third Street. She stated they were previously approved from noon until 10:00 pm and they are proposing from noon until 11:00 pm. She referenced the staff report and attachments, and visuals of the site from the agenda packet were shown. She also referenced the pieces of correspondence that were in the agenda packet. She stated that she has received several new pieces of correspondence since the agenda was posted.

A. Landers read correspondence from Julie Bowerman stating her support for the request. D. Stensaas, Planner and Zoning Administrator, read correspondence from Gina O'Donnell stating her support for the request. A. Landers read correspondence from Andrea Timm stating her support for the request. D. Stensaas, Planner and Zoning Administrator, read correspondence from Greg Timm stating his support for the request. A. Landers read correspondence from Bill Tucker, 401 N. Third St., stating his support for the request. D. Stensaas, Planner and Zoning Administrator, read correspondence from Jose Garcia stating his support for the request. A. Landers read correspondence from Jared Nelson stating his support for the request. D. Stensaas, Planner and Zoning Administrator, read correspondence from Austin Damn stating his support for the request. A. Landers read correspondence from Dan Blondeau, 414 Stone Quarry Dr., stating his support for the request. D. Stensaas, Planner and Zoning Administrator, read correspondence from Kristen Ryan, 141 W. Arch St., stating her support for the request. A. Landers read correspondence from Brianne Farr, 232 W. Arch St., stating her support for the request. D. Stensaas, Planner and Zoning Administrator, read correspondence from Fr. Brandon Omen stating his support for the request. A. Landers read correspondence from Ursula Stock, 517 N. Third - Sweet Water Café, stating her opposition to the request. D. Stensaas, Planner and Zoning Administrator, read correspondence from Greg Southerland and Susan Ritter stating their support for the request.

D. Stensaas, Planner and Zoning Administrator, read two pieces of correspondence from Sara Cambensy which stated her opposition to the request. Attachments from all of the pieces of correspondence from Sara Cambensy were shown which included pictures, videos, a signed petition stating opposition to the request, an excerpt from the Planning Commission minutes for the original request, and portions of the police reports from copies of three noise complaints.

Andy Langlois and David Manson, the applicants, introduced themselves. Mr. Langlois stated the reason they are applying for this is because customers do not like to be asked to leave the patio at 10 PM. He also stated that the reason that it initially went to 10 PM is because when they opened in 2010 they only had enough beer to stay open until 10 PM. He stated that they are asking that the patio hours fall in line with the business hours. He also stated that they realize that there have been a few incidents in the past, which were their growing pains and they have had to figure out things and apply them to make sure that they are running things responsibly, which he strongly feels like they have done. He stated that most other

patio permits on Third Street go to at least 11 PM, and the most recent permit that was approved was Vango's that goes to 12 AM and 1 AM on Saturday. He also stated that they feel that Black Rocks patio hours be consistent with those of other businesses. He stated that they have made a point to take steps over the years in respect of their neighbors in attempts to coexist in a community business district. He also stated that they close at 11 PM, and they are not required to close at 11 PM but they choose to close at 11 PM because they feel that patrons exiting at midnight or 2 AM could potentially be noisy and therefore they choose to close at 11 PM, and Black Rocks is the earliest closing pub in the city. He stated that at the end of 2014 they decided to have outdoor music ending no later than 9 PM outside on the patio, despite the current noise ordinance that is in effect from 11 PM to 7 AM. He also stated that there are no current guidelines from the city regarding live music on Third Street, so they are conservatively and responsibly setting their own. He stated since doing this they have not received a ticket due to patio activity, but they have had one ticket due to music played inside and they have apologized at a City Commission meeting and paid the ticket. He also stated that their procedure seems to be working since they have received only one anonymous complaint since the end of 2014, and the complaint came at 12:20 AM and they had been closed for well over an hour and no ticket was given. He stated that they continue receive anonymous complaints from one person in particular, and they have reason to believe this person recently petitioned against Black Rocks and unfortunately this person's influence as a City Commissioner causes some alarm to him. He also stated that they have received several calls and text messages asking why a City Commissioner is petitioning against a local business. He stated that neighbors, some with family and children, declined to sign the petition and told him that they have never had a problem with the brewery and see it as an asset to the community. He also stated that they are aware of people who are opposed to this change, but the Third Street Corridor Plan adopted by the city cites Black Rocks several times promoting positive improvements. He also stated that the resounding point was to encourage other businesses to incorporate patios and like the Third Street Corridor Plan he hopes to see Third Street thriving and vibrant and they are doing their best to help that.

C. Kovala stated that in the letters that they submitted with their conditional use permit application, they quoted from the Third Street Corridor Plan, stating that the plan encouraged a vibrant feel, and the letter goes on to state that seeing people at 10:30 PM in the summer enjoying conversation fits this plan, and he totally agrees. He also stated that additionally the business has become a fixture in the community and they are generous supporters of numerous community events, and while he does not drink alcohol he has attended many of the fundraisers, and he hopes that they continue to improve the community by being responsible business owners who give so much back to the community. He stated that however, they are not here to talk about what they do for the community, and would like clarification about the music, asking if it is every night. Mr. Langlois stated that they do music Monday through Thursday and they do not do it on Friday and Saturdays, and on Sunday there is an acoustic open jam. He also stated that in the past maybe there were times when they had the music go too late and too long, and they learned from it and decided not to do that. He stated that any music that is outside, unless it is a Music on Third Street night, they do not have drums outside and have not since 2014, and they try to keep it more acoustic and they keep the electric guitars out. He also stated that they end at 9 PM outside. He stated that they do have music inside as well, and as long as they remember to shut the windows and doors it is okay. C. Kovala asked what time the music stops on the inside. Mr. Langlois stated that it does stop at 11 PM on the inside. C. Kovala then asked about people staying on the porch out-front past 9 PM, and asked if there is any permitting that is needed for that. Mr. Manson stated that they have a state permit for that, that went through with their liquor license, so it is in conjunction with the entire property and is separate from the conditional use permit. P. Schloegel asked if that permit includes the patio and garden space. Mr. Langlois stated that the state permit wants to make sure that there is some type of barrier all the way around.

P. Schloegel asked if there have been any other blemishes where they have had to ask somebody to leave, or personal conflicts in regards to the business versus the residents there. Mr. Langlois stated that they have only two stories, and one was when they opened and a guy came in and was working at the prison and saw his wife with someone else who worked at the prison. He also stated that it is not really a fighting place and people are going there to hang out. P. Schloegel then asked if they have had any other issues with their direct neighbors. Mr. Langlois stated that they have had some questions about how many people that were actually truly upset with them, because they were getting complaints and found out where the complaints were coming from, and that over the years they have averaged less than one anonymous complaint per year. Mr. Manson stated that because the police were called and they would come and check, and most of the times it was unfounded, and they were frustrated, so they voided all the complaints against Black Rocks. He stated that 12 out of the 14 complaints came from one individual, and there were two anonymous, and one of them was when they were out on the patio to late in late 2013 or 2014. Mr. Langlois stated that if you look back to 2013 it is one anonymous complaint a year on average.

P. Schloegel asked if they have had any direct confrontation. Mr. Manson stated no, they have not. He also stated that regarding the photos and video it may look more egregious than it is because they have one serving spot when you enter, and there are times when that serving spot will get backed up to the door. He stated that there was an anonymous complaint to the fire department saying that they were well over capacity, and the fire inspector was there two or three nights and said that it is just the line out the door.

G. Moran addressed the music and stated that both applicants indicated that there are mostly acoustic instruments, and asked if there are times that music is being played that is amplified in any way. Mr. Manson stated that it is amplified, but the biggest noise creator is a drum system and that creates the booming, echoing, and causes the rest of the band to start playing a little louder. He also stated they will have 2 guitarists that may be amplified, but one of the real difficulties is the cities noise ordinance. He stated that when they first started they talked to the police and they said it is between 11 PM and 7 AM, and then they found out that it was not appealing to somebody because they kept calling the police, so they started to scale it back and change it. Mr. Langlois stated that they are at 9 PM and have been at 9 PM from the end of 2014 to currently. He also stated that if anonymous complaints are unfounded and they are at a time when it business is not open, anybody can complain at any time. G. Moran then asked if the building next door to the south was an apartment. Mr. Manson stated that he believes so, and that the occupant is here to speak. G. Moran asked if he has ever complained about noise. Mr. Manson stated that he has to the city but he has not called the police, or aggressively said that they are too loud. He also stated that there is a residence on the first floor too, and they have not complained to him or called the police. G. Moran then asked about the residence to the east on the other side of the parking lot, and if there are any issues with them. Mr. Manson stated that the parking lot is a pretty good buffer, and there are no issues that they have heard of.

R. Kulisheck stated that it is his understanding that the applicants are requesting the extension of an hour, and asked if music would be played during that time. Mr. Manson stated that the music will still be done at 9 PM. R. Kulisheck then stated that the extension does not involve extending music, it is just the service. Mr. Langlois stated that they are not extending the music because they do not want to cause problems. He also stated that because there are not set guidelines from the city for music on Third Street, they had to set their own guidelines, and they have done so in a responsible and conservative approach by ending at 9 PM. R. Kulisheck stated that tonight they are not talking about music, they are just talking about extending the hours for the patio part of the business the one hour of time without music.

S. Lawry stated a question for staff asking if it is possible to add a condition regarding a cut off time for outdoor music to this. D. Stensaas stated that is certainly possible. He also stated that the Planning Commission can always put conditions on a decision that they make. A. Landers stated that they are allowed to make reasonable conditions and asked how late the Music on Third goes. Mr. Langlois stated that he believes it is from 6 PM to 8 PM. He also stated that with the Third Street Corridor plan, if you set a certain time that is going to set a precedence for the entire plan, and how other businesses will handle themselves or whether or not another business with the potential to have something similar to Black Rocks will come in. He also stated that they would like to have bluegrass bands from Lower Michigan come in and play until 10 PM, but 9 PM seems to work for them. Mr. Manson stated that he would hate to see the 9 PM end time imposed on others who may not have the same influence on neighbors. He also stated that regarding the Third Street Corridor, vibrancy is repeated over and over. He stated that they are okay with 9 PM, it is pretty conservative but that seems to be what works even though the customers wished it went longer. He also stated that on a personal note, he lives in what he would consider a mixed commercial residence on W. Hewitt Street across the street from Graveraet School, and when they have events parking is a nightmare, and his driveway is blocked often, but he accepts that. He also stated that the 3rd base bar is around the corner and drunk people go past his house at 2:30 AM, and he just shuts his windows. He stated that he chose to live there and likes the action and vibe of the city.

Chairman Klipp opened the public hearing.

Tim Bennett, 241 W. Michigan, stated that he is familiar with this issue and is only seven houses away, and his daughter lives at 229 W. Michigan, which is only four houses away. He also stated that he is here to speak against extending the hours. He stated that some of the things that are happening in their neighborhood are not good. He also stated that they have had people urinating in their front yard, throwing up in their front yard, taking flower pots off of their porch and smashing them, and there was a man sleeping in his driveway two weeks ago because he was drunk and could not get up. He stated that he is not disparaging the business owners and what they are trying to create, and he thinks that is a good thing,

but we have to remember that corridor goes right through a neighborhood, and both sides of Third Street have families with children and grandchildren and regular folks. He also stated that the music at times has been unacceptable, and he would ask the Planning Commission to establish some kind of ordinance for music on Third Street. He stated that it is not a restaurant that is giving people a hamburger and a glass of wine, it is an open bar. He also stated that it is an issue that has to be heard because he knows that everyone on both sides of his block have concerns but are reluctant to speak on them. He stated that he does not think that taxpayers should have to be second class or suffer the consequences of vibrancy and thriving businesses there. He also stated that when you have to close your house up and move your kids to the back of the house, and close it up so they cannot hear the vulgarity and profanity going up and down the street, and people drinking on the way to the bar and drinking on the way back, those things are unacceptable. He stated that he does not know the owners and he is not new to the neighborhood because his grandfather built the house in 1913, and all of the Bennett family and generations have raised their families there. He also stated that it is not acceptable to him and his neighborhood to have drunks coming through and creating problems, and the noise is not acceptable, and he does not think it should be acceptable in any part of the community, and not to write off the folks that live in that area as expendable in that way. He stated it is an issue that needs to be looked at, and there are a lot of folks out there that have concerns. He also stated that they love the development and love what is happening in terms of the city developing some of these nice options, but when you are close to a neighborhood you just cannot do that. He stated that he knows that the owners have no control over the patrons, but as an issue for the city those patrons are walking for blocks to get there, they park their cars all over the neighborhood, and it is a problem, and people are afraid to speak out on it. He also stated that he would encourage the Planning Commission to take a closer look at how the neighborhood is affected.

Bob Cambensy, owner of 225 W. Michigan St, stated this is a noise issue specifically, nothing else. He also stated that if you look at zoning ordinance this is what the city is operating under. He stated that he worked with the city zoning ordinance for many years and he does engineering and surveying and site plans. He also stated that if you look on page 27, it states that residential neighborhoods are always protected from the business, the industrial, and the other neighborhood uses. He stated that there are transitional yard requirements, and there is a table in there that will show that. He also stated that there are screening requirements for parking, because you are protecting the residential neighborhoods. He stated that there are issues with the site plans, because in review standards on page 40 and on page 41.J, it states, "no noise, vibration, dust, fumes or other nuisance shall leave in the property in a manner that affects the surrounding area." He also stated that the noise is leaving the property a block away. He asked why in the tiny courtyard do they need to have amplified music anytime, and he has been there and came by there on a Sunday afternoon and heard a group playing their instruments, and that is fine, but the later you go at night the more beer people have drank and the louder everything gets. He also stated that it is a noise issue and that is all that it is, and they are not against the Black Rocks people or the people that work there. He also stated that the other people on Third Street that have the patio permits are not making noise like Black Rocks is. He stated that it is a noise issue and if this place were next to your houses you would not like it very much either. He also stated that what they are basically saying is that when they want to make noise come and make noise with them, but everybody is not in that same position where they want to do those same things. He stated it is simply a noise issue.

Stephanie Zadroga, 412 E. Arch St., stated that she is for the one hour of outdoor seating. She also stated that people choose to live where they live, and she is choosing to live in the UP from out East, and she and her husband used to live on the corner of Pine Street and they loved it but they felt it was too busy of a street for their family. She stated that they did not cause a big stink when they recognized that cars drove a little faster than they liked. She also stated that Third Street is a vibrant street and she came here as a student years ago and Third Street is where she went as a student and it was vibrant back then, and then it took a little downturn and there were a lot of vacant buildings, including Black Rocks. She stated that the commissioner who is against people sitting outside enjoying fresh air was for Black Rocks, because she did not want a vacant building near her house, and now she does not want people sitting outside talking. She also stated that Mr. Cambensy touched on the other businesses on Third Street, and that is important, and she does not know if they have complaints, but she would imagine there are houses who have thought it was a little noisy. She stated that Black Rocks is serving craft beer and at the other businesses you can go in and get a shot of whiskey, and whiskey makes her loud. She also stated that it is Third Street, and you want a lot of businesses, and we want more businesses, but more businesses are not going to come if we have all of these kinds of complaints. She stated that it is sad to her to think that people would complain like this about a really good business. She also stated they are so careful, and right after the City Commission meeting Andy went right up to Sara Cambensy and asked her to talk and figure it out, and he approached her and then the next thing there is a petition. She stated that there are

some people who are being extremely cordial and professional and saying let's make this a great neighborhood, and there are other people who are standing in their PJ's videoing people waiting for a beer. She also stated that she does not see that as being a terrible, terrible thing, and you could go down every business on Third Street and there is a negative for everyone. She stated that Andy and David are here to make this town awesome, and they are not here to piss people off and make this town terrible.

Sara Cambensy, resident of 225 W. Michigan St., stated that she is the person who is the Commissioner who is said to be abusing her power, but that comes with the territory when you run for office. She also stated that as it has been said by everyone in her neighborhood, this is nothing against the business and in fact she will read what she stated when she was on the Planning Commission:

"Cambensy stated that she lives in the area and understands the concerns of the neighbors and she stated that she is in support of the business and that the owners are willing to work to work with the city to implement any conditions that may be placed on the use. One of the conditions is that no outdoor seating be later than 10 PM."

She stated that in her complaints she does not believe in making anonymous complaints, and she gives her name, and if she is going to say it she is going to stand behind it. She also stated that every one of the citations was past 10 PM and those are violations against the conditional use permit, and violations against the zoning ordinance. She stated that she has called Dave and had conversations. She also stated that Andy did come up and approach her after the City Commission meeting, to which she said that she is not going to speak for the entire neighborhood. She stated that there are plenty of people with concerns, and a lot of them are not comfortable coming up here. She also stated that she chose to accept this business in her neighborhood, and even though it seems like she is the person who is making their lives miserable, it comes down to following what is in place, and is it working. She stated that having 50 people be allowed outside in that small area, and there are residents living less than 20 feet away next door to it. She also stated that she lives less than 100 feet away from it, but when you read the noise complaints it can be heard in excess of at least a block away. She stated that what it comes down to is letting the neighborhood enjoy their rights, which are clearly outlined in the ordinance, and just because they live next to Third Street does not mean they do not like vibrancy, it just means that they want to have a neighborhood.

James Goodreau, owns property next door, he stated that he has had nothing but problems and noise with the bar. He also stated that people are out there with their bean bags throwing it in, and every time somebody gets it you can hear them from all the way down the next corner yelling because they made a score. He stated that when they get drunk they are extremely loud. He also stated that he came to a meeting and was against this, about 3 years ago, and Andy stood up and said that if they get music they will keep it inside with windows and doors shut and no drums or amplifiers and no commercial bands, and as soon as he walked out he changed his mind and did what he wanted to do. He stated that there is drinking all over the yard at times, and on the front porch, which is not legal. He also stated that if you look up the laws you have to be in a fenced in area, and the front porch is not fenced in, and it is an entrance. He stated that also their back way was originally put in for wheelchair access and not for the public to use, but the public is using it as their main entrance now. He also stated that they added an upstairs which is not wheelchair accessible, and neither is the patio accessible for the wheelchairs because there are stairs there. He stated that they have one area that is accessible where you can buy a beer. He also stated that the city came to him two to three years ago and made him, on one of his buildings, put in wheelchair access to both parts of it when they had plenty in the front to take care of the customer. He stated then they went next door to the house next door and said you have to put additional parking there too, because it is on the same lot. He also stated that these people can seem to do whatever they want, and they seem to have somebody in their pocket that is protecting them. He stated that he has made two calls to the Liquor Control Commission and it went in the garbage before it hit the city, or when it hit the city. He also stated that he has seen them carry kegs of beer brewed elsewhere into the bar on Sunday mornings at 10:30. He stated that he has also seen them hauling 6-pack cans in cases into the bar, brewed elsewhere. He also stated that what he understood is that with their type of license that they can only sell what is brewed there, and not what is brewed at their brewery. He stated that he has also had the windows open on in his building and about three years ago the police came and found a kid at the emergency room that had cut his arm quite bad, and he said that he had come from Black Rocks and had been at Black Rocks. He also stated that they say they have one person fighting them, but they have many more than one and only a few will speak up because they keep telling people that they are legal and to leave them alone. He stated that you cannot do that to people, and say if you do not like it then move, when some of these people have lived there longer than they have been in Marquette.

Steve Farr, 232 W. Arch St. stated that he is in favor of this and is an employee of Black Rocks. He also

stated that he wanted to clarify that they can bring in kegs of beer that they produce at another facility, because they own both. He also stated that the handicap parking lot is a public entrance, and as far as he knows the handicapped are part of the public, so other people can come in as well. He stated that they only have one serving station which is handicap-accessible, and the outdoor patio is not a serving station, so they do not have to supply handicap accessibility up the stairs because it is within one level of the serving area and they are not breaking the law in any of those regards.

Tammy Wills, 1104 Adams St., stated that 15 of the years that she has lived in Marquette, and she has been a resident her whole life, was on the Third Street Corridor, either one block off of Third Street or right on Third Street. She also stated that you do not buy a house in that part of town or rent something from that part of town if you are not willing to accept a certain amount of noise. She stated that she does not really consider the music that goes on noise, and has always been a supporter of live music in Marquette. She stated that she has been on the porch, and goes there weekly with many people from out of town, and finds it ridiculous that it is being cut off. She also stated that her job is as a luge coach and the event organizer for the 2017 Luge World Cup, and she talks to a lot of tourist and her business is tourism, and she has worked this summer every major festival that has been held in and around Marquette, and in taking to people Black Rocks comes up with almost everybody, or they will ask where they can have a beer and sit outside. She stated that she thinks it would be doing a disservice to the whole town if they do not allow these types of activities to happen here. She also stated we want tourist to come to Marquette and to come back, and when summers are short here and beautiful she does not want to sit inside and have a beer and listen to music, she wants to be outside where she can watch the sunset from the porch. She stated that you have to look at what draws people to Marquette, what keeps people coming to Marquette, and also what the contributions that Black Rocks makes to the community, which are much larger than this little Third Street bar. She also stated that people need to have a bigger vision for the future and a more progressive vision and she hopes that the Planning Commission extends the hours to keep people coming back.

Neil Washburn, 123 E Ridge St. stated that he is an employee at Black Rocks, and he is also a patron there. He also stated that the staff has meetings quite frequently, and go over issues that are going on at the bar, and this has been one that has been very constant. He stated that great stress has been put upon making sure that they appease everybody that is around the area. He also stated that with that being said he thinks that they do a good job trying to keep everything on a reasonable level. He stated that going up and down Third Street a lot, he thinks that if anybody in the room took a walk down Third Street at 10 PM they would move from one zone of noise to another zone of noise, and it would all meld into itself. He also stated that emotions are running high and everyone needs to take a stable look at this and realize that yes, there are people that have needs and wants and that is founded, but also we are a growing community and if we do not recognize that and we do not take action to further it, that it could grow stagnant.

Chairman Klipp closed the public hearing.

It was moved by P. Schloegel, seconded by A. Andres, and carried 7-0 to suspend the rules of procedure, for commission discussion.

P. Schloegel stated he has been a member of the Planning Commission for a few years now, and also a part of many other things in the community that have allowed him to be involved in everything from fundraising to parks and recreation, and you always have something come up where the function that is going on next to a building is going to make somebody say something about it. He also stated that he lives in South Marquette and he hears the fireworks on the 4th of July, or the bands playing all the time for the festivals, and all these amazing things that we have going on during the weekends, and he is in South Marquette. He stated that he loves it because that is what this community is all about. He also stated that they do wake him up sometimes, and he knows that the city does certain things that they put in place in order to make sure that the music does not go so late. He then confirmed with staff Vango's patio hours. D. Stensaas stated that what was requested in their conditional use permit was Sunday 12 PM to midnight, Monday through Wednesday 11 AM to midnight, and Thursday through Saturday 11 AM to 1 AM, and those were approved. P. Schloegel stated that he might take offense to the smell of waffle fries if he lived next to Vango's, more than he would than the sound of music from Jim and Ray that is playing inside of that building. He also stated that these guys are asking for one more hour of outside time and they are not going to be playing music. He stated that there will probably be some noise that comes with it, along with the other businesses in the community that have similar times for outside dining. He also stated that he does not think that they are asking for anything that is above and beyond what is fair for all of the

businesses around the community. He stated that there is a lot of stuff that he would love to delve into here, and kind of get more personal, but he is not allowed to because he is just here as a service to the community.

A. Andres stated that he understands everybody's concerns and he understands that there are going to be people that are heated about this issue on both sides, and really it is just a bar. He also stated that he understands that there are going to be people that are against extended hours, but it is only one hour and they are not proposing to have loud music, they are just proposing to extend their outdoor seating time. He stated that even though this maybe noisy to neighbors and maybe noisy to other people around the area, if you look at Third Street, it is noisy anyway. He also stated that to have a full-blown ordinance and to blow up the issue about this bar, he just does not get it, and that is why he is going to be in favor of extending this time.

R. Kulisheck stated that he thinks the issue before us should be focusing on the request to extend the business in the patio area for one hour. He also stated that a lot of the people who have expressed concerns have legitimate concerns, if somebody is drinking and doing obnoxious things in front of their house after leaving a bar, and you do not know which bar they are leaving from, that is an issue that probably needs to be addressed by the city, and maybe we do have ordinances and laws that the police can more vigorously enforce to deal with that. He stated that the music issue seems to be not directly related to the request to extend to 11 PM for serving beer on that part of the property and there is a legitimate concern about noise but that applies up and down the entire street, so the decisions that are being made this evening would most appropriately be focused on the specific request for extending the time and there may be other issues that the City Commission or the Planning Commission may have to deal with, but that applies not to just this one business but all of the businesses there. D. Stensaas stated the noise is considered a nuisance issue and it is dealt with by the police through the city codes.

C. Kovala stated that he agrees with Commissioner Kulisheck and there are a lot of nonrelated issues that have been brought up. He also stated that they are all legitimate issues, but they are not related to this debate. He stated that it is not acceptable to disrupt the residents who live here, and the idea of a person who lives in a neighborhood should move is ludicrous, however, he thinks that Black Rocks self-imposed 9 PM shut off time for music outside is a responsible move and he does not think it is unreasonable to have the patio open until 11 PM, and it is an reasonable hour for the Third Street corridor.

G. Moran stated that the bottom line is noise, and that is the major complaint going on right now. He also stated that he used to live on Front and Kaye Streets and there used to be a lot of noise from a lot of the college kids that went up and down the street there. He stated that he also had people throwing up in his yard and urinating in the bushes as well, and they could have come from anywhere off of Washington or anywhere up and down Third Street. He also stated that living on Front and Kaye Streets he heard much of the music that was played at Lower Harbor on the weekends that was there, and he has since moved and he can still hear the music from Lower Harbor from where he is at now, which is about twice the distance. He stated that he agrees with the fact that Black Rocks has taken the responsible position by cutting off their music at 9 PM. He also stated that if there is a condition that could be placed upon this, it would be that no amplified music be played outside. He stated that other than that he is in support of it.

S. Lawry stated that in general people should be able to do what they want to do with their own property, but that is what we have a zoning ordinance for, to put limits on it and draw the line that they can do it to the point that it interferes with the neighbors. He also stated that the zoning ordinance is in place to eliminate the conflicts that are likely to occur where different uses or different zoning districts clash. He stated that there has been a lot of mention made of the Third Street Corridor plan, and this really is a push to try to implement more residential use on Third Street, and keep more people there on the street, but it only works if those residences have the peace that people need to occupy them and are not disturbed by the businesses. He also stated that it works two ways, and the businesses can self govern and regulate and do what they need to, to try and get along with the neighbors, and these owners have made some pretty good efforts to do that. He stated that obviously they have not resolved all of the issues yet, but they are certainly making that effort. He also stated that what happens if they are unsuccessful is that the complaints continue and have two effects, the first being that it does not matter whether it is regulations or complaints that are the negative that keeps other business from moving to Third Street ,or keeps them in business on Third Street - if there are enough complaints it has the same effect on keeping new business away or keeping patrons away - as if the regulations were in place. He stated that if the complaints go on long enough it ends up with new city regulations that apply up and down the whole street instead of to just one business. He also stated that he does not think that an hour that is consistent with the rest of the

businesses there is a lot to ask for, but he does think that it imposes an awful lot of reasonability on the business owners to make sure that they are taking every step possible to fit into that neighborhood. He stated that the zoning ordinance goes beyond just saying that you cannot have noise migrate off the property, it talks to design and uses and things where zoning districts meet, and if you are putting an atypical use in there it has to blend in with the neighborhood, and that has been a major issue with a number of proposed developments in the past. He also stated that 11 PM is consistent with the City's noise ordinance, and if a contractor was out there he could be running his jackhammer until 11 PM at night and not violate any ordinance. He stated that he does not think that it is unreasonable to allow it up to 11 PM, but again it imposes a major responsibility on the business owners to regulate it themselves to get it acceptable to the neighborhood, so that the city does not have to step in and impose greater regulations beyond what is in the conditional use permit. He also stated that a change in the noise ordinance, or a change in regulations that apply to the whole street, could be a lot more damaging to this vibrant community we are trying to encourage there than just denying one hour of sitting out on the patio. He stated that while he can vote in favor of the hour, just because it is working at other businesses on Third Street, it is up to these individuals to make it work for their business as well, and it seems like they have made a lot of steps to try to do that so far.

Chairman Klipp stated that we are thinking about music and this complaint may not necessarily be about the music, and it is not the Planning Commission's purview to decide what sort of noise is the problem, and they are talking about decibels if it is people talking or music. He also stated that reading though the Third Street Corridor Plan it actually recommends that Black Rocks expand their patio in area. He stated that he agrees with Steve and he wishes that we could all get along, but this is in accordance with the plan and that is a big deal.

A. Andres stated that he does not think it is the Planning Commission's place to talk about music, and if there is an issue with music there should be a complaint and deal with it the right way. He also stated that he does not think it is the Planning Commission's place to decide what to do with their music.

D. Stensaas asked to speak and stated that the idea to limit the type of music to unamplified music would be unlikely to stand up in court because that is not consistent with the City's noise ordinance, as the ordinance allows amplified music, it says that music from loud speakers shall be not heard beyond 50 feet and during quiet hours.

R. Kulisheck stated that somewhat related to that there is a question of consistency running through this whole discussion, that we have to be concerned that all along Third Street there are the same expectations for hours that are acceptable, and with regard to music if we were to say you cannot use amplified music there then what about the other places. He also stated that if you are going to ban amplified music it probably should be in every place along Third Street, rather than try trying to do it business by business, because that would come a very difficult thing to try and enforce, and why should one business have it and not another. He stated that it comes back to the point that maybe they should focus in on the question that they have been asked, and that is with reference to extending an extra hour of business.

P. Schloegel stated that he thinks that the owners are learning lessons as they go, and the key point that he is going to take away from this is consistency, being consistent with the Master Plan, the Third Street Corridor Plan, and being responsible. He also stated that the applicants know what they need to do, and they need to make sure that the staff knows to shut the windows, etc. He stated that they have been slapped on the hand a few times and have paid some fines, and it is going to be that much more difficult for them now to police that space out there, and to make sure the people understand their position that they are not trying to shut them down but just want them to respect the neighbors. He also stated that responsibility and consistency is what he would like to take away from it, and he is still fine with everything.

C. Kovala stated that he echoes Commissioner Schloegel, and being responsible as a good neighbor is the right way, and he does not see any issues with going forward.

G. Moran stated that his objective with the amplified music was to try and find some form of compromise, since there is some opposition here. He also stated that again it boils back down to noise, and it falls on the responsibility of the owners, as with all of the other owners on Third Street, so it is up to the owners.

S. Lawry stated that a proposal to regulate the level of music is really ineffective, and as has been pointed out the city as a property owner hosts bands at Mattson Park, Presque Isle and Tourists Park, as well as

Lakeview Arena, and they are audible for a mile or more from those venues. He also stated that it is not every night or every week, but they can be just as disturbing to the neighbors, and the city faces much of the same level of complaint from residents. He stated that probably the most effective way to deal with these types of conflicts is for the individual venue to try to take whatever steps are necessary to make things work, to seek compromise with the neighbors. He also stated that it is almost a case-by-case basis to what you can do to make the best of a situation, and that is what needs to be done here, and if it does not work there are other avenues or alternatives.

Chairman Klipp stated that Marquette is a city of variances, and pretty much every home on the east side of Third Street has a variance. He also stated that part of their job is to get some consistency going and this is part of their job looking forward, getting the form based code in place. He also stated that if the form based code were in place this would not be an issue, but the city is not quite there yet. He stated that he is in full agreement that there is some responsibility that needs to be taken.

It was moved by C. Kovala, seconded by G. Moran, and carried 7-0 that after review of the STAFF FILE REVIEW/ANALYSIS for 12-CUP-09-15, the Planning Commission finds that the request meets the intent and requirements of the Zoning Ordinance and hereby approves 12-CUP-09-15 as presented.

COMMISSION AND STAFF COMMENTS

A. Andres stated that it was a productive meeting, and though at times heated it was very informative.

R. Kulisheck asked if anything had been drafted to the City Commission and the manager stating that the Planning Commission was objecting to the proposed change of the schedule. D. Stensaas stated that Taylor signed a memo that was drawn up the day after the last meeting and it got passed on to the Commission, and they referenced it the following day at the budget hearing, and the Board of Zoning Appeals also sent them a letter the following week, and as a result of those letters they declined to change the schedule of either board and it will stay as is.

P. Schloegel stated that Aspirus helicopters are not using the flight plan which he discovered last week, and it was about 5 minutes after the Escanaba helicopter came up and used the proper flight plan. D. Stensaas stated that they got correspondence today from the Chief Operating Officer saying that they have talked to crews about the flight pattern and said that they have been assured that they will follow the flight pattern. He also stated that the letter said that there are going to be times when they are not going to follow the flight path and it is because of the weather or it is time-critical and they need to get the person in the hospital, and they then are taking the shortest possible path. He also stated that the design team for the new hospital is going to speak to the air crews serving the hospital regarding the proposed flight path for the replacement hospital. R. Kulisheck stated that it seems that if they have an established route that they are going to follow, it is not unreasonable if it is an emergency and they have to get someone in as quickly as possible, certainly they should be able to do that, but then maybe they should make note of that in their flight plan afterwards to see if they are violating it all the time, or if it is just in rare instances in which they had to take quicker action.

P. Schloegel stated that very seldom do they get into the heated topics like tonight where there are two opposing sides, and he understands that ethically they have to break themselves away from any of the conflict. He also stated that sometimes it seems like the public speaker tends to bully and asked if they just have to sit and take it or if there is anything that they can do when it comes to certain things like that. D. Stensaas stated that is the right thing to do, just let them say what they have to say. R. Kulisheck stated that he has been on a lot of commissions and committees for the city, and when people come in the best thing you can do is politely listen and keep them to their time limit.

C. Kovala stated that he has been doing some research on the way that other cities approach short term rentals like Airbnb, and at some point in the future if the Planning Commission would to look more into it he would not mind pulling something together and giving a short presentation. D. Stensaas asked if he could e-mail his info to him, and then maybe they could have him present it at the next meeting. He also stated that at the next meeting the Fire Inspector is going to come to talk about the short term rentals.

G. Moran stated that as much as he would like to commend the city with a job well done with all of the line painting on the streets, it seems like the Third Street painting happened late in the summer. D. Stensaas stated that the timing was related to when they were able to commit the funding, and it was a long process

Excerpt of the July 11, 2017, Planning Commission meeting minutes

OFFICIAL PROCEEDINGS OF THE MARQUETTE CITY PLANNING COMMISSION July 11th, 2017

A regular meeting of the Marquette City Planning Commission was duly called and held at 6:00 p.m. on Tuesday, July 11th, 2017 in the Commission Chambers of City Hall.

ROLL CALL

PRESENT: Vice-Chairman P. Schloegel, W. Premeau, M. Larson, J. Carlson, A. Andres, Chairman T. Klipp

ABSENT: – J. Cardillo, excused.

AGENDA

It was moved by P. Schloegel, seconded by A. Andres, and carried 6-0 to approve the agenda as presented.

MINUTES

The minutes of 06/20/17 were accepted as presented.

PUBLIC HEARINGS

A. 04-CUP-07-2017 – 424 N. Third St. and 143 W. Michigan St.

Chairman T. Klipp stated that he needed to declare a conflict of interest, due to providing financial consulting services to the property owners, and excused himself from this hearing and left the room. Vice-Chairman P. Schloegel assumed duties of Chair.

A. Landers stated that staff has reviewed the Conditional Use application and the site plan for an expansion to the previously approved Conditional Use Permit for outdoor food and beverage service. She also stated the proposal is to add more outdoor food and beverage service area on the property located at 424 N. Third Street. She stated that the Planning Commission should review the Conditional Use application and site plan along with the support information provided in the packet and determine whether or not the proposed conditional use is in compliance with the City of Marquette Zoning Ordinance and more specifically the Conditional Use Standards in section 80.65.3, administrative standards 80.60 and the site plan review standards in section 80.62.5A. She also stated in accordance with state law if the proposed Conditional Use meets all of the standards prescribed in the city zoning ordinance than it shall be approved. She stated that however, the Planning Commission may consider placing conditions on approval if it is deemed necessary to assure compliance with the above standards. She stated that staff does recommend a condition that an amended plan is submitted to meet staff comments and response. She also showed visuals of the application and the correspondence that was received.

Andy Langlois of 412 E. Arch Street, an applicant, stated they are doing this because they want to expand their venue to make it a nice environment for patrons. He also stated a few years ago, consultants were hired by the city to make Third Street corridor improvement recommendations and they listened to what they said and what the Third Street Corridor Plan encompasses. He stated one of the things that was recommended that they do was to expand the patio because it adds a lot of vibrancy. He also stated they plan to create a back venue and keep the front for bike parking.

Applicant David Manson, 122 W. Hewitt, stated the potential for developing the front corner of Michigan and Third Street was their initial intent. He also stated with the loss of green space and getting the most impact for the money it did not seem to make sense. He stated adding the back space is also going to take away some of the parking lot feel of the current parking lot and make a little oasis. He also stated they will be adding greenery and some natural aspects to it so it will blend in and be something that is an attractive piece to the neighborhood. He stated a natural gas fire pit should extend the season a little bit.

Mr. Langlois stated traditionally they would have the food trucks in the back area but since the city has changed the requirements for the food trucks they are able to park on Third Street. He also stated they may reserve one of their parking spots for the Koney truck since it has a generator. He stated this has been a process when they started six or seven years ago and having an outdoor patio they have tried to

make sure they set a good example as a business while trying to be respectful to the neighbors. He also stated that two years ago they started cutting off music at nine or nine-thirty and having only acoustic instruments instead of bands, unless it is Music on Third night. He also stated since then they have not had an issue. He stated people still have a good time coming out and occasionally catching a nice act until nine or nine-thirty. He stated that they seem to have found a balance.

Mr. Carlson asked if they are going to have music in the back now since it is a larger seating area. Mr. Manson stated that it not their intent. He also stated he cannot say for sure, but if they do they will abide by the same rules that they follow in the front. He stated he does now know if there is enough room. Mr. Langlois stated if they would do that by nine or nine-thirty it would be over.

Mr. Carlson asked if the last application that was approved was until ten at night and the new application is says until eleven at night. Mr. Manson stated that was reserved, they had an expansion request for the hours and it was purely so it aligned with their actual hours of operation.

Mr. Manson stated with the addition of the curb cut, they are essential going to add two to three more street side parking spots with that, and the City will pay for it. He also stated it is a nice added benefit since Third Street does not have any parking requirements.

Mr. Schloegel stated that it is nice that they have not had any other issues since they have addressed the timing of the music.

Vice Chairman P. Schloegel opened public comment.

Dawn Gallo, 135 W. Ohio Street, stated her concern is the vending trucks because they are really loud. She also asked if there is a time limit for the vending trucks and when they can come in and have to leave. Mr. Manson stated that they try to come in at about seven (7:00 p.m.) and they usually leave by about ten. Ms. Gallo stated it would be nice if there was some type of hookup for the trucks because it is really loud, and she cannot sit in her backyard without the constant hum of the generator. She also stated other than this she has not had a problem and she is just worried about the vending trucks.

James Goodreau, stated that he owns two houses next door and the noise is unbelievable when they have bands. He also stated that you cannot hear your TV when your windows are all shut. He stated that he just put \$3,200 into windows that are supposed to help with the noise and it is just a little help. He also stated the food truck makes a lot of noise as well. He stated that they have a game that is right outside where the beanbag keeps hitting all night and people keep cheering. He also stated that he cannot keep tenants and has lost four so far because they do not want to finish their leases out. He stated that he would like to see them not get more outside and have them inside by eight at night and no bands. He also stated if they want bands they need to be inside where they were originally agreed to. He stated that the applicants just keep coming back here for more and more and a lot of the neighbors have given up and said there is no point coming here because no one is listening. He also stated the people that are coming to use this bar are not the people that live there, they leave when they want to, but the tenants and people that live in the area cannot leave. He stated that he is against what they are trying to do.

No one else wished to comment so Vice Chairman P. Schloegel closed public comment.

It was moved by J. Carlson, seconded by A. Andres, and carried 5-0 to suspend the rules for discussion.

J. Carlson stated the interface of residential and this growing business area is complicated. He also stated that he can understand what it would be like to be a resident right next door. He stated that it does seem like this is the direction in the Master Plan that Third Street is supposed to be going towards. He also stated that maybe the difficulties with some residents, which he understands, might be one of those things that works out over time.

A. Andres stated that he knows that there are supposed to be more vibrancy in the Third Street Corridor with the Master Plan and he thinks that this fits well. He also stated that he acknowledges that there are some issues with close neighbors but thinks that Blackrocks has done a good job of toning down some of the problems that they have had and also fixed a lot of the issues. He also stated that Blackrocks has

done all that they can do and are willing to try other means of lessening the noise, but there is only so much that they can do. He stated that he believes this applies with the Master Plan and the Planning Commission should move forward with approval.

W. Premeau stated that he understands that this is a very popular place but it is in a residential neighborhood. He also stated that he understands Mr. Goodreau's concerns. He stated that he thinks that it is pushing the envelope to buy an old house and turn it into a brewery and then building it up to where they are actually driving the neighborhood out. He also stated that he thinks this is pushing it for the rest of the people in the area and not just behind them; it is a pretty big area.

M. Larson stated that it seems that it meets the Conditional Use portion of the law and per state law if it meets that then it shall be approved. P. Schloegel stated that state law is a really good point, because that is what they are basing their decision off of tonight, not personal opinion.

P. Schloegel stated that what the applicants are learning tonight from the neighbors are things that they will take back with them. He also stated that it would be nice to get an electrical hook up out there and it would be a nice way to appease the masses. He stated he applauds the applicants for taking on the issues that were brought up at the last hearing and have done a nice job of policing that. He also stated that he is sorry that Mr. Goodrow is not happy with things in that area and encouraged the applicants to talk with him or put some further policing actions in at their establishment. He stated he does not see any issues with the Conditional Use process and what they are requesting.

It was moved by J. Carlson, seconded by A. Andres, and carried 5-0 that after review of the application and STAFF FILE REVIEW/ANALYSIS for 04-CUP-07-17, the Planning Commission finds that the request meets the intent and requirements of the Zoning Ordinance and hereby approves 04-CUP-07-17 as presented with the condition of approval that an amended plan will be submitted to meet staff comments in response.

Chairman T. Klipp returned to the room and re-assumed the duties of Chair.

B. 02-REZ-07-2017 – 621 Fisher St.

A. Landers stated that the Planning Commission is being asked to make a recommendation to the City Commission regarding rezoning a portion of the property located at 621 Fisher Street that is zoned industrial to be zoned General Residential (RG). She also stated that the property currently has both industrial zoning and general residential zoning. She stated that included is the staff file review analysis, with its attachments including the rezoning application and a memo from the city manager, which she read. She also used visuals to show the zoning map with the requested area to be rezoned.

T. Klipp stated that the City is the applicant for this so there are no comments coming from the City.

Chairman T. Klipp opened public comment.

Tena Rojem-Bender, 616 Fisher Street, stated that she is right across the street from this and she has no objection with him getting a garage over there. She also stated that at 7:15 a.m. she was awakened by City workers cutting down trees and every time a branch would fall her house would shake. She stated that maybe they can be considerate of the people around the area because they had no idea it was happening today. She also stated that she knows that 518 and 522 Fisher are going to be destroyed and they would like to have a heads-up as to what days to have their windows shut.

T. Klipp asked D. Stensaas what is in place to make sure that there is warning for normal construction and major construction. Ms. Rojem-Bender stated that this summer they have been awakened at 5:15 a.m., and the same day it went until 11:30 pm, from different contractors. She also stated that it has been a very noisy summer. D. Stensaas stated that they are supposed to comply with the noise ordinance. He also stated that he will let the City's engineering staff made aware that they need to communicate that with the contractor. Ms. Tena Rojem-Bender asked if there are any dates as to when the houses will be taken down. D. Stensaas stated that he is not sure if one of the houses has been acquired yet. He also stated that he will make sure the engineering department knows that they should notify everybody in the

EXCERPT OF THE MAY 7, 2019, PLANNING COMMISSION MEETING

OFFICIAL PROCEEDINGS OF THE MARQUETTE CITY PLANNING COMMISSION May 7, 2019

A regular meeting of the Marquette City Planning Commission was duly called and held at 6:00 p.m. on Tuesday, May 7, 2019 in Room 103 of City Hall.

ROLL CALL

Present: A. Ruiz, B. LaChapell, B. Jaakola, E. Brooks, W. Premeau, Vice-Chair A. Andres, Chair J. Cardillo

Absent: S. Mittlefehldt, M. Larson (excused)

AGENDA

It was moved by B. Jaakola, seconded by B. LaChapell, and carried 7-0 to approve the agenda with the addition of a second work session item requested by staff.

MINUTES

The minutes of April 16th were approved by consensus.

PUBLIC HEARINGS

A. 04-CUP-05-19, 424 N. Third St., Outdoor Food and Beverage Service – Expansion of Use

Zoning Official A. Landers read the memo, discussed the Staff Report, and showed visuals of the site and the site plan.

Applicants Andy Langlois and David Manson introduced themselves. Mr. Manson stated that the changes they are making are all about extending the outdoors seasons for their customers.

A. Ruiz asked if with the change of hours requested they were anticipating any regular events during those hours. Mr. Manson stated that they do have some special events outside. Mr. Langlois stated that they may have more going on outside when there are big events in town, but overall, they have cut back on outdoor events and time outside. He stated that they end music outside earlier than they did initially, by 9:30 in the summer, to avoid noise complaints and be better neighbors.

B. Jaakola asked if the igloos have heaters or lights. Mr. Manson stated that they have electric ceramic heaters and LED lights. City Planner D. Stensaas stated that Fire Inspector Dunleavy checked the igloos right after they went up and he found the heaters were safe for the enclosure.

B. Jaakola stated she wasn't sure what they are looking at for the bar. A. Landers stated that is an after-the-fact structure, that it was built since the last expansion was approved and it only needed to be shown on the site plan.

A. Ruiz asked what the outdoors hours would be. Mr. Langlois stated that 5 p.m. until 10 p.m.

A. Ruiz asked if the outdoor use brings problems along with it, and if people try to leave with alcohol. Mr. Langlois stated that there are rarely any problems, once or twice per year, but that it helps to have eyes on the space.

J. Cardillo stated that the new roof will be sloped and asked if the applicants could explain where rainwater will go from the roof. She stated that the plan states that there is a trough, but she doesn't see it on the plan. Mr. Langlois stated that there is a garden strip between the sidewalk and the patio, below the roof, where the runoff will end up. Mr. Manson stated that it wouldn't be falling on the public way. A. Ruiz stated that the space is shown in the photos.

J. Cardillo asked if the brewery had received many noise complaints in the past few years. Mr. Langlois stated there didn't think there were any last year and the year before that there was maybe just one. He stated that they try to be conscious of what is going on outside and they close down by midnight and that it helps to close relatively early.

Chair J. Cardillo opened public comment.

Dawn Gallo, of 135 W. Ohio St., stated that what does it mean that this is expansion of food and beverage service? Mr. Manson stated that they don't serve food, and this is just for the outdoor beverage service.

Ms. Gallo asked if there would be more food trucks. Mr. Manson stated that is not part of this permit, that it is a street, right-of-way thing. J. Cardillo stated there is a separate operating permit for the trucks. Ms. Gallo also stated that her problem is that sometimes the noise from the trucks is so loud that she cannot hear her own music in her back yard. She also stated that they had said before that they could try to have the trucks park on Third Street. Mr. Manson stated that it depends on where they can find spots, and one truck approached us and asked if they could install a 220-volt disconnect to power their truck so that they didn't have to use their generator, which is what makes noise. He stated that they are going to do it at their own expense, so it will be easier for them, but there are only two right now and one has a wood-fired boiler and the loud one is the taco truck and they prefer to be on Third Street. Ms. Gallo stated that if they are increasing their hours that she is going to have to hear the noise more often. Mr. Manson stated that the trucks don't come until dinner time, and on Sundays they come a little earlier. Ms. Gallo stated that she just wants to enjoy sitting in her back yard.

Ms. Gallo also stated that metal rooves can also be noisy and asked if the sound would radiate off the roof when it rains. Mr. Manson stated that the center of the patio will be open and hopefully that will help reduce noise.

Ms. Gallo asked if they were still going to have bands in the back. Mr. Langlois stated usually for Music on Third they will go out front and occasionally if it is nice out they will go back in the corner. He also stated that they did do this last year and make sure to stay within reasonable levels of noise and they are shut off well before the noise ordinance states that they have to be. Ms. Gallo stated that she appreciates all of the efforts that they do, but they are in a residential area and that is what makes it tough. She also stated it drops the value of her home because not everybody wants to live next to a bar. She stated that she does appreciate them shutting it down before 11 p.m., and the trucks she has no problem with, and the igloos are cool and she likes those. She also stated asked about the new service for the bar and sinks, and if it just for washing the glasses. Mr. Manson there is a hand sink and then a glass washing setup and they do not serve food.

D. Stensaas stated the last time this particular CUP came before the Planning Commission for expansion that same issue about noise with the food trucks was brought up by the Commission. He also stated that one of the recommendations at that time was to do this 220-amp disconnect out there for electric so they could avoid the generators. He stated the code does not require it, so the Planning Commission cannot say that it has to meet something that does not exist, but it is a really good idea in general. He also stated issue of where they can park is a problem that does not necessarily get solved by that because they cannot park wherever they want. Mr. Manson stated that he thought there was some kind of ordinance that you cannot string a cord across a public walkway and there could be a potential issue there. D. Stensaas stated that is a good point and that might be a problem that does not meet the City Code. Mr. Manson stated that they have encouraged the trucks to somehow get into the back part of their existing parking lot and run to a 220 disconnect there. He also stated that the problem gets into navigation because if you come later in the day the parking lot can get a little tight and navigating some of the vehicles might be difficult. Mr. Langlois stated ideally when they have the pizza guys come with their wood fired pizzas they are not using any generators and it is quiet. Mr. Manson stated that if the Planning Commission has the authority to write in that there be a right of way across the parking lot, that could make it a little bit easier. A. Landers stated the Planning Commission does not have any say in that and it is a code issue. She also stated for clarification for this Special Land Use the title is *outdoor food and beverage service*, so that is why they have to call it that even though they are doing only beverages.

Chair J. Cardillo closed public comment.

It was moved by A. Andres, seconded by A. Ruiz, and carried 7-0 to suspend the rules for discussion.

A. Andres stated that it would be beneficial to find a way to get food trucks hooked up to electricity.

J. Cardillo stated that she does not personally feel that the food truck falls within the jurisdiction of this CUP,

but the applicants have made a lot of efforts to be a good neighbor. She also stated that she cannot see anything about this that gives her pause.

It was moved by T. Ruiz, and seconded by E. Brooks, and carried 7-0 that after review of the STAFF FILE REVIEW/ANALYSIS for 04-SUP-05-19, the Planning Commission (finds/does not find) that the request meets the intent and requirements of the Land Development Code Sections 54.1403, 54.634, and 54.1402, and hereby approves 04-SUP-05-19 with the following conditions:

1. That an amended plan is submitted to meet staff comments and response.
2. That the amended plan indicates that the temporary igloos, in fact, will have lighting and heating use and that be explained.

Excerpt of the June 2, 2020, Planning Commission meeting minutes

B. 11-SUP-06-2020 - 420 and 424 N. Third St., and 143 W. Michigan St. – Outdoor Entertainment and Community Events (accessory use) and expansion of existing Outdoor Food and Beverage Service

Zoning Official A. Landers stated that staff has reviewed the Special Land Use Permit for outdoor entertainment as an accessory use and an expansion for outdoor food and beverage service located at 420 and 424 N. Third Street, and 143 W. Michigan Street. She also referenced the attached STAFF FILE REVIEW/ANALYSIS for more specific information regarding the Special Land Use application and site plan. A. Landers also stated that she received an item of correspondence that was received after the agenda was released, from Ms. Paula Dick of Arch St., and read it into the record.

M. Dunn asked about the history of this. A. Landers stated all of the history is in the agenda packet with the minutes. She also stated basically when they first applied it was a *Conditional Use Permit* and with any expansions they have to come back to the Planning Commission to get approval. She stated they have had several expansions and now it is a *Special Land Use* in the new Land Development Code. She also used visuals to show where the original outdoor food and beverage area was and the pergola that was added with the fire pit and they also went through site plan review of demoing a home and putting in parking. She stated what they are proposing is to expand now by adding an addition to connect to a building and expand the outdoor food and beverage area with a new covered performance area for the accessory use of the outdoor entertainment. She also stated that they are asking for a second story deck on the side of the building for more outdoor food and beverage area. She stated per the code you have to be back at least five feet from the lot lines, so they will have to make sure the service area is back 5-feet.

J. Cardillo asked if roughly they would lose the first row of seats. A. Landers stated that she believes so but that would be a great question for the applicant. She also stated that it was not on the site plan for her to be able to verify exactly where that falls. J. Cardillo stated that it was not easy to determine.

J. Cardillo stated since they originally opened they have done quite a bit of work to manage the sound and the noise issues with the outdoor music so she is not overly concerned about it but do they have any records of noise complaints and is there a long list of noise complaints or have they mostly been able to reduce the number of complaints in the last several years. A. Landers stated unfortunately she would not be able to tell her that and that would be with the police department and she would have to check in them. She also stated she does know from one of the hearings that they had, that was a question that was asked prior to the hearing and they were able to get that information and provide how many complaints. She stated maybe that would be a good question for the owners to answer and they could tell you if that number with the police going to their property has gone down. She also stated if that is information that they want staff to get then that is something she would have to contact the police department for.

David Manson, the applicant stated that first he would like to address the noise complaint question. He also stated that Andy and the musicians have made really great strides with trying to mitigate any potential noise complaints from the neighborhood. He stated that he does not have an exact number or timeframe but he believes that they have not received a noise complaint in maybe three years. He also stated that Andy has made sure that if bands are playing outside, they stop by 9:00 PM so that they feel is a pretty reasonable time to cease music in a mixed-use area. He stated because of that he does not think that the neighbors have felt a need to complain.

Andy Langlois, the other applicant stated that initially they were on Third Street playing music and moving to the back really seemed to help a lot. He also stated starting out with a business you see the City restrictions of 11:00 PM as being the noise ordinance and you think that you can go until 11:00 PM, but you cannot because they are in an area where other people live so they moved it to 10:00 PM and then realized that they would just go to 9:00 PM and be the early place. He stated since they have done that he thinks it has been for sure two and probably three or more years since they have had any issues and tickets. He also stated that it has been working out pretty well and they do not have any heavy metal bands and it tends to be Jim and Ray type of bands. He stated that it tends to be fairly mellow, but they do have some bands with some drums occasionally, but once again they make sure that they are done by 9:00 PM. He also stated that they have talked to a lot of neighbors about it and made sure that they are ok with it over the years, and it seems to be working out all right.

Mr. Manson stated they would like to address the letter. Mr. Langlois stated one question was an increase in garbage. He also stated right now they have garbage that is through a dumpster and they have it emptied twice a week right now and they rarely fill it, and they upped it last year because it was busy last summer. He stated that there should not be an issue with that. He also stated about the Covid issues, they have been taking it extremely seriously and at least two rows of duct tape are on the ground right now directing people where they can and cannot go. He stated that they have guidelines printed up and signage that masks are required while standing, and in fact they do not have any indoor seating right now. He also stated that they have increased safety the most that they can to spread people out. He stated that they are taking it quite seriously as they should. She also stated what they have integrated to the pub host duties and greeters that their job is to go through these guidelines with each individual customer and make sure that they understand that they walk through with a mask on, while they are standing, and that they are following the arrows on the ground and that they are sitting in the appropriately spaced area. He stated so far it is good and 98% of the people are really receptive to that and there are about 2% who like to give them a hard time. Mr. Manson stated that they do not have to serve them and they do not have to come in. Mr. Langlois stated by expanding the patio should increase the overall safety and they are excited to do it. He also stated they are just covering the outside areas right now and you can see from the architectural drawing that it is a mirror image of what they currently have and they are pretty much going to flip it around and do similar things without the outside bar, and the fire place is going to be in another location. He stated they are going to have to meet requirements for the railing setback of 5-feet and right now the building itself is 3-feet off of the line and there is a platform up there that is about 1-foot so they might have to bring it in or the other option is to go for a variance. He also stated that is not something that they are looking at doing right now because you cannot access it until they finish the inside of the building that they are going to be working on. He stated they do not have enough cash to do that right now so they are taking everything in phases kind of like they have been approaching the whole pub in general.

Mr. Manson stated for the question about the history it has been a long, slow process for them because that is the way that they operate and they do not necessarily always feel like they are going to need to go to the next level. He also stated if you look at those notes there are a lot of piecemeal requests to keep expanding. He stated that Ms. Landers has taught them pretty well by now to throw it all in so they are throwing it all in so they do not have to come in front of the Planning Commission again and ask for another part or a little further part.

Mr. Langlois stated what they are looking at doing is the exact thing that they are doing now, they are just looking to do it with some more German beer tables and maybe another fireplace. He also stated that they already play music outside and they would just like to move everybody back a little farther and maintain the same schedule which is typically four or five nights 6 PM to 9 PM and keep finishing at 9 PM and try and keep everybody happy.

A. Ruiz asked if they can explain the second story deck and what safety precautions they are going to have with it. Mr. Langlois stated that all of things will be built by professionals and make sure that it is supported appropriately. He also stated there will be a railing around it and more of a framed in railing with Plexiglas or tempered glass. He stated that they are hoping that they can get as close as they can to the edge because if you go out there it is a pretty neat experience. He also stated if you sit on the edge you can look right down the corridor on Third Street and see lake Superior and if you are looking up the other way you can see Mt. Marquette. He stated that it would be really a shame to come too far back but it looks like maybe they would have to come a foot or two back. He also stated that they will have an outside stairway fire escape, which could also be used if there is not a fire, that will be built by the contractor. He stated there will also be access from the second story balcony to the new pub. He also stated that is the roof that is above the brick building that is right next to them and it is the extension that someone put on years ago.

J. Cardillo asked if the applicant will revise this set per staff comments to meet the 5-feet and if they wanted to go for a variance on that it will be a separate case. Mr. Langlois stated that is correct. He also stated that they have to learn along the way too and find out, but it would be really nice to stay as close to the edge as they could and provide people that experience of seeing the Third Street Corridor. He stated that is not something that they are looking at doing immediately because they cannot access it. He also stated that they will work on getting the back patio done and work on getting people spread out sometime in July. J. Cardillo stated that she just wants to clarify in terms of process and procedure for this application, they will

have the 5-feet and it will be a separate application to the Board of Zoning Appeals to get that moved forward.

S. Mittlefehldt stated that it looks really exciting and she is excited to see this thing evolve. She asked about the lighting because there are some new things in the code about dark skies and trying to preserve the dark skies. She also asked staff about the string lights and does what is in the code about light pollution and trying to preserve dark skies apply to strings of lights. A. Landers stated that on her end of things the types of lights that they are proposing meets the code because it is shielded and that is why she did not have the comment stating that they would have change that type of light and they did research that for that portion of the code. She also stated that the bulb is shielded so you cannot see the bulb so they are not open light bulbs and they have a shielding on them.

J. Cardillo stated that they have the existing back patio and are adding this other portion and asked if those will all be at the same level or if there is a step at any point. Mr. Langlois stated that it is going to be excavated so it is the same level. He also stated that they wanted to just have a clear pathway. He stated when it is non-Covid days it can get busy back there and a step would be a really bad idea so everything will be the same level. He also stated where the fireplace is, if you look on the drawing, it will be a slight grade up to that but it will not be a step, and a real gradual slope.

J. Cardillo stated that it is a permeable brick paver system so they will be able to have drainage if there is a lot of runoff to deal with that. Mr. Langlois stated that it should go right though. He also stated they are not going to be driving food trucks or anything on it either and it is just going to be foot traffic.

J. Cardillo stated that the covered performance area looks to be open in the back. Mr. Manson stated that there will be a 6-foot fence behind it. J. Cardillo asked if there is any sound baffling at that point. Mr. Manson stated that the sound will be going towards Michigan Street. Mr. Langlois stated that they will be pointing towards Michigan and then there will be the 6-foot fence behind it.

J. Cardillo asked if there were any members of the public that would like to comment. No one wished to comment so J. Cardillo closed the public hearing.

It was moved by M. Larson, seconded by E. Brooks, and approved 8-0 that after review of the site plan dated May 5, 2020, and the Staff File Review/Analysis for 11-SUP-06-20, the Planning Commission finds that the request meets the intent and requirements of the Land Development Code Sections 54.1403, 54.635, 54.636, and 54.1402, and hereby approves 11-SUP-06-20 with the condition that an amended site plan is submitted to meet staff comments.

*Yes: A. Ruiz, S. Mittlefehldt, M. Larson, A. Andres, E. Brooks, W. Premeau, M. Dunn, J. Cardillo
No: None*

Excerpt of the July 18, 2023, Planning Commission meeting minutes

OFFICIAL PROCEEDINGS OF THE MARQUETTE CITY PLANNING COMMISSION July 18, 2023

A regular meeting of the Marquette City Planning Commission was duly called and held at 6:00 p.m. on Tuesday, July 18, 2023, in the Commission Chambers at City Hall.

ROLL CALL

Planning Commission (PC) members present: W. Premeau, M. Rayner, S. Lawry, K. Clegg, Chair S. Mittlefehldt, Vice-Chair N. Williams, D. Fetter, C. Gottlieb, A. Andres

PC members absent: none

Staff present: Zoning Official A. Landers, City Planner & Zoning Administrator D. Stensaas

AGENDA

It was moved by C. Gottlieb, seconded by A. Andres, and carried 9-0 to approve the agenda as presented.

MINUTES

The minutes of 06-20-23 were approved as presented, by consensus.

CONFLICT of INTEREST

No conflicts of interest were confirmed.

PUBLIC HEARINGS

A. 03-SUP-07-23 - 424 N. Third St. & 143 W. Michigan St. (PIN: 0181310 & 0181380)

Zoning Official A. Landers stated: The Planning Commission is being asked to review an application for a Preliminary Planned Unit Development (PUD) approval. The Planning Commission qualified the project for a PUD on May 17, 2022. The Planning Commission will need to conduct a public hearing for a Preliminary Site Plan Review and draft recommendations to the City Commission, who will issue final approval or denial of the PUD. She described and showed on the monitors in the room the Staff File Report and attachments, the Site Plan Review application, the variance letter from the applicant, the staff and applicants' comments, a proof of the granting of an easement, the area map, the block map, the zoning map, photos of the site, and the Site Plan set. She also stated that there was no correspondence submitted.

Mr. Andy Langlois stated that he and Mr. Dave Manson (also present) are the applicants. He also stated: This project, we kind of need to do it. The last 10 years we've been brewing on a 3-barrel system and three barrels isn't really that much and what happens is we run out of it quite quickly, so we're able to put in a 7 to maybe 10-barrel system in the front for the building, and that will get us through summers much better. So, our footprint is pretty small. We've always kind of just grown from the very beginning and then one step at a time as we can do it, and so this is the next step, and I hate to say the last step, but it might be the last step. We're kind of land-locked at this point. But it does make sense on a few different areas, though. It's going to allow us to have the space we need to put in a bigger system and produce more beer there. We do lose the lower patio that's out front but at the same time we're going to gain that seating up on top, much like our existing rooftop deck. I think it's also going to create a pretty clean line going across, with windows across the front so you can see the tanks, and I was looking through the master plan from three years ago, you hired the experts to come it. I just want to see if we're in line with that and it seems like it's pretty much what we're going for. The Master Plan [Third St. Corridor Plan]

vision is to extend fencing around the corner of Blackrocks. We're basically bringing it out to Michigan Street, and increasing seating, so while we're not putting a fence there, we're putting a building there. Also, there was mention [in the Plan] of street walls and how "a vertical element in front of each lot creates a street wall, which like the walls of a room, street walls is what makes the street comfortable, safe, interesting to walk along, so high walls with windows or other openings and street trees recommended." So, that's essentially what we're trying to do is just kind of build a clean line with an existing brick building, bring it across and put some tanks in it. I think that's it.

C. Gottlieb stated:

I have some questions for the applicants. What would be the change in the amount of seating provided?

Mr. Langlois stated:

Currently there's already seating in this section [pointing to image on-screen] so we'd add a little bit, I mean, we're going bring up the same amount of seating as down below and bring it up. And then the only other section is here. This isn't seating right here. This is going to be like currently a new addition we did. He put some mechanical stuff that we needed up there and we fenced it in so this is all going to be fenced in, just to keep people out, keep the noise in, that sort of thing.

C. Gottlieb asked if there had been any noise complaints since the last addition was completed.

Mr. Langlois stated:

It's been quite a few years since we've had one. That was a whole other story, the history and learning and growing of the business and finding that if you're going to have music outside to be respectful and get it done by 9 o'clock.

C. Gottlieb asked if there would be any change in operating hours.

Mr. Langlois said no.

C. Gottlieb asked: Do you anticipate increasing or decreasing sound outside the building and area?

Mr. Langlois stated:

It should be similar. I know our neighbors have expressed some concern with the current set-up, saying that because people are on the roof they can hear them more clearly, so we're going to be putting some more people on the roof, but then again I don't know what to say. We're part of the downtown district and we're trying to run a business and I can totally empathize with their situation, too, and I'm not sure how bad that is.

K. Clegg asked how the increase in spent grain would be handled by the applicants.

Mr. Langlois stated:

Currently, we're raking it out into bins and then we load them up, bring them over to the production center and then it goes to the cows. So, it's going to be very similar in that way. We have some different ideas of how we're going to handle that. Maybe some sort of nurse trailer or maybe just being a truck.

Mr. Manson stated (to Mr. Langlois): That is what the new truck will be used for.

Mr. Langlois stated:

They will truck the spent grain to the farm.

K. Clegg stated:

And you say that the curb cut is absolutely necessary for that? My concern is that...right now you've got the Burger Bus and all of your food trucks parking in that spot where the curb cut is going to be, which will make it no longer legal space.

Mr. Langlois stated:

I think it's going to be the spot before the curb cut and two spots after the curb cut.

K. Clegg asked: Is that long enough for the bus?

Mr. Langlois stated: I think so, yeah.

Mr. Manson stated:

I wonder out loud if while it's not a legal parking spot, the only people that would complain of a violation of that parking spot would be people who need to have egress, right?

A. Landers stated:

Once you put a curb cut in, you won't be able to use that as an on-street parking spot. You'd lose it.

Mr. Langlois stated:

Going to back to your question – "is it necessary" – when we're handling tons of grain, its coming in and going out, if you back a truck up it becomes much more efficient to load and stock, as opposed to – especially during winter - going out to the street to get it.

K. Clegg asked about mechanical handling of the spent grain.

Mr. Langlois said that they would be using hand trucks or just grabbing the sacks.

S. Mittlefehldt asked where the bike parking would be relocated from the from the front area.

Mr. Langlois pointed out the proposed bike parking location on the site plan, shown on the monitors.

S. Lawry asked the applicants if the barrier-free requirements would be met with the proposed changes.

Mr. Langlois stated:

Yes, and people from SAIL came through. We have access in the front of 3rd Street, and we have the ramp in the back, handicapped accessible bathrooms throughout.

S. Lawry stated:

By having multiple serving areas are you covered for that?

Mr. Langlois said: yes, absolutely.

S. Lawry stated:

From the plan sheets I noticed that there is a gas meter on the west face of the building and it doesn't show what is happening with that on the new construction sheets, and we wouldn't want to see it encroaching into the public sidewalk.

Mr. Langlois said that we'd like to get creative with that, but obviously it won't protrude over City property with it and we'll find another spot for it.

D. Stensaas said that he had a comment related to S. Mittlefehldt's question about bike parking. He stated: I was looking at the site plan and wanted to point out for the applicant's consideration that the area set aside for the drainage swale or rain garden on the east side of the parking lot could be a good place to provide more bike parking. You could cantilever a pervious deck to park bikes out over the concave drainage swale and sort of double your use of that space, and you could even put a covered shelter there with the roof draining into the swale.

A. Andres stated:

I just have one suggestion. The one glaring issue I see is if a handicapped person walks up to the building by themselves, they cannot enter the building. So, there's automatic doors that can be placed, push-button automatic doors would be lovely.

Mr. Langlois stated:

Okay, thank you, off the ramp?

A. Andes said: yes.

Chair Mittlefehldt opened the public hearing.

Dawn Gallo, of 135 W. Ohio St., stated:

I don't have a problem with the brewery getting larger on the bottom. I hear the balcony as it is right now. Is there a way that maybe you could put up a buffer (speaking to Mr. Langlois and Mr. Manson), fencing or something, so it's not hitting towards my house?

Mr. Langlois stated:

I think this might help, that we're going to be adding this right here [pointing to the rear monitor]. If you look on that far wall side, you see how that's a little different? So that's going to be a fencing that we have with our current one...so now see right there on the left? That will be open, but everything bouncing around in the corner will be probably be bounced off [inaudible].

Ms. Gallo stated:

I'm still a little concerned with the noise that's going to be coming from that area when people are sitting there on the railing there, because I already hear them at the other one. I love what you do with the music. You make great beer. I just have a problem with that. So, maybe if you'd put up some sort of buffering fence that could curb that noise down a little bit?

Mr. Langlois stated (to Ms. Gallo):

I'll see what we can do. I mean, obviously we don't want to block too much of the site coming down here, but I'm thinking you're living over here, so even something coming down that can collect that sound could make a big difference.

Dawn Gallo said: right, you can see my house from there, and there's a parking lot [inaudible]. It's like we love the idea they do shut down the music at 9, which is awesome.

S. Mittlefehldt stated:

That's something we could easily put in a motion as, like if this does get passed we can put it in the motion that they would look into and investigate sound buffering.

Dawn Gallo said: great, thank you.

Matt Gallo, of 135 W. Ohio St., asked:

Can we go back to the previous picture that you had up there? He's talking about a wall right here. This is still open right here so we're talking about this area right here, which faces north, and we live like across the Schwalbach's parking lot, okay, so we hear all the noise. We hear the generators from the food trucks running all the time. We hear the music all the time, and it's not the music, like my wife said. I commend them because they shut down at 9 o'clock at night-time, it's wonderful. We had to deal with 10 o'clock Charlie's when it was over on the other side of the street and Chad didn't care about anybody. But, if something can be done to maybe put a flat wall up there, or something up there, I hate to sound selfish, but I don't care where the sound goes as long as it doesn't come in our direction. I have music in my garage, which is across Schwalbach's parking lot and when the music starts at Blackrocks, I shut my music off in my garage because I can hear the music at Blackrocks better than I can hear my music in my garage. And it's not a complaint. Don't get me wrong, we love the bands that they select. We love the time, it's 6 'til 9 o'clock...so that's not - the music is always fantastic. If you've never been there, you've got to check it out. But anyway, it's the sound that we're concerned with, okay? The generator's off and different things. They used to be able to plug in there and then somebody came along and said you can't do that because of OSHA or something to that effect. So consequently all of the food trucks that are there nowadays are running a generator, and we hear the generators at our house, too. Okay? It's with us, it's more of a noise thing. We've been battling noises on Third Street for a long time and honestly, we have confidence that Andy and his partner are going to take care of the needs that we have. They've always been really cooperative, but we just wanted to make sure that we let everybody know what's going on. The noise amplified by going from the 1st floor to the 2nd floor - now you've opened up a whole different realm here. You're no longer on the ground level with all the blockage. The sound is going to project even more so we're concerned about that, adding the new area up top for sitting. How many do you seat right now in the open area?

Mr. Langlios stated:

You can get quite a few in there. Our goal, our seating plan up there is not to cram as many people in, it was more like a let's make this comfortable and if they can find a seat, then find a seat, but we're not trying to slam people in.

Matt Gallo stated:

We totally understand that. The other problem that we had, that we noticed immediately, is when they built the new band shell there, it put the wall up as on the south end of the open area at the back. That immediately acts as a bounce, so music that's coming out of there, any noise that's coming out of there as far as people conversing and stuff like that gets bounced across the parking lot and over to our house and stuff like that. It's not terribly bad, but I did notice the other day, believe it or not, this is something that amazed me - we were there on Friday evening and the band was playing and there were a lot of people there, as there always are on stuff like that and you can talk among each other without having to yell in each other's ears, but you couldn't hear the band as well there as you could hear it in my driveway.

Mr. Manson stated:

I remember that night. I live across the street over on Hewitt and that wind, if that wind is south, everything carries I've noticed.

Matt Gallo stated:

So basically, and that's the problem that we have with the whole thing as far as the sound, and what's it going to do as far as the sound goes if more people are talking and stuff like that. I've covered the generators, the upstairs and the sound bounce. So, that's pretty much all I've got, just the noise is our concern and so long as they keep it 9 o'clock, the music anyways, we'll see what happens as far as the sound going up. You may get that buffer wall in there would be something for us. I feel sorry for the people who live across the street on the west side of it, but it is what it is.

Pete Dohrenwend, of 131 W. Ohio St., stated:

I think when I looked at the site plan, too, I was just - that one wall, maybe you need to go back to the plan down below on the side view. Yeah, where the hanging lights are, and the fence...if it's hog panel or it's just permeable, maybe make sure that that's not open, maybe if it's something solid. I don't know, but that's something to think about. Coming around this corner (pointing to site plan on screen), is the

brewing equipment going to be between the house, on the bottom level, between the house and the sidewalk as well?

Mr. Langlois said: there's an entry there.

Pete Dohrenwend asked: this area inside, is that where the tanks are going to be too?

Mr. Langlois said: there will be brewing stuff in there.

Pete Dohrenwend stated:

Again, I frequent your establishment a lot. Just the one concern, just the noise and ways that they can mitigate that, knowing that they're going to elevate people. Again, it's mostly in the summertime. People aren't going to be there in December.

Mr. Langlois stated:

It is a fencing that we use. It's like lattice almost, and so obviously we did that so people can look down, wave by to your friend walking up 3rd Street. It's a smaller run. We could look at solid glass. There's also trees which provide options, hop plants are really thick and they grow fast and maybe that's something we could cover that with a whole string of hops.

Mr. Manson stated:

I'd like to have greenery and even having some big flower boxes on that side, like on the south side, would also kind of help buffer that.

Mr. Langlois said: we'll figure it out.

It was moved by S. Lawry, seconded by K. Clegg, and carried 9-0 to suspend the rules for discussion.

S. Lawry stated:

The Community Master Plan pushes business use on the ground floor and residential on the 2nd or 3rd floors, and both with this proposal here and the one we dealt with a couple of weeks ago next door, pronouncing commercial or manufacturing or whatever move up to the 2nd floor. I don't know if we should be considering that consistent with the Master Plan or not, or if it's something we should be looking at changing the Master Plan in the future, but it kind of sets a new pattern in where we were discouraging residents of the first floor and not actually was the source of a sore spot with the neighbors to this facility in the past, the ground level level residents straight off their patio, and I guess I'd hate to see the same problem develop one layer higher. I think it's a very efficient use of space and that it can be buffered, but I guess it's something that I think we need to look at with regard to the Master Plan and whether this is something we want to encourage or discourage or adapt the plan to.

A. Andres stated:

Restating the need for accessibility "buttons" on the outside of the building. Great job on accessibility, love your beer, it's great.

D. Stensaas said, concerning the issue with the electrical power for food trucks and the noise generated by generators, I'm wondering if with this next expansion, if this might be a good time to run power out under the sidewalk and place a disconnect between the sidewalk and the street to cut down the need for the food trucks to run generators.

Some discussion of the electrical power provision for food trucks in the right of way ensued between the applicants, staff, and the Planning Commission members.

S. Mittlefehldt stated:

Is anybody prepared to make a motion and maybe consider some language about the applicants investigating some type of buffer along that north wall on Michigan St.?

*It was moved by M. Rayner, seconded by S. Lawry, and carried 9-0 that after holding a public hearing and review of the site plan set dated June 16, 2023, with supplemental documentation and the Staff Report/Analysis for 03-SUP-07-23, the Planning Commission finds that the request meets the intent and requirements of the Land Development Code Sections 54.1403, 54.1402, 54.627, and 54.637, and hereby approves 03-SUP-07-23 with the following conditions - .
1) that buffering options be examined for the rooftop patio expansion, and 2) that an amended plan is submitted to meet all of staff comments.*

CORRESPONDENCE, REPORTS, MINUTES OF OTHER BOARDS/COMMITTEES

A. Discussion of correspondence RE complaints about Superior Culture late shutdowns

D. Stensaas stated:

There's a couple of new members on the board since we had to have the hearings with Superior Culture, but we got a complaint from one of the neighbors. She documented two instances where they were not shut down on time and the one at 10:08 PM, she said it looked like it was still going strong with just people sitting out in the back, and the outdoor operations are supposed to be ended at 10.

A. Andres asked: are we really complaining about 8 minutes?

D. Stensaas stated:

Yes, but according to her, things were still going strong 8 or 10 minutes after 10 PM, and like a dimensional requirement - it doesn't matter if it's an inch too big or a yard too big, it's an exceedance of the limit. So, there was that one and then she documented another one, what did she say?

A. Landers stated:

While he's looking for that, its 717 N. 3rd St. - Superior Culture.

D. Stensaas stated:

Across from the Third Base and Main Street, Frosty Treats, not the quietest part of 3rd Street to start with, but they have a limit of having to shut down at 10 outdoors in the back.

A. Landers stated:

Sunday to Friday at 9, and 10 on Saturday.

D. Stensaas stated:

The other one was a little more niggling, noise outside at 9:03 and music is supposed to end at 9:00 PM, and then I think she said it was actually inside, the music was coming from inside the house. I just responded to this, directly to the property owner, and let him know that we got complaints, we're documenting this and they have to maintain these hours or you're going to be back in front of the Planning Commission.

S. Mittlefehldt stated:

For those people who are new, maybe a little bit of history on this site, because they have been before us a few times and it's the same - their neighbor is an acoustical engineer so he comes with quite compelling evidence of acoustical violations of the noise level on the outside patio in the back space. So, they had a conditional permit for like a year and they came back and the Planning Commission at that time gave the young business owner a second chance, and so this is the third time around now that we've heard these kind of complaints.



CITY OF MARQUETTE
PLANNING AND ZONING
1100 Wright Street
MARQUETTE, MI 49855
(906) 228-0425
www.marquettemi.gov

MEMORANDUM

TO: Planning Commission
FROM: Andrea Landers, Zoning Official
DATE: May 28, 2026
SUBJECT: Public Hearing – 01-ZOA-06-2026 Land Development Code Amendments

The proposed amendments are the product of several months of effort by staff and the Planning Commission. They were developed, discussed, and refined during work sessions starting in November 2025.

The draft amendments to the LDC document are attached. They will be available to the public as part of the agenda packet posted on the City's website and in the Planning-Zoning division offices prior to the meeting.

Recommended Action:

The Planning Commission should conduct a public hearing to receive comments from the public regarding the draft amendments to the Land Development Code (LDC), review and discuss the proposed amendments and any concerns that may exist, and take appropriate action in the form of a motion to either:

- A. Recommend approval of the draft LDC amendments to the City Commission, as presented or amended in the meeting, or
- B. Request that staff facilitate further amendments of the LDC document.

It is highly recommended that any motion regarding this request include a statement such as:

After review of the draft Land Development Code (LDC) amendments presented as case 01-ZOA-06-2026, and after conducting a public hearing and careful consideration of the contents of the draft LDC amendments, the Planning Commission finds that the draft LDC amendments (**are / are not**) consistent with the recommendations, goals, and policy objectives of the Community Master Plan, comply with section 54.1405 of the Land Development Code, represent an improvement to regulation that affects property owners in the city, and therefore (**are / are not**) justified and appropriate and therefore (**should / should not**) be approved by the City Commission (**as presented / and revised with the following amendments...**).



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

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

Example) H. Light Manufacturing

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

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

SECTION 1. Article 2- Definitions

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

Article 2 Definitions

Section 54.202 Specific Terms

- (65) **Enclosed:** To surround or close off on all sides. For a building, enclosed means that the building has materials attached that can fully enclose it, such as doors and windows.

- (93) **Hard Parking Surface:** ~~For one- and two-family dwellings a hard parking surface shall comprise of compacted gravel at least six (6) inches in depth, concrete or asphalt pavement, pavers (pervious or impervious) or other products designed for parking. For all other uses, a hard parking surface shall exclude gravel with the exception that compacted gravel parking lots are allowed for *Land Intensive Recreational Uses*. The City Engineer may require minimum standards for hard parking surface (e.g., material depth, material specifications, construction techniques, etc.).~~

- (a) For one- and two-family dwellings and for Parking Areas, Accessory, as defined in this Ordinance, including such parking serving triplexes and quadplexes where permitted, a hard parking surface may include compacted gravel at least six (6) inches in depth, concrete, asphalt pavement, pavers (pervious or impervious), or other products designed for parking.

- (b) Except as provided in subsection (a), for all other uses, including Off-Street Parking Lots, a hard parking surface shall exclude gravel, with the exception that compacted gravel parking lots are permitted for *Land Intensive Recreational Uses*.

(c) The City Engineer may require minimum standards for material depth, material specifications, and construction techniques as necessary to ensure durability and safety.

(129) **Lot Types:** Lot Types are as follows (See [Figure 4. Lot Types](#))

- (a) **Lot, Corner:** A lot where the interior angle of two adjacent sides at the intersection of two streets is less than one hundred and thirty-five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of the ordinance, if the arc is of less radius than one hundred fifty (150) feet and the tangents to the curve, at the two points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than one hundred thirty-five (135) degrees.
- (b) **Lot, Flag:** A pre-existing nonconforming lot that uses a narrow, unbuildable strip of land that does not meet the frontage requirements of the district in which it is located, which provides access to, or legal frontage on, a public or private street.
- (c) **Lot, Interior:** A lot other than a corner lot with only one (1) frontage on a street or road.
- (d) **Lot, Through or Double-Frontage:** An interior lot having frontage on two more or less parallel streets as distinguished from a corner lot. All sides of said lots adjacent to streets shall be considered frontage, and front yards shall be provided as required. Properties that share a property line with a city street on one side and limited access highway on the other side are not "Through Lots." The frontage facing the limited access highway is either a side or rear yard depending on the lot layout.

(???) **Mezzanine:** An intermediate floor in any story occupying more than one-third ($\frac{1}{3}$) of the floor area of such story.

(??) **Mobile food vending unit:** Shall mean vending, serving, or offering for sale food and/or beverages from a mobile food vending unit; or vending, serving, or offering for sale food and/or beverages prepared for consumption in a mobile food vending unit; may include the ancillary sales of branded items consistent with the food, such as a tee shirt that bears the name of the organization engaged in mobile food vending. The Zoning Administrator may interpret similar devices that serve the same purpose to be mobile vending units.

(??) **Motor Vehicle:** As defined in the Michigan Motor Vehicle Code, 1949 PA 300, as amended, MCL 257.1 et seq.

(???) **Parking Area, Accessory:** A portion of a lot used for the parking of motor vehicles that is incidental and subordinate to a single principal building and that is accessed directly by a single driveway or vehicle access point, without the use of internal circulation aisles, shared parking spaces, or common maneuvering areas. An accessory parking area is not an off-street parking lot.

(183) **Parking Lot:** A durable, smooth, hard surfaced, and dust free area with well-defined entrances and exit lanes for unencumbered access to individual parking spaces. See definition of "Hard Parking Surface."

Parking Lot or Off Street Parking Lot: An area designed, improved, or used for the parking of motor vehicles that includes shared parking spaces, internal circulation aisles, drive aisles, or common

maneuvering areas, and which is intended to function as a unified parking facility rather than as individual residential driveways or accessory parking areas. Where parking serves more than one principal building, such parking shall be classified as an Off-Street Parking Lot for purposes of this Ordinance

- (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 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.
- (217) Storage, Bulk:** The storage of Goods for sale, storage, or display that have a large size, mass, or volume and are not easily moved or carried, such as railroad ties, large bags of feed, fertilizer, wood, sand, gravel, stone, lumber, wire, pipe, motorized, equipment, and other similar materials and supplies.
- ~~**(218) Storage, Indoor:** Structure(s) containing separate, individual, and private storage spaces of varying sizes leased or rented on individual leases for varying periods of time for dead storage and equipment and located entirely within a building. Dead storage refers to the storage of furniture, files, or other unused or seldom used items in a warehouse or other location for an indefinite period of time.~~
- (219) Storage, Open/Outdoor:** The storage of any material for a period greater than 24 hours, including items for sale, lease, processing, and repair (including vehicles) not in an enclosed building. The keeping of common commercial goods, materials, merchandise, equipment, scrap/junk, or vehicles (not for sale), unenclosed, and in a specific location on premises as a continuing, regular use of the property (more than a day).
- (???) Story:** That part of a building, except a mezzanine as defined herein, included between the surface of one floor and the surface of the next floor, or if there is no floor above then the ceiling next above. A basement shall not be counted as a story.
- (227) Structural Amenity:** A non-plant element such as outdoor art, paintings, sculpture, fountains and similar water features, benches, arbors, doghouses, playsets, birdfeeders, clotheslines, air conditioners, detached open structures, and similar amenities as determined by the Zoning Administrator, and which meets the requirements of Section 54.702(G). Amenities to a principal or accessory use of property that are not principal or accessory structures, including detached open structures such as arbors, trellises, benches, children's playsets, firewood storage racks; outdoor art and furnishings such as sculptures, fountains, manmade waterfalls; practical appliances such as air conditioners and pads, basketball hoops, clotheslines, and similar amenities as determined by the Zoning Administrator, and which meets the requirements of Section 54.702(G).
- (???) Unenclosed:** Not closed off on all sides. For example, in buildings, this may mean the building has a roof but no walls on one or two sides, or that it may have low walls on multiple sides that are open and without windows, as in an unenclosed porch.

- (255) **Warehousing and Indoor Storage:** An establishment in an enclosed building primarily engaged in storing commercial materials, goods, or property, including wholesaling operations that involve the sale or distribution of goods and materials in large quantity to retailers or other businesses for resale or distribution to individual or business customers. This shall not include heavy manufacturing, resource extraction, bulk storage of hazardous materials, or scrap or salvage operations. Examples include automated, distribution center, and cold storage. The storage within an enclosed building of goods and/or materials, which may include wholesaling operations that involve the sale or distribution of goods and materials in large quantities to retailers or other businesses for resale or distribution. This use category shall not be concurrent or cooperative with heavy manufacturing, mining/resource extraction, or the bulk storage of hazardous materials.
- (269) **Yard, Front:** An open space extending the full width of the lot, the depth of which is the horizontal distance between the front lot line/right-of-way line and the nearest vertical plane/exterior foundation of the main structure. Through lots must provide a front yard on both streets. On a corner lot, two (2) front yards are required, one (1) side yard, and one (1) rear yard setback is are required, ~~which shall be opposite the front lot line that provides the primary frontage, at the discretion of the property owner.~~ In the absence of existing structures, the property owner may designate which yards are the rear and the side. Where structures exist, their location shall establish the rear and side yard designations to the extent necessary to ensure setback compliance. If the existing structures can meet the required setbacks whether designated as side or rear, the designation shall remain at the discretion of the property owner. (See [Figure 6. Yard Terms](#) and [Figure 7. Yards of a Corner Lot](#), and [Figure 8 Yards of a Through Lot](#))
- (270) **Yard, Rear:** An open space extending the full width of the lot, the depth of which is the horizontal distance between the rear lot line and the nearest vertical plane/exterior foundation of the main structure. In the case of a corner lot, ~~the rear yard shall be opposite the front lot line that provides the primary frontage, at the discretion of the property owner~~ and in the absence of existing structures, the property owner may designate which yards are the rear and the side. Where structures exist, their location shall establish the rear and side yard designations to the extent necessary to ensure setback compliance. If the existing structures can meet the required setbacks whether designated as side or rear, the designation shall remain at the discretion of the property owner. (See [Figure 6. Yard Terms](#) and [Figure 7. Yards of a Corner Lot](#))
- (271) **Yard, Side:** An open space extending the distance between the front yard and the rear yard, the depth of which is the horizontal distance between the side lot line and the nearest vertical plane/exterior foundation of the main structure. If no front or rear yard is required, the side yard area must extend the full depth of the lot. Side yards on through lots must run the full length of the lot between street right-of-way lines. (See [Figure 6. Yard Terms](#), and [Figure 7. Yards of a Corner Lot](#), and [Figure 8 Yards of a Through Lot](#))

Figure 6. Yard Terms

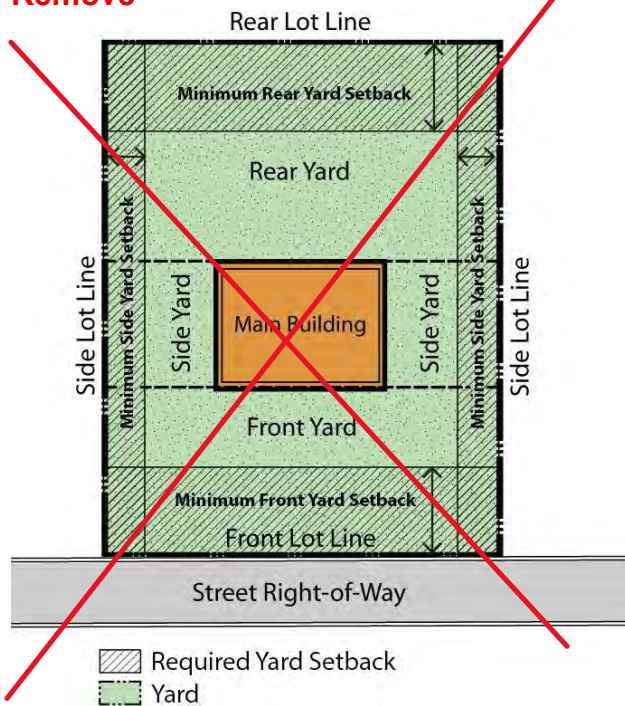
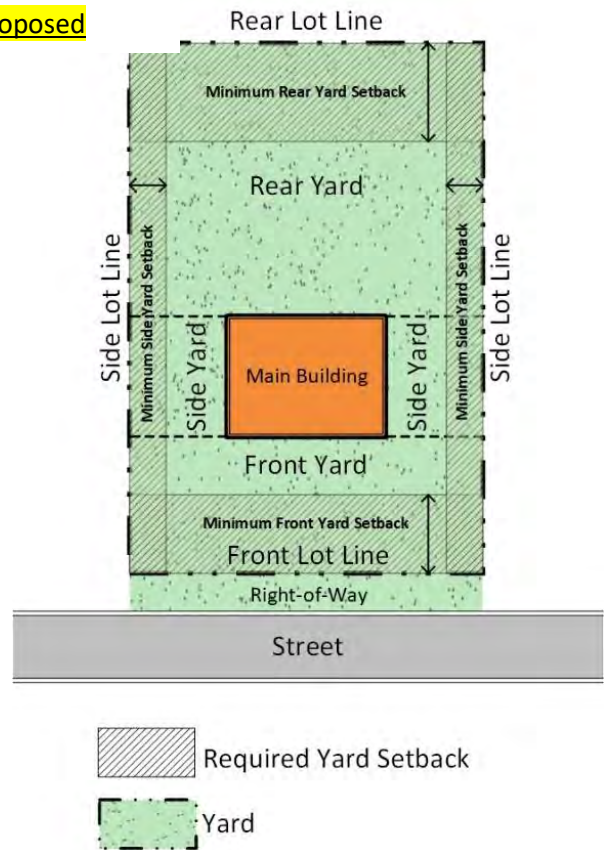
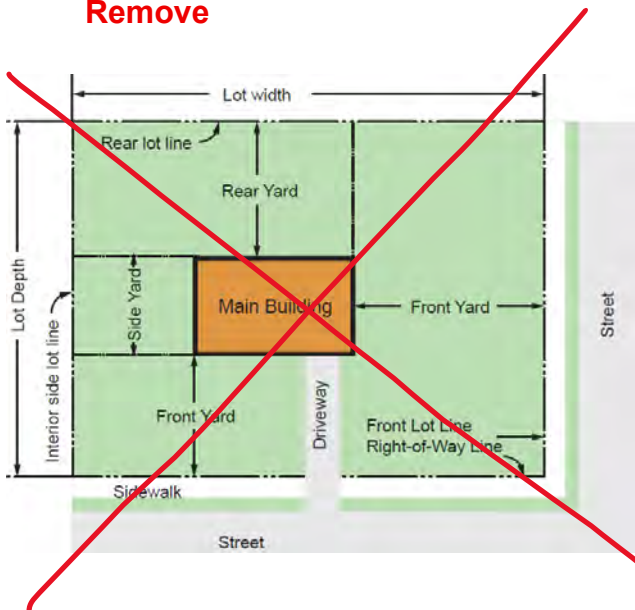
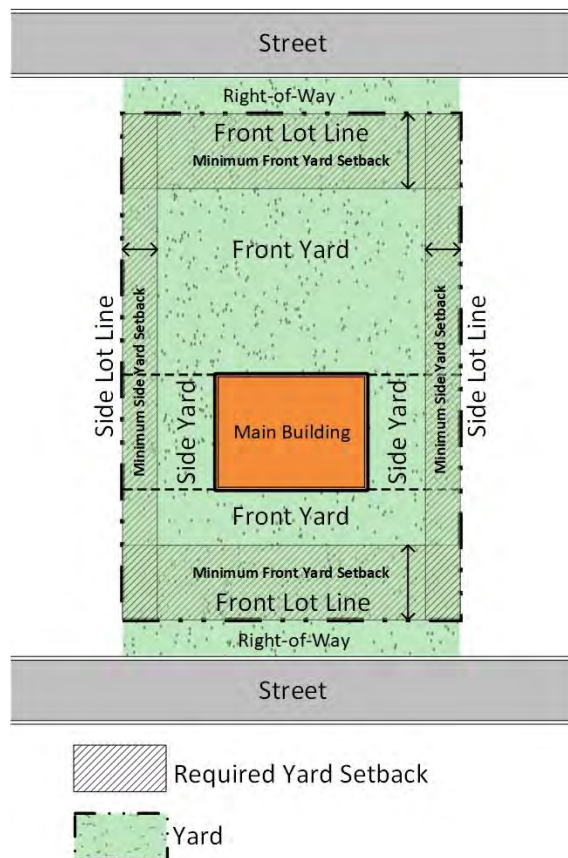
Remove**Proposed**

Figure 7. Yards of a Corner Lot

Remove

Proposed**Figure 8. Yards of a Through Lot**

SECTION 2. Article 3 – Zoning Districts and Map

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

Article 3 Zoning Districts and Map**Section 54.306 Permitted Uses by District**

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

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

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

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

Land Use	LDR	MDR	MFR	MHP	MU	CBD	GC	RC	M	C	I-M	CR	BLP	Use Standards
Residential Uses														
Adult Foster Care, Family Home	P	P	P	P	P	P								
Adult Foster Care, Large Group Home			S											Section 54.602
Adult Foster Care, Small Group Home	P	P	P		P									Section 54.602
Child or Day Care, Family Home	P	P	P	P	P	P								
Child or Day Care, Group Home	P	P	P		P									Section 54.607
Dwelling, Accessory Unit	P	P	P		P	P								Section 54.611
Dwelling, Intentional Community	S	S	P		S	S								Section 54.613
Dwelling, Live/Work					P	P								Section 54.614
Dwelling, Multiple-Family, 5+ dwelling units			P		P	P								Section 54.615
Dwelling, Single-Family Attached			P		P	S								
Dwelling, Single-Family Detached	P	P	P		P	S								Section 54.616
Dwelling, Two-Family (Duplex)	P	P	P		P	P								Section 54.612
Dwelling, Triplex	S	P	P		P	P								
Dwelling, Quadplex	S	S	P		P	P								
Foster Family Group Home	S	S	S		S	S								
Foster Family Home	P	P	P		P	P								
Home Occupation	P	P	P		P	P								Section 54.621
Home Office	P	P	P		P	P								Section 54.622
Mobile Home Park				P										Section 54.631
Nursing Home, Convalescent Home, Extended Care Facility, Assisted Living Facility			S		S	S								Section 54.633
Residential Limited Animal Keeping	P	P												Section 54.642
Lodging Uses														
Bed and Breakfast			S		S	S								Section 54.603
Bed and Breakfast Inn					S	S								Section 54.604

Domestic Violence Abuse Shelter			S		S	S											Section 54.609
Fraternity or Sorority House			S		S	S											
Halfway House			S		S												Section 54.619
Homeless Shelter					S	S											Section 54.623
Homestays and Vacation Home Rentals	P	P	P		P	P											Section 54.624
Hospital Hospitality House			S		S	S											Section 54.626

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

Land Use	LDR	MDR	MFR	MHP	MU	CBD	GC	RC	M	C	I-M	CR	BLP	Use Standards
Hostel			S		S	S	S							Section 54.643
Hotel or Motel					S	S	P	P						
Rooming House			S		S	S	S							Section 54.643
Supportive Housing Facility, Transitional and/or Permanent	S	S	P		S	S								Section 54.652
Medical Uses														
Emergency Services					P	P	P	P						
Health Services					P	P	P	P						
Hospice					P	P	P	P						
Hospital			S		S	S	S	S						Section 54.625
Medical Hospital Related Accessory Uses					P	P	P	P						Section 54.634
Medical Hospital Related Office or Uses					P	P	P	P						
Office, Medical					P	P	P	P			P			Section 54.634
Veterinary Clinic (Domestic Animals Only)					P	P	P	P			P			
Public and Quasi-Public Uses														
Cemetery	S	S	S						P	P				Section 54.605
Public or Governmental Building	S	S	S		P	P	P	P	P	P	P	P	P	
Recreational Use, Land Intensive												S	S	Section 54.640
Recreational Use, Public	S	S	S		S	S	S	S	P	P		P	P	
Religious Institution	S	S	S		P	S	P	P			P			Section 54.641
School, Primary or Secondary	S	S	S		S	S			P	P				Section 54.644
School, University			S	S	S	S			P	P				Section 54.606
Commercial and Retail Uses														
Adult Entertainment Uses											S			Section 54.601
Bar					S	P	P	P						
Child Care Center or Day Care Center	P	P			P	P	P	P						Section 54.608
Drive-Through Uses					P	P	P	P						Section 54.610
Farmers' Markets					P	P	P	P	P	P				Section 54.617
Fuel Dispensing Uses, including Service Stations					S	S	P	P	P	P	P		P	
Indoor Recreation					P	P	P	P	P	P	P			
Heavy Vehicle/Equipment Sales, Rental, and Display							P	P			P			Section 54.620
Light Vehicle/Equipment Sales and Display						P	P	P						Section 54.628
Mobile Food Vending (MFVU) on Private Property – Accessory Use (day use only; no overnight parking) and 120 days or less					P	P	P	P	P	P	P	P	P	Section 54.630
Mobile Food Vending (MFVU) on Private Property – Accessory Use (overnight or long-term temporary use) and 120 days or less					P	P	P	P	P	P	P	P	P	Section 54.630

Mobile Food Vending (MFVU) on Private Property – Accessory Use (day use only; no overnight parking) and more than 120 days					S	S	S	S	S	S	S	S	S	Section 54.630
Mobile Food Vending (MFVU) on Private Property – Accessory Use (overnight or long-term temporary use) and more than 120 days					S	S	S	S	S	S	S	S	S	Section 54.630
Office, Professional					P	P	P	P	P	P	P			Section 54.634
Off-street Parking Lot			S		S	S	S	S	S	S	S	S		
Outdoor Entertainment and Community Events (Principal Use or Accessory Use)					S	P	S	S	P	P		P		Section 54.635 (C) or (D)
Outdoor Entertainment and Community Events (Temporary Use)	P	P	P	P	P	P	P	P	P	P	P	P	P	Section 54.635 (B)
Outdoor Alcoholic Beverage Service					S	P	P	P				S		Section 54.636
Outdoor Food & Non-Alcoholic Beverage Service					P	P	P	P				P		Section 54.637
Outdoor Recreation			S		P	P	P	P	P	P		P	P	
Pet Boarding Facility							S	S			S			

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

Land Use	LDR	MDR	MFR	MHP	MU	CBD	GC	RC	M	C	I-M	CR	BLP	Use Standards
Restaurant, Indoor Service					P	P	P	P						
Restaurant with Outdoor Alcoholic Beverage Service					S	P	P	P				S		Section 54.636
Restaurant with Outdoor Food & Non-Alcoholic Beverage Service					P	P	P	P				P		Section 54.637
Retail Business, Indoor					P	P	P	P			P			
Retail Business, Outdoor Permanent							S	S			S			
Retail Sales and Service Areas, Outdoor Temporary					P	P	P	P						Section 54.638
Service Establishment					P	P	P	P			P			
Shooting Range, Indoor							P	P			P			Section 54.645
Storage, Open/Outdoor							P	P	P	P	P	P	P	Section 54.650
Vehicle Repair and Service					S	S	P	P			P			Section 54.627
Industrial Uses														
Major Repair and Maintenance Operations									P	P	S		P	Section 54.627
Manufacturing, Heavy											S		P	Section 54.627
Manufacturing, Light– Low Impact					P	P	P	P	P	P	P		P	Section 54.627
Manufacturing, Light – Medium Impact					S	S	S	S	P	S	P		P	Section 54.627
Natural Resource Extraction and Processing Operations											S	S	P	Section 54.632
Port Facilities and Docks									S	S		S	S	Section 54.639
Railroad Facilities											P			
Storage, Bulk								S	P	P	P	S	P	Section 54.648
Storage, Indoor							S	P			P			Section 54.649
Storage, Indoor- Accessory Use							S	P			P			Section 54.649
Storage, Facility, Self							S	P			P			Section 54.651
Storage Facility, Self-Accessory Use							S	P			P			Section 54.651
Utility Electrical Power Generation											S		P	
Warehousing							S	S	P	S	P		P	
Wholesale Trade Establishment					P	P	P	P			P			

Wholesaling Operations								S				P			
Other Uses															
Accessory Building or Structure	P	P	P		P	P	P	P	P	P	P	P	P	P	Section 54.705
Accessory Use, Non-Single Family Residential Lots	P	P	P		P	P	P	P	P	P	P	P	P	P	
Accessory Use, Single-Family Residential Lots	P	P	P		P	S									
Agriculture-Like Operation, including Forestry									P	P		P	P		
Food Production, Minor	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Section 54.618
Marihuana Designated Consumption Establishment						S	S								Section 54.629
Marihuana Educational Research						S	S	S		S	S				Section 54.629
Marihuana Grower – Class A						S	S	S			S				Section 54.629
Marihuana Grower – Class B							S	S			S				Section 54.629
Marihuana Grower – Class C							S	S			S				Section 54.629

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

Land Use	LDR	MDR	MFR	MHP	MU	CBD	GC	RC	M	C	I-M	CR	BLP	Use Standards
Marihuana Grower - Excess							S	S			S			Section 54.629
Marihuana Microbusiness- Class A and Light Manufacturing						S	S	S			S			Section 54.629
Marihuana Microbusiness- Heavy Manufacturing											S			Section 54.629
Marihuana Processor- Light Manufacturing						S	S	S			S			Section 54.629
Marihuana Processor – Heavy Manufacturing											S			Section 54.629
Marihuana Retailer						S	S	S			S			Section 54.629
Marihuana Safety Compliance Facilities					S	S	S	S			S			Section 54.629
Marihuana Secure Transporters							S	S			S			Section 54.629
Small Wind Energy Systems, Roof-Mounted	P	P	P	P	P	P	P	P	P	P	P	P	P	Section 54.647
Small Wind Energy Systems, Tower-Mounted							S	S	S	S	S	S	S	Section 54.647
Solar Energy Systems <20kw – Accessory Use	P	P	P	P	P	P	P	P	P	P	P	P	P	Section 54.646
Solar Energy Systems ≥20kw to 2 MW – Accessory Use	S	S	S	S	S	S	S	S	P	P	P	S	P	Section 54.646
Solar Energy Systems ≥20kw to 2 MW – Principal Use (Non-residential)					S	S	S	P	P	P	P	S	P	Section 54.646
Recycling Collection and Transfer Stations									S					
Structures between the shoreline of Lake Superior and the pavement of the nearest public street or highway.									S	S		S		
Wireless Telecommunications Facilities						S	S	S	P	P	P	S	P	Section 54.653
Marquette Downtown Waterfront District Form-Based Code (see Section 54.321)														
Third Street Corridor Form-Based Code (see Section 54.322)														

Section 54.311 M-U, Mixed-Use District

(B) Permitted Principal Uses	(C) Special Land Uses
• Accessory Building or Structure • Accessory Use, Non-Single Family Residential Lots • Accessory Use, Single-Family Residential Lots • Adult Foster Care, Family Home • Adult Foster Care, Small Group Home • Child Care Center or Day Care Center • Child or Day Care, Family Home • Child or Day Care, Group Home • Drive-Through Uses • Dwelling, Accessory Unit • Dwelling, Live/Work • Dwelling, Multiple-Family 5+ dwelling units • Dwelling, Quadplex • Dwelling, Single-Family Attached • Dwelling, Single-Family Detached • Dwelling, Triplex • Dwelling, Two-Family (Duplex) • Emergency Services • Farmers' Markets • Food Production, Minor • Foster Family Home • Health Services • Home Occupation • Home Office • Homestays and Vacation Home • Hospice • Indoor Recreation • Manufacturing, Light – Low Impact • Medical Hospital Related Accessory Uses • Medical Hospital Related Office or Uses • <u>Mobile Food Vending (MFVU) on Private Property – Accessory Use (day use only; no overnight parking) and 120 days or less</u> • <u>Mobile Food Vending (MFVU) on Private Property – Accessory Use (overnight or long-term temporary use) and 120 days or less</u> • Office, Medical • Office, Professional • Outdoor Entertainment and Community Events (Temporary) • Outdoor Food and Non-Alcoholic Beverage Service • Outdoor Recreation • Public or Governmental Building • Religious Institution • Restaurant, Indoor Service • Restaurant with Outdoor Food & Non-Alcoholic Beverage Service • Retail Business, Indoor • Retail Sales and Service Areas, Outdoor Temporary • Service Establishment • Small Wind Energy Systems, Roof-Mounted • Solar Energy Systems, <20kw- Accessory Use • Wholesale Trade Establishment • Veterinary Clinic (Domestic Animals Only)	• Bar • Bed and Breakfast • Bed and Breakfast Inn • Domestic Violence Abuse Shelter • Dwelling, Intentional Community • Foster Family Group Home • Fraternity or Sorority House • Fuel Dispensing Uses, including Service Stations • Halfway House • Homeless Shelter • Hospital • Hospital Hospitality House • Hostel • Hotel or Motel • Manufacturing, Light– Medium Impact • Marihuana Safety Compliance Facility • <u>Mobile Food Vending (MFVU) on Private Property – Accessory Use (day use only; no overnight parking) and more than 120 days</u> • <u>Mobile Food Vending (MFVU) on Private Property – Accessory Use (overnight or long-term temporary use) and more than 120 days</u> • Nursing Home, Convalescent Home, Extended Care Facility, Assisted Living Facility • Off-street Parking Lot • Outdoor Entertainment and Community Events (Principal or Accessory Use) • Outdoor Alcoholic Beverage Service • Recreational Use, Public • Restaurant with Outdoor Alcoholic Beverage Service • Rooming House • School, Primary or Secondary • School, University • Solar Energy Systems, ≥20kw to 2 MW - Accessory Use • Solar Energy Systems, ≥20kw to 2 MW - Principal Use (Non-residential) • Supportive Housing Facility, Transitional and/or Permanent • Vehicle Repair and Service
Where there is a discrepancy between Section 54.306 and this table, Section 54.306 shall prevail.	

Section 54.312 CBD, Central Business District

(B) Permitted Principal Uses	(C) Special Land Uses
• Accessory Building or Structure • Accessory Use, Non-Single Family Residential Lots • Adult Foster Care, Family Home • Bar • Child or Day Care, Family Home • Child Care Center or Day Care Center • Drive-Through Uses • Dwelling, Live/Work • Dwelling, Accessory Unit • Dwelling, Multiple Family 5+ dwelling units • Dwelling, Quadplex • Dwelling, Two-Family (Duplex) • Dwelling, Triplex • Emergency Services • Farmers' Markets • Food Production, Minor • Foster Family Home • Health Services • Home Occupation • Home Office • Homestays and Vacation Home • Hospice • Indoor Recreation • Light Vehicle/Equipment Sales and Display • Manufacturing, Light- Low Impact • Medical Hospital Related Accessory Uses • Medical Hospital Related Office or Uses • <u>Mobile Food Vending (MFVU) on Private Property – Accessory Use (day use only; no overnight parking) and 120 days or less</u> • <u>Mobile Food Vending (MFVU) on Private Property – Accessory Use (overnight or long-term temporary use) and 120 days or less</u> • Office, Medical • Office, Professional • Outdoor Alcoholic Food and Beverage Service • Outdoor Entertainment and Community Events (Principal, Temporary, or Accessory Use) • Outdoor Food and Non-Alcoholic Beverage Service • Outdoor Recreation • Public or Governmental Building • Restaurant, Indoor Service • Retail Business, Indoor • Restaurant with Outdoor Food & Non-Alcoholic Beverage Service • Restaurant with Outdoor Alcoholic Beverage Service	• Accessory Use, Single-Family Residential Lots • Bed and Breakfast • Bed and Breakfast Inn • Domestic Violence Abuse Shelter • Dwelling, Intentional Community • Dwelling, Single-Family Attached • Dwelling, Single-Family Detached • Foster Family Group Home • Fraternity or Sorority House • Fuel Dispensing Uses, including Service Stations • Homeless Shelter • Hospital • Hospital Hospitality House • Hostel • Hotel or Motel • Manufacturing, Light – Medium Impact • Marihuana Designated Consumption Establishment • Marihuana Educational Research • Marihuana Grower – Class A • Marihuana Microbusiness – Light Manufacturing • Marihuana Processor – Light Manufacturing • Marihuana Retailer • Marihuana Safety Compliance Facility • <u>Mobile Food Vending (MFVU) on Private Property – Accessory Use (day use only; no overnight parking) and more than 120 days</u> • <u>Mobile Food Vending (MFVU) on Private Property – Accessory Use (overnight or long-term temporary use) and more than 120 days</u> • Nursing Home, Convalescent Home, Extended Care Facility, Assisted Living Facility • Off-street Parking Lot • Recreational Use, Public • Religious Institution • Rooming House • School, Primary or Secondary • School, University • Solar Energy Systems, ≥20kw to 2 MW - Accessory Use • Solar Energy Systems, ≥20kw to 2 MW - Principal Use (Non-residential) • Supportive Housing Facility, Transitional and/or Permanent • Vehicle Repair and Service • Wireless Telecommunications Facilities

• Retail Sales and Service Areas, Outdoor Temporary • Service Establishment • Small Wind Energy Systems, Roof-Mounted • Solar Energy Systems, <20kw- Accessory Use • Wholesale Trade Establishment • Veterinary Clinic (Domestic Animals Only)	
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(E) Requirements for Uses in the CBD

- (1) There shall be ~~not~~ **no** outdoor storage.
- (2) Outdoor vehicular sales, and service areas are prohibited.

Section 54.313 GC, General Commercial District

• Accessory Building or Structure • Accessory Use, Non-Single Family Residential Lots • Bar • Child Care Center or Day Care Center • Drive-Through Uses • Emergency Services • Farmers' Markets • Food Production, Minor • Fuel Dispensing Uses, including Service Stations • Health Services • Heavy Vehicle/Equipment Sales, Rental, and Display • Hospice • Hotel or Motel • Indoor Recreation • Light Vehicle/Equipment Sales and Display • Manufacturing, Light – Low Impact • Medical Hospital Related Accessory Uses • Medical Hospital Related Office or Uses • <u>Mobile Food Vending (MFVU) on Private Property – Accessory Use (day use only; no overnight parking) and 120 days or less</u> • <u>Mobile Food Vending (MFVU) on Private Property – Accessory Use (overnight or long-term temporary use) and 120 days or less</u> • Office, Medical • Office, Professional • Outdoor Alcoholic Beverage Service • Outdoor Entertainment and Community Events (Temporary Use) • Outdoor Food and Non-Alcoholic Beverage Service • Outdoor Recreation • Public or Governmental Building • Religious Institution • Restaurant, Indoor Service • Restaurant with Outdoor Food & Non-Alcoholic Beverage Service • Restaurant with Outdoor Alcoholic Beverage Service • Retail Business, Indoor	• Hospital • Hostel • Manufacturing, Light– Medium Impact • Marihuana Designated Consumption Establishment • Marihuana Educational Research • Marihuana Grower – Class A • Marihuana Grower – Class B • Marihuana Grower – Class C • Marihuana Grower – Excess • Marihuana Microbusiness Class A and Light Manufacturing • Marihuana Processor – Light Manufacturing • Marihuana Retailer • Marihuana Safety Compliance Facility • Marihuana Secure Transporters • <u>Mobile Food Vending (MFVU) on Private Property – Accessory Use (day use only; no overnight parking) and more than 120 days</u> • <u>Mobile Food Vending (MFVU) on Private Property – Accessory Use (overnight or long-term temporary use) and more than 120 days</u> • Off-street Parking Lot • Outdoor Entertainment and Community Events (Principal & Accessory Use) • Pet Boarding Facility • Recreational Use, Public • Retail Business, Outdoor Permanent • Rooming House • Small Wind Energy Systems, Tower-Mounted • Solar Energy Systems, ≥20kw to 2 MW - Accessory Use • Solar Energy Systems, ≥20kw to 2 MW - Principal Use (Non-residential) • Storage Facility, Self • Storage Facility, Self- Accessory Use • Storage, Indoor • Storage, Indoor – Accessory Use • Warehousing • Wireless Telecommunications Facilities
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• Retail Sales and Service Areas, Outdoor Temporary • Service Establishment • Shooting Range, Indoor • Small Wind Energy Systems, Roof-Mounted • Solar Energy Systems, <20kw- Accessory Use • Storage, Open/Outdoor • Vehicle Repair and Service • Veterinary Clinic (Domestic Animals Only) • Wholesale Trade Establishment	
Where there is a discrepancy between Section 54.306 and this table, Section 54.306 shall prevail.	

Section 54.314 RC, Regional Commercial District

(B) Permitted Principal Uses	(C) Special Land Uses
• Accessory Building or Structure • Accessory Use, Non-Single Family Residential Lots • Bar • Child Care Center or Day Care Center • Drive-Through Uses • Emergency Services • Farmers' Markets • Food Production, Minor • Fuel Dispensing Uses, including Service Stations • Health Services • Heavy Vehicle/Equipment Sales, Rental, and Display • Hospice • Hotel or Motel • Indoor Recreation • Light Vehicle/Equipment Sales and Display • Manufacturing, Light – Low Impact • Medical Hospital Related Accessory Uses • Medical Hospital Related Office or Uses • <u>Mobile Food Vending (MFVU) on Private Property – Accessory Use (day use only; no overnight parking) and 120 days or less</u> • <u>Mobile Food Vending (MFVU) on Private Property – Accessory Use (overnight or long-term temporary use) and 120 days or less</u> • Office, Medical • Office, Professional • Outdoor Alcoholic Beverage Service • Outdoor Entertainment and Community Events (Temporary Use) • Outdoor Food and Non-Alcoholic Beverage Service • Outdoor Recreation • Public or Governmental Building • Religious Institution • Restaurant, Indoor Service • Restaurant with Outdoor Food & Non-Alcoholic Beverage Service • Restaurant with Outdoor Alcoholic Beverage Service • Retail Business, Indoor	• Hospital • Manufacturing, Light – Medium Impact • Marihuana Educational Research • Marihuana Grower – Class A • Marihuana Grower – Class B • Marihuana Grower – Class C • Marihuana Grower – Excess • Marihuana Microbusiness – Class A and Light Manufacturing • Marihuana Processor – Light Manufacturing • Marihuana Retailer • Marihuana Safety Compliance Facility • Marihuana Secure Transporters • <u>Mobile Food Vending (MFVU) on Private Property – Accessory Use (day use only; no overnight parking) and more than 120 days</u> • <u>Mobile Food Vending (MFVU) on Private Property – Accessory Use (overnight or long-term temporary use) and more than 120 days</u> • Off-street Parking Lot • Outdoor Entertainment and Community Events (Principal & Accessory Use) • Pet Boarding Facility • Recreational Use, Public • Retail Business, Outdoor Permanent • Small Wind Energy Systems, Tower-Mounted • Solar Energy Systems, ≥20kw to 2 MW - Accessory Use • Storage, Bulk • Warehousing/Storage Facilities • Wholesaling Operations • Wireless Telecommunications Facilities

• Retail Sales and Service Areas, Outdoor Temporary • Service Establishment • Shooting Range, Indoor • Small Wind Energy Systems, Roof-Mounted • Solar Energy Systems, <20kw- Accessory Use • Solar Energy Systems, ≥20kw to 2 MW - Principal Use (Non-residential) • Storage Facility, Self • Storage Facility, Self- Accessory Use • Storage Indoor • Storage Indoor – Accessory Use • Storage, Open/Outdoor • Vehicle Repair and Service • Veterinary Clinic (Domestic Animals Only) • Wholesale Trade Establishment	
Where there is a discrepancy between Section 54.306 and this table, Section 54.306 shall prevail.	

Section 54.315 M, Municipal District

(B) Permitted Principal Uses	(C) Special Land Uses
• Accessory Building or Structure • Accessory Use, Non-Single Family Residential Lots • Agriculture-Like Operation, including Forestry • Cemetery • Farmers' Markets • Food Production, Minor • Fuel Dispensing Uses, including Service Stations • Indoor Recreation • Major Repair and Maintenance Operations • Manufacturing, Light – Low Impact • Manufacturing, Light – Medium Impact • <u>Mobile Food Vending (MFVU) on Private Property – Accessory Use (day use only; no overnight parking) and 120 days or less</u> • <u>Mobile Food Vending (MFVU) on Private Property – Accessory Use (overnight or long-term temporary use) and 120 days or less</u> • Office, Professional • Outdoor Entertainment and Community Events (Principal, Temporary, or Accessory Use) • Outdoor Recreation • Public or Governmental Building • Recreational Use, Public • School, Primary or Secondary • School, University • Small Wind Energy Systems, Roof-Mounted • Solar Energy Systems, <20kw- Accessory Use • Solar Energy Systems, ≥20kw to 2 MW - Accessory Use • Solar Energy Systems, ≥20kw to 2 MW - Principal Use (Non-residential) • Storage, Bulk	• <u>Mobile Food Vending (MFVU) on Private Property – Accessory Use (day use only; no overnight parking) and more than 120 days</u> • <u>Mobile Food Vending (MFVU) on Private Property – Accessory Use (overnight or long-term temporary use) and more than 120 days</u> • Off-street Parking Lot • Port Facilities and Docks • Recycling Collection and Transfer Stations • Small Wind Energy Systems, Tower-Mounted • Structures between the shoreline of Lake Superior and the pavement of the nearest public street or highway.

• Storage, Open/Outdoor • Warehousing • Wireless Telecommunications Facilities	
Where there is a discrepancy between Section 54.306 and this table, Section 54.306 shall prevail.	

Section 54.316 C, Civic District

(B) Permitted Principal Uses	(C) Special Land Uses
• Accessory Building or Structure • Accessory Use, Non-Single Family Residential Lots • Agriculture-Like Operation, including Forestry • Cemetery • Farmers' Markets • Food Production, Minor • Fuel Dispensing Uses, including Service Stations • Indoor Recreation • Major Repair and Maintenance Operations • Manufacturing, Light – Low Impact • <u>Mobile Food Vending (MFVU) on Private Property – Accessory Use (day use only; no overnight parking) and 120 days or less</u> • <u>Mobile Food Vending (MFVU) on Private Property – Accessory Use (overnight or long-term temporary use) and 120 days or less</u> • Office, Professional • Outdoor Entertainment and Community Events (Principal, Temporary, or Accessory Use) • Outdoor Recreation • Public or Governmental Building • Recreational Use, Public • School, Primary or Secondary • School, University • Small Wind Energy Systems, Roof-Mounted • Solar Energy Systems, <20kw- Accessory Use • Solar Energy Systems, ≥20kw to 2 MW - Accessory Use • Solar Energy Systems, ≥20kw to 2 MW - Principal Use (Non-residential) • Storage, Bulk • Storage, Open/ Outdoor • Wireless Telecommunications Facilities	• Manufacturing, Light – Medium Impact • Marihuana Educational Research • <u>Mobile Food Vending (MFVU) on Private Property – Accessory Use (day use only; no overnight parking) and more than 120 days</u> • <u>Mobile Food Vending (MFVU) on Private Property – Accessory Use (overnight or long-term temporary use) and more than 120 days</u> • Off-street Parking Lot • Port Facilities and Docks • Small Wind Energy Systems, Tower-Mounted • Structures between the shoreline of Lake Superior and the pavement of the nearest public street or highway. • Warehousing
Where there is a discrepancy between Section 54.306 and this table, Section 54.306 shall prevail.	

Section 54.317 IM, Industrial/Manufacturing District

(B) Permitted Principal Uses	(C) Special Land Uses
• Accessory Building or Structure • Accessory Use, Non-Single Family Residential Lots • Food Production, Minor • Fuel Dispensing Uses, including Service Stations • Heavy Vehicle/Equipment Sales, Rental, and Display • Indoor Recreation • Manufacturing, Light – Low Impact • Manufacturing, Light – Medium Impact • <u>Mobile Food Vending (MFVU) on Private Property – Accessory Use (day use only; no overnight parking) and 120 days or less</u> • <u>Mobile Food Vending (MFVU) on Private Property – Accessory Use (overnight or long-term temporary use) and 120 days or less</u> • Office, Medical • Office, Professional • Outdoor Entertainment and Community Events (Temporary) • Public or Governmental Building • Railroad Facilities • Religious Institution • Retail Business, Indoor • Service Establishment • Shooting Range, Indoor • Small Wind Energy Systems, Roof-Mounted • Solar Energy Systems, <20kw- Accessory Use • Solar Energy Systems, ≥20kw to 2 MW - Accessory Use • Solar Energy Systems, ≥20kw to 2 MW - Principal Use (Non-residential) • Storage, Bulk • Storage Facility, Self • Storage Facility, Self – Accessory Use • Storage, Indoor • Storage, Indoor – Accessory Use • Storage, Open/Outdoor • Vehicle Repair and Service • Veterinary Clinic (Domestic Animals Only) • Warehousing/Storage Facilities • Wholesale Trade Establishment • Wholesaling Operations • Wireless Telecommunications Facilities	• Adult Entertainment Uses • Major Repair and Maintenance Operations • Marihuana Educational Research • Marihuana Grower – Class A • Marihuana Grower – Class B • Marihuana Grower – Class C • Marihuana Grower – Excess • Marihuana Microbusiness – Class A and Light Manufacturing • Marihuana Microbusiness – Heavy Manufacturing • Marihuana Processor – Light Manufacturing • Marihuana Processor – Heavy Manufacturing • Marihuana Retailer • Marihuana Safety Compliance Facility • Marihuana Secure Transporters • Manufacturing, Heavy • <u>Mobile Food Vending (MFVU) on Private Property – Accessory Use (day use only; no overnight parking) and more than 120 days</u> • <u>Mobile Food Vending (MFVU) on Private Property – Accessory Use (overnight or long-term temporary use) and more than 120 days</u> • Natural Resource Extraction and Processing Operations • Off-street Parking Lot • Pet Boarding Facility • Retail Business, Outdoor Permanent • Small Wind Energy Systems, Tower-Mounted • Utility Electrical Power Generation
Where there is a discrepancy between Section 54.306 and this table, Section 54.306 shall prevail.	

Section 54.318 CR, Conservation and Recreation District

(B) Permitted Principal Uses	(C) Special Land Uses
• Accessory Building or Structure • Accessory Use, Non-Single Family Residential Lots • Agriculture-Like Operation, including Forestry • Food Production, Minor	• <u>Mobile Food Vending (MFVU) on Private Property – Accessory Use (day use only; no overnight parking) and more than 120 days</u>

• <u>Mobile Food Vending (MFVU) on Private Property – Accessory Use (day use only; no overnight parking) and 120 days or less</u> • <u>Mobile Food Vending (MFVU) on Private Property – Accessory Use (overnight or long-term temporary use) and 120 days or less</u> • Outdoor Entertainment and Community Events (Accessory, Temporary, and Principal) • Outdoor Food and Non-Alcoholic Beverage Service • Outdoor Recreation • Public or Governmental Building • Recreational Use, Public • Restaurant with Outdoor Food & Non-Alcoholic Beverage Service • Small Wind Energy Systems, Roof-Mounted • Solar Energy Systems, <20kw- Accessory Use • Storage, Open/Outdoor	• <u>Mobile Food Vending (MFVU) on Private Property – Accessory Use (overnight or long-term temporary use) and more than 120 days</u> • Natural Resource Extraction and Processing Operations • Outdoor Alcoholic Beverage Service • Port Facilities and Docks • Recreational Use, Land Intensive • Restaurant with Outdoor Alcoholic Beverage Service • Small Wind Energy Systems, Tower-Mounted • Solar Energy Systems, ≥20kw to 2 MW - Accessory Use • Solar Energy Systems, ≥20kw to 2 MW - Principal Use (Non-residential) • Storage, Bulk • Structures between the shoreline of Lake Superior and the pavement of the nearest public street or highway. • Wireless Telecommunications Facilities
Where there is a discrepancy between Section 54.306 and this table, Section 54.306 shall prevail.	

Section 54.319 BLP, Board of Light and Power District

(B) Permitted Principal Uses	(C) Special Land Uses
• Accessory Building or Structure • Accessory Use, Non-Single Family Residential Lots • Agriculture-Like Operation, including Forestry • Food Production, Minor • Fuel Dispensing Uses, including Service Stations • Major Repair and Maintenance Operations • Manufacturing, Light – Low Impact • Manufacturing, Light – Medium Impact • Manufacturing, Heavy • <u>Mobile Food Vending (MFVU) on Private Property – Accessory Use (day use only; no overnight parking) and 120 days or less</u> • <u>Mobile Food Vending (MFVU) on Private Property – Accessory Use (overnight or long-term temporary use) and 120 days or less</u> • Natural Resource Extraction and Processing Operations • Outdoor Entertainment and Community Events (Temporary) • Outdoor Recreation • Public or Governmental Building • Recreational Use, Public • Small Wind Energy Systems, Roof-Mounted • Solar Energy Systems, <20kw- Accessory Use • Solar Energy Systems, ≥20kw to 2 MW - Accessory Use • Solar Energy Systems, ≥20kw to 2 MW - Principal	• <u>Mobile Food Vending (MFVU) on Private Property – Accessory Use (day use only; no overnight parking) and more than 120 days</u> • <u>Mobile Food Vending (MFVU) on Private Property – Accessory Use (overnight or long-term temporary use) and more than 120 days</u> • Off-street Parking Lot • Port Facilities and Docks • Recreational Use, Land Intensive • Small Wind Energy Systems, Tower-Mounted

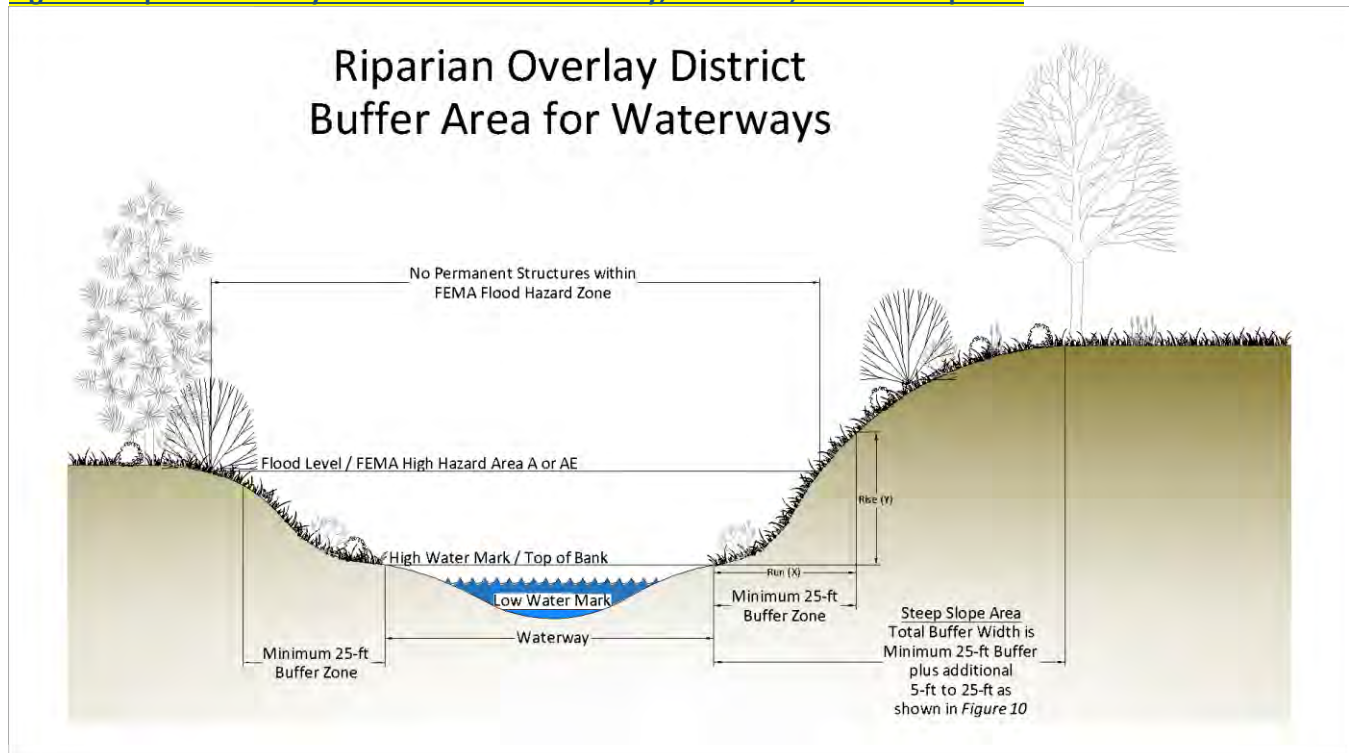
Use (Non-residential) • Storage, Bulk • Storage, Open/Outdoor • Utility Electrical Power Generation • Warehousing • Wireless Telecommunications Facilities	
Where there is a discrepancy between Section 54.306 and this table, Section 54.306 shall prevail.	

Section 54.320 RO, Riparian Overlay District

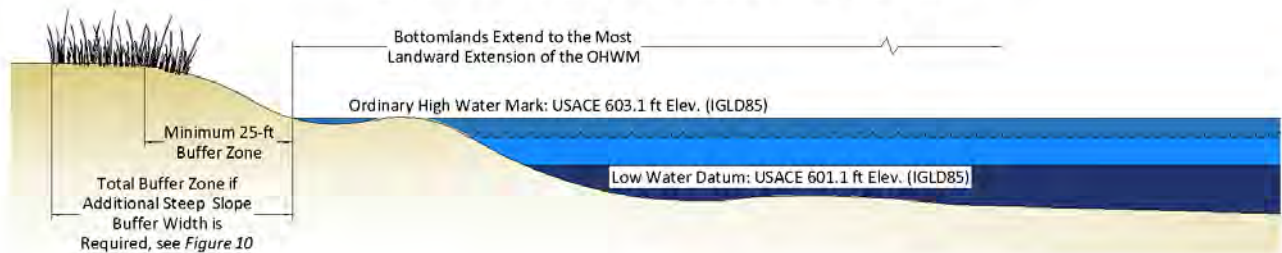
(E) Boundary of Riparian Overlay District. The RO district is a floating zone with boundaries determined by the presence of regulated natural features such as waterways, steep slopes, and wetlands, Lake Superior shoreline Coastal High Hazard Areas as depicted on the current Flood Insurance Rate Map published by the Federal Emergency Management Agency (**FEMA**) and designated as AE, where development or disturbance may adversely affect water quality, wetlands, or other waterbodies. Where a portion of a parcel is within the RO district, the regulations of the RO district shall apply only to that portion of the parcel within the RO district. The RO district includes any land that is located within:

- (1) A waterway, including the top bank, and 25 feet perpendicularly away from the bank plus any additional buffer width as specified in this Section.
- (2) Steep slopes adjacent to a waterway, which are added to the 25-foot riparian buffer of a waterway or drain ([Section 54.320\(E\)\(1\)](#)) in relation to the slope of the bank, calculated as follows: (See [Figure 51](#) in [Section 54.806](#) regarding calculating the percentage of a slope.)
- (3) A wetland and 10 feet beyond the edge of the wetland's high water mark.
- (4) The boundaries of a FEMA Flood Zone designated as AE.

Figure 9. Riparian Overlay Buffer Zones for Waterway, Wetlands, and Lake Superior



Riparian Overlay District Buffer Area for Lake Superior



Riparian Overlay District Buffer Area for Wetlands

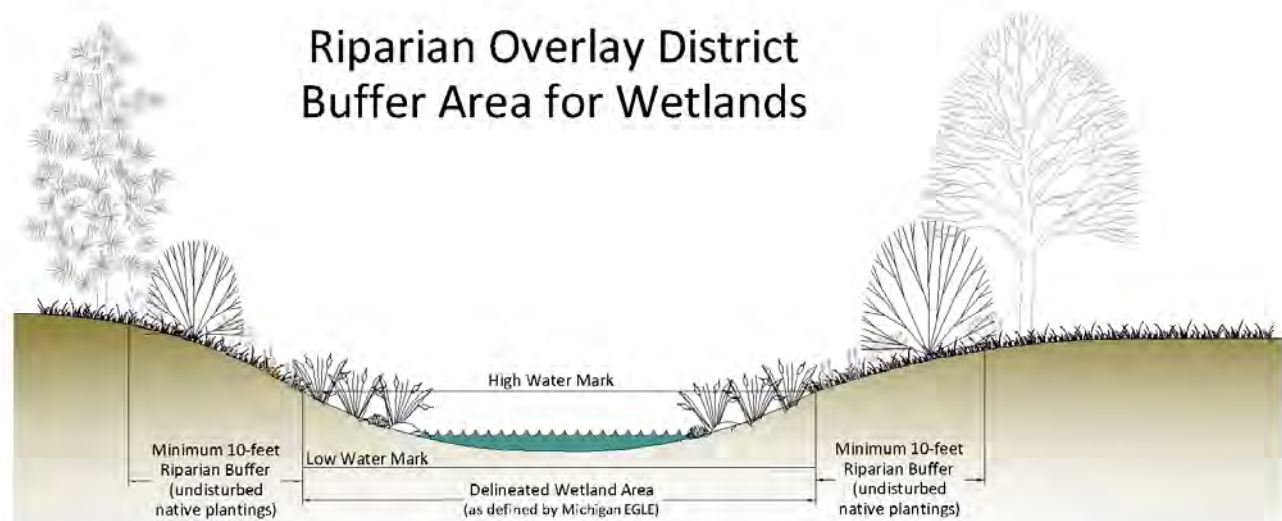


Figure 10 9. Slope and Riparian Buffer Width

Steep Slopes Percent Slope	Buffer Extension	Total Width of Riparian Buffer	Total Width of Buffer Corridor
15%-17%	Add 5 feet	30 feet	Waterway plus 60 feet
18%-20%	Add 10 feet	35 feet	Waterway plus 70 feet
21%-23%	Add 15 feet	40 feet	Waterway plus 80 feet
24%-25%	Add 20 feet	45 feet	Waterway plus 90 feet
Greater than 25%	Add 25 feet	50 feet	Waterway plus 100 feet

(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 54.321 Marquette Downtown Waterfront District Form-Based Code

(D) Marquette Waterfront – General 3

(12) Corner Lots (General 3)

Corner lots shall satisfy the MDW District requirements for the full RBL length (which is the total of all the STREET FRONTAGES) – unless otherwise specified in this Section.

(E) Marquette Waterfront – General 5

(6) Corner Lots (General 5)

Corner lots shall satisfy the MDW District requirements for the full RBL length (which is the total of all the STREET FRONTAGES) – unless otherwise specified in this Section.

(F) Marquette Waterfront – North Lakeshore Frontages

(10) Corner Lots (North Lakeshore)

Corner lots shall satisfy the MDW District requirements for the full RBL length (which is the total of all the STREET FRONTAGES) – unless otherwise specified in this Section.

(I) Marquette Waterfront - Founders 5

(6) Corner Lots (Founders 5)

Corner lots shall satisfy the MDW District requirements for the full RBL length (which is the total of all the STREET FRONTAGES) – unless otherwise specified in this Section.

(K) Definitions

(2) Defined Terms

- (e) **BUILDABLE AREA:** The area of the lot that building(s) may occupy, which includes the entire area of the lot behind the RBL, exclusive of any setbacks. The BUILDABLE AREA sets the limits of the building footprint. Additions to structures must be within the designated area. The BUILDABLE AREA does not include any portion of the site located behind the PARKING SETBACK LINE that is designed or utilized as OPEN AREA.
- (u) **OPEN AREA:** The area within the BUILDABLE AREA and behind the PARKING SETBACK LINE accessible to occupants of the particular building or site as private open space and (primarily) open to the sky. Additional specifications for the OPEN AREA may be included in each BUILDING FORM STANDARD. OPEN AREA shall *not* be built upon, parked, or driven upon (except for emergency access.) For purposes of this definition, OPEN AREA does not include portions of the site that are not intended to be accessible to occupants due to the placement of parking, landscaping, or other functional constraints.
- (x) **PARKING SETBACK LINE:** ~~A line/plane indicated on the REGULATING PLAN which generally extends vertically and parallel with the RBL. All parking shall be behind this line, except where indicated on the REGULATING PLAN, or in the BUILDING FORM STANDARDS. The PARKING SETBACK LINE is a minimum~~

distance from the RBL and parking may be placed anywhere within the lot behind this line, except where otherwise specified in the MDW District. A line/plane indicated on the REGULATING PLAN, extending generally vertically and parallel to the RBL, that establishes the minimum distance behind the RBL where parking may be located. The PARKING SETBACK LINE applies only to portions of the lot where parking is physically feasible or intentionally designed. Where a building occupies the RBL or where site conditions make parking impossible or not intended, the PARKING SETBACK LINE does not apply. Parking may be placed anywhere behind this line, except where otherwise limited by the MDW District or REGULATING PLAN.

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

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

Section 54.322: TSC, Third Street Corridor District Form-Based Code

Figure 29. TSC - Parking Occupancy Rates

USES	MONDAY THROUGH FRIDAY			SATURDAY AND SUNDAY		
	8AM – 6PM	6PM – 12AM	12AM – 8AM	8AM – 6PM	6PM – 12AM	12AM – 8AM
Residential	60%	100%	100%	80%	100%	100%
Lodging	70%	100%	100%	70%	100%	100%
Office	100%	20%	5%	5%	5%	5%
Retail	90%	80%	5%	100%	70%	5%
Restaurant	70%	100%	100%	70%	100%	100%
Movie theater	40%	80%	10%	80%	100%	10%
Entertainment	40%	100%	10%	80%	100%	50%
Conference	100%	100%	5%	100%	100%	5%
Civic (non-church)	100%	20%	5%	10%	10%	5%
Civic (church)	20%	20%	5%	100%	50%	5%
Calculation of parking space requirements from Figure 28 may be reduced by the rates above, as they correspond to a particular use and the hours of operation for that use.						

Section 54.323 PUD, Planned Unit Development District

(I) Final Approval of Planned Unit Development.

- (1) **City Commission Action.** Upon receipt of the report and recommendation of the Planning Commission, the City Commission shall hold a public hearing in accordance with [Section 54.1406](#) and review all findings. If the

City Commission approves the PUD, approval shall be granted only upon the City Commission determining that all provisions of this Section have been met and that the proposed development will not adversely affect the public health, welfare, and safety.

- (2) **PUD Zoning.** Upon approval by the City Commission, the subject site shall be rezoned to "Planned Unit Development" in accordance with the procedures of [Section 54.1405](#).
- (3) **PUD Agreement.** Upon approval of the PUD by the City Commission, the City Commission shall instruct the City Attorney to prepare a contract setting forth the conditions upon which such approval is based and which contract, after approval by resolution of the City Commission, shall be executed by the City and the applicant. The agreement shall become effective upon execution after its approval. The agreement shall be recorded with the County Register of Deeds by the City Clerk. If the agreement is not executed within one (1) year of approval of the by the City Commission, the PUD approval shall expire.
- (4) **PUD Development.** Once an area has been included within a plan for PUD and the City Commission has approved such plan, all development must take place in accordance with such plan unless changes have been approved by the City Commission.
- (5) **Termination of PUD by Applicant.** ~~An approved PUD plan may be terminated by the applicant or the applicant's successors or assigns, prior to any development within the area involved, by filing with the City Clerk and Community Development Department, and recording in the County Register of Deeds an affidavit so stating. The approval of the PUD plan shall terminate upon such recording. No approved PUD plan shall be terminated after development commences except with the approval of the City Commission and of all parties with interest in the land. After termination, the City shall commence rezoning the site to its previous zoning classification or a different zoning classification supported by the Master Plan, in accordance with [Section 54.1405](#).~~

(a) Prior to any development

The City shall terminate the PUD if this section is met. If the right to develop under the approved plan is terminated by the City, the City shall commence rezoning the site to its previous zoning classification or a different zoning classification supported by the Master Plan, in accordance with [Section 54.1405](#), and the City will record an affidavit with the County Register of Deeds stating the termination. The approval of the PUD plan shall terminate upon such recording.

- (i) An approved PUD plan may be terminated by the applicant or the applicant's successors or assigns, prior to any development within the area involved, by filing a rezoning application with the Community Development Department and a letter requesting termination of the PUD.
- (ii) Within a period of two (2) years following approval of the PUD Agreement by the City Commission, preliminary plats ([Section 54.501](#)) or final site plans ([Section 54.1402](#)) for an area embraced within the PUD must be submitted as hereinafter provided. If such plats or plans have not been submitted within the two-year period, the right to develop under the approved plan shall be terminated by the City. Upon the developer's showing of good cause, the Planning Commission can recommend and the City Commission grant an extension of up to two (2) years for submission of the preliminary plat and/or final site plan.

(b) After development commences

- (i) In the event an applicant seeks to terminate a PUD during development or following completion of development, the applicant shall be required to petition for rezoning to either the prior zoning classification or an alternative classification consistent with the Master Plan, pursuant to [Section 54.1405](#). Termination of the PUD shall not be effective unless and until the City Commission grants approval of the requested rezoning. The City will record an affidavit with the County Register of Deeds stating the termination. The approval of the PUD plan shall terminate upon such recording.

- (6) **Expiration.** ~~Within a period of two (2) years following approval of the PUD Agreement by the City Commission, preliminary plats ([Section 54.501](#)) or final site plans ([Section 54.1402](#)) for an area embraced within the PUD must be submitted as hereinafter provided. If such plats or plans have not been submitted~~

~~within the two-year period, the right to develop under the approved plan shall be terminated by the City. Upon the developer's showing of good cause, the Planning Commission can recommend and the City Commission grant an extension of up to two (2) years for submission of the preliminary plat and/or final site plan. If the right to develop under the approved plan is terminated by the City, the City shall commence rezoning the site to its previous zoning classification or a different zoning classification supported by the Master Plan, in accordance with [Section 54.1405](#)~~

SECTION 3. Article 4 Schedule of Regulations

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

Article 4 Schedule of Regulations

Section 54.403 Footnotes to Schedule of Regulations

- (A) Permitted Front Yard Setback Encroachments in the MDR and MFR Districts.** In the MDR and MFR districts, open front porches may encroach into the required front yard setback, provided the encroaching porch is for the first story only and is setback at least five (5) feet from the front lot line.
- (B) Reduced Minimum Front Yard Setback in the LDR and MDR Districts.** If the average front yard setback of the principal buildings on the same block are less than the minimum front yard setback of the district, the minimum front yard setback of a subject lot in the LDR district or MDR district may be reduced to that average, provided the principal buildings used in the average are on the same side of the street and on the same block as the subject lot.
- (C) Minimum Lot Area for Two-Family Dwellings (Duplexes) in the MDR, M-U, TSC, and MFR Districts.** In the MDR, M-U, TSC, and MFR District, the minimum lot area for a two-family dwelling (duplexes) is 6,000 sq. feet.
- (D) Minimum Lot Width for Two-Family Dwellings (Duplexes) in the MDR M-U, TSC, and MFR Districts.** In the MDR, M-U, TSC, and the MFR District, the minimum lot width for a two-family dwelling (duplex) is 50 feet.
- (E) Minimum Lot Area and Width for Three Family and Four Family Dwellings in the **MDR**, M-U, TSC, and MFR Districts.**
 - (1)** In the MDR, M-U, TSC, and the MFR District, the minimum lot area for a three-family and four family dwellings is 9,000 sq. feet.
 - (2)** In the MDR, M-U, TSC, and the MFR District, the minimum lot width for a three-family and four family dwellings is 75 feet.
- (F) Minimum Front Yard Setback in the M-U and GC Districts.** In the M-U and GC districts, the minimum front yard setback is 0 ft. if there is at least a 10-foot distance between the front lot line and the curb/edge of the street. If there is not at least a 10-foot distance between the front lot line and the curb/edge of the street in these districts, the minimum front yard setback shall be increased accordingly so that the minimum separation distance between a structure and the curb/edge of the street is at least ten (10) feet.

- (G) Maximum Front Yard Parking in the M-U and GC Districts.** Although there are no maximum front yard setbacks in the M-U and GC districts, refer to [Article 9](#) for the maximum allowable parking in the front yard of the M-U ([Section 54.902\(E\)\(3\)](#)) and GC ([Section 54.902\(E\)\(4\)](#)) districts.
- (H) Separation Distance of Multiple-Family Structures.** The proposed separation distance between buildings must be determined to comply with the Michigan Building Codes and meet all other requirements for fire safety and maintenance of structures. These requirements must be established before submitting preliminary or final site plans for City approval.
- (I) Reduced Side Yard Setbacks in the M-U, CBD, and GC Districts.** In the M-U, CBD, and GC districts the side yards may be eliminated under the following conditions:
- (1)** The side walls are of fireproof construction and are wholly without opening.
 - (2)** The zoning of the adjacent property is M-U, CBD, GC, Marquette Downtown Waterfront District, or Third Street Corridor District.
- (J) Modified Rear Yard Setbacks in the M-U and CBD Districts.** In the M-U and CBD districts the required rear yard may be measured from the center of an alley abutting the rear lot line, provided the structure is not located in the alley.
- (K) Each parcel in the MFR district that contains a multiple-family residential use shall have:**
- (1)** A maximum lot coverage ratio of 0.50.
 - (2)** Minimum outdoor livability space of 0.30.
- (L) Accessory Buildings and Structures.** For accessory buildings and structures, additional requirements for side yard setbacks, rear yard setbacks, and height are in [Section 54.705](#).
- (M) Height Exceptions and Increased Setbacks for Multiple-Family 5+ Dwelling Buildings in the MFR District.** For multiple-family buildings in the MFR District, the height may be increased above 36.5 feet to a maximum of 44 feet provided that 1 foot shall be added to all of the minimum yard setbacks for each 1 foot that the building exceeds 36.5 feet in height.
- (N) Height Exceptions and Increased Setbacks for Principal Buildings in the MFR and M-U Districts.** If the subject lot is adjacent to a lot zoned LDR, MDR, C, or CR, any portion of the building higher than 36.5 feet must be setback at least 8 feet from a minimum front yard setback line and at least 10 feet from any other minimum yard setback line. The maximum height allowed is 44 feet.
- (O) Height Bonus for Residential Use Inclusion in the Central Business District.** A building may exceed a building height of 74 feet to a maximum of 84 feet, only if it is designed to include at least four (4) residential dwelling units that are – in total square feet of area – at least equivalent to the extent of the footprint of the ground floor of the building in square feet.
- (P) Modified Height and Setback Requirements in the IM District.** The Planning Commission may permit via special land use approval a greater height than the maximum allowed in the schedule of regulations in the IM district, provided that the front, side, and rear yards specified in [Section 54.402](#) and [Article 6](#) are increased by one (1) foot for each foot of building height that exceeds the maximum allowed. However, in no case shall the height of any structure in the IM district exceed the horizontal setback distance from the structure to a lot line; where the property abuts

a right-of-way, up to 1/2 width of said right-of-way may be used in calculation the required yard; in no instance may the yard be less than the minimum specified in [Section 54.402](#), and for accessory structures as specified in [Section 54.705](#).

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

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

(S) Storm Water Management.

(1) For Single-family and Two-family dwelling units **Parcels containing no more than four (4) total dwelling units:**

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

Figure 31. Maximum Impervious Surface Coverage for one and two family dwelling units parcels containing no more than four (4) total dwelling units

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

(2) For all uses except Single-family and Two-family dwelling units **parcels containing no more than four (4) total dwelling units**, please refer to [Section 54.803](#) Storm Water Management.

(3) Rain gutters and downspouts may be required on new/reconstructed buildings to prevent **increased** stormwater runoff to adjoining private properties. They shall be installed where the finished grade will slope down from the closest wall of the new/reconstructed building to the adjoining property, with flow from the downspout directed to into the same property (e.g. into a rain barrel, a French drain, or to a transverse conduit leading to a location where stormwater will percolate into the original property).

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

(U) Corner Lots. Corner lots will have a reduced rear yard setback, to match that of the largest required side yard setback dimension for the zoning district that is necessary to meet the total of two sides requirement for that zoning district. For example, if the total (2-side) side yard setback requirement is 13 feet per [Sec. 54.402](#), and the smallest side yard setback must be at least 5 ft. (as in MDR districts), then the *rear yard dimension for a corner lot* will be the difference between 13 ft. and the calculated dimension for the actual smallest side yard setback – which would be 8 ft. if the smallest side yard setback from the main structure is calculated to be 5 feet (Note: It is important to note that should the existing

structure's side yard setback be less than 5 feet, that side yard will still be designated as the minimum setback at 5 feet.)

- (V) **Height Exceptions and Increased Setbacks for Principal Buildings.** For principal buildings, the height may be increased above 31.5 feet to a maximum of 44 feet provided that 0.25 foot for lot widths under 75 feet and 0.50 foot for lot widths 75 feet or greater shall be added to all of the minimum yard setbacks for each 1 foot that the building exceeds 31.5 feet in height.

SECTION 4. Article 5 – Supplemental Zoning District Standards

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

Article 5 Supplemental Zoning District Standards

Section 54.502 Land Division Regulations

- (A) **Purpose.** The City finds that this section is necessary to regulate the division and partitioning of parcels of land which are not subject to platting procedures and requirements, and to regulate division and partitioning of parcels located in recorded subdivisions. The purpose of this section is to enable the parcel owners in the City of Marquette to divide their parcels, including subdivision parcels as there is a legitimate question of law as to whether subdivision parcels can be split without a City ordinance to that effect. This section shall promote the public health, safety, and general welfare by regulating the division of parcels so that the resulting partial parcel owners and neighboring parcel owners shall not be adversely affected by undersized parcels of land or illegal parcel splits. This section is created pursuant to Public Act No. 110 of 2006 (MCL 125.3101 et seq.) and Public Act No. 288 of 1967 (MCL 560.101 et seq.), as amended. This section of the Land Development Code shall be considered the ordinance referred to in Section 109(5) of Public Act No. 288 of 1967 (MCL 560.109(5)) which have been adopted to carry out the provisions of Act No. 288.
- (B) **Definitions.** In addition to the definitions in [Article 2](#), related terms defined elsewhere in the Land Development Code, and Public Act 288 of 1967 (Land Division Act), the following definitions apply to this Section:
- (1) **Division or Split:** The partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors, or assigns for the purpose of sale, or lease of more than 1 year, or of building development that results in 1 or more parcels of less than 40 acres or the equivalent, and that satisfies the requirements of this Ordinance and Public Act No. 288 of 1967 (MCL 560.101 et seq.), as amended. The term “division” does not include a property transfer between 2 or more adjacent parcels, if the property taken from 1 parcel is added to an adjacent parcel; and any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of this Ordinance.
 - (2) **Exempt Split:** The partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors, or assigns that does not result in 1 or more parcels of less than 40 acres or the equivalent.

For a property transfer between 2 or more adjacent parcels, if the property taken from 1 parcel is added to an adjacent parcel, any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of this Ordinance.

- (3) Subdivide or Subdivision:** The partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors, or assigns for the purpose of sale, or lease of more than 1 year, or of building development that results in 1 or more parcels of less than 40 acres or the equivalent, and that is not exempted from the platting requirements of Public Act No. 288 of 1967 (MCL 560.101 et seq.), as amended. "Subdivide" or "subdivision" does not include a property transfer between 2 or more adjacent parcels, if the property taken from 1 parcel is added to an adjacent parcel; and any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of this Ordinance or Public Act No. 288 of 1967 (MCL 560.101 et seq.), as amended.
- (C) Scope of Regulations.** Parcels in the city shall not be divided without prior review and approval by the City Assessor, or other official designated by the City Commission, upon consultation with the Zoning Administrator, in accordance with the provisions of this section, unless the division or partition is approved and a part of a recorded plat, pursuant to Public Act No. 288 of 1967 (MCL 560.101 et seq.), or unless such division or partition is approved pursuant to the Condominium Act, Public Act No. 59 of 1978 (MCL 559.101 et seq.). Exempt from the requirements of this section are parcels split through a Circuit Court action under MCLA 560.221 through 560.229.
- (D) Application for Land Divisions.** An applicant shall file with the City Assessor, or other official designated by the City Commission, all of the following for review and approval of a proposed parcel split before any split can be made:
- (1) Application.** A completed application on such form as may be provided by the City. If a transfer of division rights is proposed in the land transfer, then information about the terms and availability of the proposed division rights transfer shall be submitted with the application. Such information shall be in a form that satisfies the written notice requirements specified in Section 109(2) of the Land Division Act.
- (2) Proof of Ownership.** Proof of fee ownership of the land to be divided.
- (3) Survey or Tentative Parcel Map.** A survey or tentative parcel map of the parcel, including the location, setbacks, and dimensioned encroachments of all existing structures, indicating the adequate and accurate dimensions and legal description of the entire parcel and each split to be made. The survey or tentative parcel map must include the means of access from each resulting parcel to an existing road or street, the location of all existing and proposed public and private easements and rights-of-way, and the location of surface water, lakes, ponds, streams, and wetlands. **For the initial application submittal, A a** tentative parcel map is only allowed to be submitted if there are no structures or improvements on the parcel.
- (4) Legal Descriptions.** A legal description of existing parcels of land involved in the proposed land division. Tentative approval may be granted without formal legal descriptions of all parcels that would result from the requested division of land, but legal descriptions must be received before final approval is granted. The legal descriptions shall be in a form sufficient for recording with the Marquette County Register of Deeds, and shall indicate

the acreage of all parcels.

(5) **Deed Restrictions.** Copies of existing or proposed deed restrictions related to the proposed parcels.

(6) **Proof that Land Division Standards are Met.** Proof that all requirements of [Section 54.502\(F\)](#) of this section have been met.

(7) **History of Prior Divisions.** History of any prior parcel splits regarding this parcel.

(8) **Fee.** The fee as ~~may from time to time be~~ established by resolution of the City Commission.

(E) Procedures for Review and Approval.

(1) **Application Review.** Upon receipt of a land division application and all other supporting documents, the City Assessor, or other official designated by the City Commission, upon consultation with the Zoning Administrator, shall approve, approve with reasonable conditions to assure compliance with this article, or disapprove the parcel split within 45 days after receipt of the complete application package. The applicant shall be sent notice of the decision in writing within the 45 days and, if disapproved, the reasons for the denial. If the application package does not conform to the article requirements, the application may be returned to the applicant for refile. If the land division application meets the requirements of this Ordinance but includes a tentative parcel map instead of a survey, the land division application shall be approved with conditions within 45 days with the condition that a survey must be submitted for City review and confirmation with Ordinance standards prior to recording the land division survey with the Marquette County Register of Deeds.

(2) **Appeals.** Any applicant aggrieved by the decision of the Assessor, or designee, may, appeal the decision per [Section 54.1404](#).

(3) **Record of Applications and Decisions.** The City Assessor, or other official designated by the City Commission, shall maintain an official record of all parcel splitting applications and decisions.

(F) Standards for Granting Land Division Approval. The splitting or partitioning of a parcel is prohibited unless approved in the manner required by this section in complete accordance with the following rules and regulations:

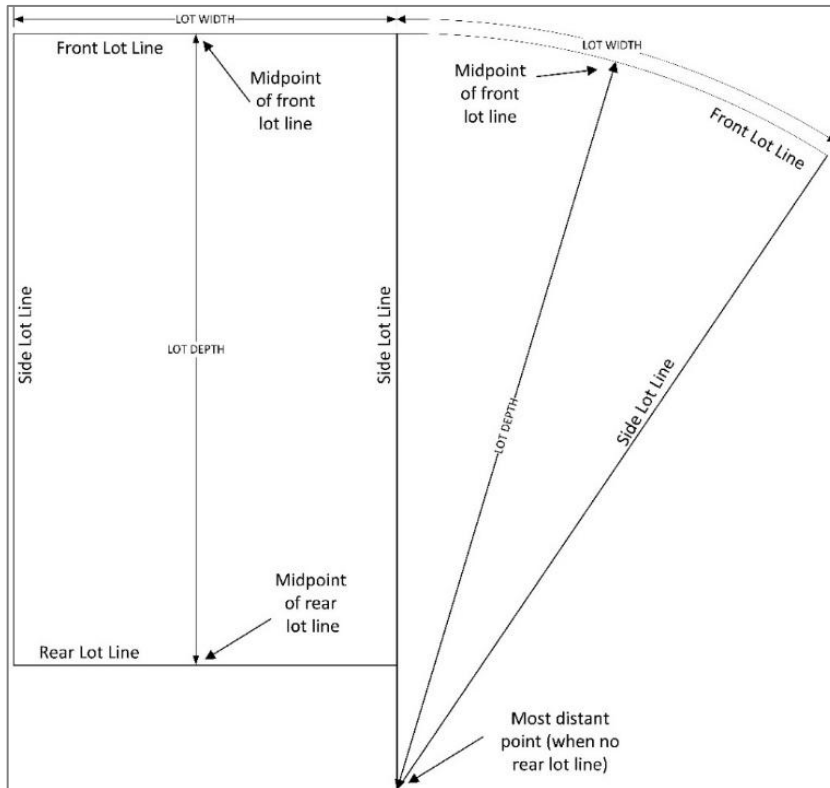
(1) **Number of Divisions for Non-Platted Parcels.** The number of parcels created by a land division shall not exceed the amount specified by Section 108 of the Land Division Act (MCL 560.108). Accordingly, a proposed land division, together with any previous divisions of the same parent parcel or parent tract, shall result in a number of parcels not more than the sum of the following:

(a) For the first ten (10) acres, or fraction thereof, in the parent parcel or parent tract: four (4) parcels; beginning March 24, 2027, this limit shall increase to ten (10) parcels.

- (b) For each whole ten (10) acres in excess of the first ten (10) acres in the parent parcel or parent tract: one (1) additional parcel, for up to a maximum of 11 additional parcels.
 - (c) For each whole 40 acres in excess of the first 120 acres in the parent parcel or parent tract: one (1) additional parcel.
 - (d) If the parent parcel or parent tract is 20 acres or greater, the land division may result in a total of two (2) additional parcels, provided, one or both of the following conditions exist:
 - (i) Because of the establishment of one or more new roads, no new driveway access to an existing public road is required or created for any of the resulting parcels.
 - (ii) One of the resulting parcels comprises not less than 60% of the area of the parent parcel or parent tract.
 - (e) A parcel of 40 acres or more created by the division of a parent parcel or parent tract shall not be counted toward the number of parcels permitted, and is not subject to Section 109 of the Land Division Act (MCL 560.109).
- (2) Additional Future Divisions for Non-Platted Parcels.** A parcel or tract created by an exempt split or a division is not a new parent parcel or parent tract and may be further partitioned or split without being subject to the platting requirements of the Land Division Act if all of the following requirements are met:
- (a) Not less than ten (10) years have elapsed since the parcel or tract was recorded.
 - (b) The partitioning or splitting results in not more than the following number of parcels, whichever is less:
 - (i) Two (2) parcels for the first ten (10) acres, or fraction thereof, in the parcel or tract, plus one (1) additional parcel for each whole ten (210) acres in excess of the first ten (10) acres in the parcel or tract.
 - (ii) A total of seven (7) parcels, except that a total of ten (10) parcels may result if one of the resulting parcels under this subsection comprises not less than 60% of the area of the parcel or tract being partitioned or split.
 - (iii) The partitioning or splitting satisfies the requirements of Section 109 of the Land Division Act (MCL 560.109).
- (3) Depth-to-Width Ratio of Non-Platted Parcels.** Depths of parcels created as a result of division of land shall be not greater than four (4) times the parcel width. The City may permit parcels with proportions that vary from such standards where such action would reduce existing nonconformance with the standards set forth in this Ordinance or, in the determination of the Zoning Administrator, a variation is necessary due to exceptional topographic or physical conditions with respect to the parcel and compatibility with

surrounding lands.

Figure 34. How to measure Lot Depth and Width



(4) Zoning Requirements for Non-Platted Parcels. All parcels created as a result of a division of land shall comply with all applicable zoning requirements, including minimum lot area, lot width, public road frontage and parking requirements. Each parcel created as a result of a division of land shall be “accessible” (see definition of “Accessible” in Public Act 288 of 1967, as amended). A parcel that is smaller in area than currently required by this Ordinance shall not be divided further. Notwithstanding such requirements, land division proposals may be approved in the following circumstances:

- (a) When the proposed division of land would reduce the degree of existing nonconformity with zoning standards; or
- (b) When the division of land is proposed with the intention of immediately combining portions of the original parcel with additional land for the purpose of creating a new parcel, provided the new parcel is in compliance with this Ordinance or reduces the degree of nonconformity with zoning requirements.

(5) Division of Land in a Recorded Plat. A subdivision parcel, outlot, or other parcel of land in a recorded plat may be divided pursuant to the requirements of this section only if such parcel, outlot, or other parcel meets all of the following requirements:

- (a) No parcel in a recorded plat shall be divided into more than four (4) parts.
- (b) No resulting parcel shall be less than those dimensions prescribed in this Ordinance.

- (c) All resulting lots shall abut a public road or an existing private road on a recorded plat map.
- (d) In the event that one or more of the four (4) possible resulting parcels would be an addition to an adjoining subdivision parcel, without creating a new parcel, the width and area requirements of this Ordinance do not have to be met. The resulting parcel cannot be split off from the adjoining parcel as a separate parcel. See definitions of "Division," "Exempt Split," and "Subdivide or Subdivision" in [Section 54.502\(B\)](#) for property transfers between two (2) or more adjacent parcels.
- (G) **Enforcement.** The City Assessor or other designated official shall inform the grantors and grantees of any such violation of this section and these parties shall take immediate steps to correct the matter. In the event that the violation of this section is not corrected within 30 days after written notice is mailed or personally delivered, the violation may be punished as a municipal civil infraction in accordance with [Article 15](#)

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) **Monuments Required.** All site condominium developments which consist in whole or in part of condominium units which are building sites, mobile home sites, or recreational sites shall be marked with monuments, which shall be set in accordance with Michigan Public Act 288 of 1967, as amended (the Land Division Act), and the rules of the State of Michigan. If any monument or unit marker is removed during construction the responsible party shall secure the services of a professional surveyor to replace the monument or unit marker.
- (J) **Compliance with Federal, State, and Local Law.** All condominium and site condominium development shall comply with Federal and State statutes and local ordinances, including the Condominium Act and the Department of Licensing and Regulatory Affairs (LARA) Administrative Rules 559.010-559-903.
- (K) **Subdivision of Site Condominium Units and Condominium Units.** A site condominium unit or condominium unit shall not be subdivided unless the approved site plan and master deed expressly permit it. The subdivision of a site condominium unit or condominium unit must follow the procedures stated in the Condominium Act, as amended. If the approved site plan and master deed do not expressly permit a site condominium unit or condominium unit to be subdivided, a proposed subdivision of a site condominium unit or condominium unit shall undergo site plan review and approval pursuant to the requirements of Section 54.1402 of this Ordinance. All subdivisions of individual site condominium units shall conform to the requirements of this Ordinance for minimum lot/unit width, lot/unit area, and building setback requirements, for the zoning district in which the site condominium project is located, and these requirements shall be made part of the bylaws and recorded as part of the master deed. All subdivisions of individual condominium units shall conform to the requirements of this Ordinance for allowable number of units in a structure for the zoning district in which the condominium project is located, and these requirements shall be made part of the bylaws and recorded as part of the master deed.
- (L) **Encroachment Prohibited.** Encroachment of one site condominium unit upon another, as described in Section 40 of the Condominium Act, shall be prohibited by the condominium bylaws and recorded as part of the master deed.
- (M) **Relocation of Boundaries.** The relocation of boundaries, as described in Section 48 of the Condominium Act, shall conform to all setback requirements of this Ordinance for the district in which the project is located, shall be approved by the Zoning Administrator, and this requirement shall be made part of the bylaws and recorded as part of the master deed.

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

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

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

Article 6 Standards Applicable to Specific Land Uses

Section 54.611 Dwelling, Accessory Unit (ADU)

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

- (A) **One ADU Per Lot.** One ADU is permitted per lot containing an existing detached single-family dwelling unit, provided the ADU complies with all of the requirements of this Section and this Ordinance.
- (B) **Minimum Lot Area and Width.** ADUs are only permitted on lots that meet the minimum lot area and lot width standards of the zoning district.
- (C) **Setbacks and Height.**
- (1) A *detached* ADU (physically separate from the principal residence) must meet the setback requirements of accessory structures for their zoning districts, and the height shall not exceed two (2) stories or 20 feet
 - (2) An *attached/interior* ADU (physically attached and/or accessible from within the principal residence) must meet the requirements of this ordinance for minimum setbacks and maximum height for primary buildings and lot coverage in [Article 4](#).
 - (a) **Exception.** An existing legal non-conforming Class A or B structure that is non-conforming due to noncompliance with any minimum setbacks for the zoning district, does not have to meet the minimum setbacks for proposed *residential interior remodeling* to add an ADU to the interior of the existing structure
- (D) **Maximum Occupancy.** The occupancy of the accessory dwelling unit shall not exceed two (2) unrelated adults.
- (E) **Maximum Yard Coverage.** A detached ADU whether standing alone or as an addition to an existing accessory structure, must meet the standards for maximum impervious surface coverage in [Section 54.403](#) as applicable to the zoning district, but does not have to meet the rear yard area occupation standards for the zoning district, as stated in [Section 54.705](#). **However, any detached accessory structure component of the ADU and any attached features—such as**

exterior stairs, decks, or landings—must comply with Section 54.705. Any remaining portion of a detached garage that is not converted to an ADU must also comply with Section 54.705.

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

- (1)** Either the principal dwelling unit or the accessory dwelling unit shall be occupied by a person who has a legal or equitable ownership interest with the property, and who bears all or part of the economic risk of decline in value of the property and who receives all or part of the payment, if any, derived from the lease or rental of the dwelling unit. The owner-occupant shall prove residency by means such as a voter registration, car registration, or other method acceptable to the City.
 - (a) Grace Period for Transfer of ownership and Revocation.** Per the recorded covenant, the continuing approval/existence of the ADU is predicated upon the occupancy of either the *principal residence* or the *accessory dwelling unit* by a person who owns the property, and that the ADU shall remain in the ownership of the person who owns the property. If the person who has legal or equitable ownership interest with the property has become deceased, then the next of kin or a named person in the will of trust has one year to provide proof to the City that they have legal or equitable ownership interest with the property or the ADU will be revoked.
- (2)** Ownership of the ADU shall remain with the owner of the property. In no case may the owner of the property divide ownership rights between the principal and accessory dwelling units through condominium or other means.
- (3)** To ensure continued compliance by current and subsequent owners, the applicant shall provide and record in the Marquette County Register of Deeds a covenant in a form acceptable to the City Attorney that the existence of the ADU is predicated upon the occupancy of either the principal or accessory dwelling unit by a person who owns the property, and that the ADU shall remain in the ownership of the person who owns the property. The applicant shall provide the City with evidence of filing of the restrictive covenant with the Register of Deeds prior to and as a condition of the issuance of the Zoning Compliance Permit for development of the ADU. Any owner of the property must notify a prospective buyer of the limitations of this Section. Violations of the terms of this covenant shall result in the loss of the zoning compliance permit.

- (G) Inspection Certification.** Conformance with the occupancy conditions of the ADU zoning compliance permit shall be certified subject to inspection by the City. The City may adopt an ordinance or administrative standards for certification and inspection. Inspection shall be allowed by the owner after 48 hours' notice by certified mail from the City.

- (H) Maximum Floor Area of ADU.** The floor area of the ADU shall not exceed 768 square feet. If the proposed ADU is a detached garage, and the area used as garage/parking is for the single-family home use only, then you do not count that as floor area for the ADU. Interior stairs serving the ADU shall be counted toward the ADU floor area.

- (I) Attachment Options.** The ADU may be attached to the single-family dwelling or within the interior of the single family dwelling and constructed on any story of a conforming detached accessory building on the site, including the basement level. If the ADU is attached to the single-family dwelling (as an addition), the ADU may be located within the existing footprint or added

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

(J) Architecture and Design.

- (1)** An ADU must be designed to maintain the architectural character and appearance of the principal building when attached to an existing building. If an ADU extends beyond the existing footprint of the main building, the addition must be consistent with the existing façade, roof pitch, siding, and windows.
- (2)** Shipping Containers are prohibited as an ADU.
- (3)** Exterior stairs leading to a second story entrance are restricted to the side or rear façade of the building to which it is attached.

(K) Parking. One (1) off-street parking space shall be provided for the ADU in a driveway, side or rear yard. No parking space may be provided in the front yard except in paved driveways or hard surfaced parking spaces in accordance with this Ordinance (see definition of “Hard Parking Surface” in [Section 54.202\(A\)\(93\)](#)). Parking spaces are not subject to setback requirements. The Zoning Administrator may grant an exception to the parking space requirement if the property owner submits a signed and notarized affidavit to the City affirming that the ADU occupant will not have a motor vehicle on site.

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

(M) Revocation of ADU. If any of the conditions or requirements of the ADU are no longer being met, then the ADU approval shall be revoked and the property owner will be notified of a deadline to remove the ADU construction or to convert the structure to a legal use within the zoning district.

Section 54.615 Dwelling, Multiple Family and Apartments

(A) Applicability. This section applies only to multiple-family dwellings and apartment buildings containing five (5) or more dwelling units.

(B) Separation Distances. Multiple Family Dwellings and Apartment Buildings must meet the separation distance requirements of [Section 54.403\(H\)](#).

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

(D) Accessory Structures and Uses in the MFR District: In the MFR District, the following requirements apply to multiple-family buildings and apartments with 5+ dwelling units:

- (1) Detached Accessory Buildings.** No detached accessory building may exceed 20 feet in height. Detached accessory building shall be located at least five (5) feet from the side and rear property lines and at least five (5) feet from a principal building. No detached accessory building shall be located in a front yard.
- (2) Attached Accessory Buildings.** Attached accessory building shall meet the yard requirements of the Schedule of Regulations ([Article 4](#)).
- (3) Swimming Pools.** Outdoor swimming pools shall not be located closer than ten (10) feet to any building or lot line. The pool must comply with [Section 54.707](#).

~~(D)~~ **(E) Maximum Lot Coverage and Minimum Outdoor Livability Space in the MFR District.** See [Section 54.403\(K\)](#).

~~(E)~~ **(F) Parking.** Parking, other than in structures, shall not occupy more than 40% of the lot area

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 54.624 Homestays and Vacation Home Rentals

- (A) Homestays and Vacation Home Rentals in the Low Density Residential (LDR) District, Medium Density Residential (MDR) District, **Multiple Family Residential (MFR) District**, the Third Street Corridor (TSC) District, and Mixed-Use (M-U) District.** In the LDR, MDR, **MFR**, TSC, and M-U zoning districts, the following regulations shall apply to single-family, duplex, triplex, and quadplex structures that are Homestays and Vacation Home Rentals:

- (1) Location Requirements.** Registered Short-Term Rentals (Homestays and Vacation Home Rentals) shall be limited in proximity to one another by the following standards:

- (a) Separation Distance Between Short-Term Rentals (Homestays and Vacation Homes).** A parcel with one (1) or more registered Homestay(s) and/or registered Vacation Home Rental(s) may be permitted (by application) per street segment or block face between intersections, except where the street segment or block face exceeds 500 linear feet in length, in which case one (1) additional parcel for Short-Term Rental of each type is allowed for each exceedance of 500 linear feet of the street segment/block face between intersections. Corner houses are assigned to the block face/street segment that corresponds to the property street address; the Zoning Administrator shall keep a map of the registered and approved parcels for short-term rentals for purposes of

verifying their location and reviewing applications for short-term rentals.

- (b) **Parcel or Right-of-Way Separation.** Registered Short-Term Rentals (Vacation Home or Homestay) parcels must be separated from one another by a minimum of one parcel of developable property not registered or intended for use as a Vacation Home or Homestay, and/or by a public street corridor (right-of-way).
 - (c) **Maximum Number of Vacation Home Rental Units Per Parcel.** If in compliance with this Section ([Section 54.624](#)) and other Zoning Ordinance requirements, up to three (3) dwelling units on one (1) parcel may be registered as vacation home rentals.
 - (d) **Use of a Vacation Home Rental as a Homestay.** A Vacation Home Rental that is in compliance with this Section ([Section 54.624](#)) and other Zoning Ordinance requirements may also be a Homestay if it meets the Homestay requirements and is approved by the Zoning and Fire Departments as both a Vacation Home Rental and a Homestay. In this case, the proximity standards specified in this Section ([Section 54.624](#)) will be applied only as a Vacation Home Rental to such a property, not as both a Vacation Home and a Homestay.
- (B) **Short-Term Rentals in the Multiple Family Residential (MFR) District, Third Street Corridor (TSC) District, and Mixed-Use (M-U) District.** In the MFR, TSC, and M-U zoning districts, the following regulations shall apply to multi-family structures that have 5 or more units and that are Homestays and Vacation Home Rentals:
- (1) **Subletting Prohibited.** Short-term rental is limited to property owners, and subletting is not allowed (tenants may not rent to other parties).
 - (2) **Maximum Number Per Housing Structure/Complex.** A maximum of four (4) units may be rented for a short-term basis in housing structures/complexes that have up to forty-nine (49) units, and a maximum of ten (10) percent of units may be rented for a short-term basis in housing structures/complexes that have fifty (50) or more units.
- (C) **Compliance with City Codes and Ordinances.** All Short-Term Rentals, Homestays, and Vacation Home Rentals must comply with the City of Marquette Rental Fire Code and all other related City codes and ordinances.

Section 54.630 Mobile Food Vending Units (MFVU)

- (A) **Location.** MFVUs operating on private property shall be permitted only within an off-street parking lot serving an approved commercial land use located on the same zoning parcel, or within a shared parking lot that serves one or more approved commercial principal uses, and are prohibited within residential driveways or on parcels without an approved commercial principal use, unless otherwise expressly authorized by this Code. MFVUs shall operate only with the written permission of the property owner.
- (B) **Duration Limitations.** A parcel may be used for MFVUs as an accessory use for a total of not more than 120 days, whether consecutive or non-consecutive, in any rolling twelve (12) month period. Any portion of a calendar day during which an MFVU is present on the parcel shall count as one (1) day toward the maximum duration. The 120-day limitation shall apply per zoning parcel, regardless of the number of

MFVUs operating on the site. If the property owner seeks to exceed the duration limitation, the use may be permitted a longer duration upon approval of a Special Land Use by the Planning Commission. Prior to placement of an MFVU, the Zoning Administrator shall be notified in writing of the anticipated dates of operation/and or storage for purposes of monitoring compliance with the time limitations of this section. Hours of operation shall comply with the hours established by resolution of the City Commission, including any administrative allowances or extensions authorized therein.

(1) Additional Special Land Use standards:

- (i)** Landscaping and Screening shall be provided in accordance with [Article 10](#) of this Code.
- (ii)** Generator use for routine operations is prohibited. Electrical service shall be provided by the property owner in compliance with applicable building and safety codes.
- (iii)** Refuse containers shall be provided on site and serviced regularly and meet City Code requirements.
- (iv)** MFVU placement shall not impede pedestrian circulation, vehicular circulation, or ADA-compliant access routes.
- (v)** Signage shall meet City Code.

(2) Exceptions:

- (i)** An MFVU may be used to vend to consumers upon the same property as an operational restaurant without either a Special Land Use or Accessory Use permit.
- (ii)** During special public events endorsed by the Downtown Development Authority and/or the City of Marquette, a licensed MFVU may vend to consumers on property adjacent to the event, with permission of the event organizers.

(C) Mobile Food Vending (MFVU) on Private Property – Accessory Use (day use only; no overnight parking).

MFVUs that conduct sales on a site and are removed from the site each day shall obtain a Business License from the City Clerk's office and must meet the parking requirements of [Section 54.903](#), and the duration limitations of [Section 54.630\(B\)](#), provided the use otherwise complies with the City Code and all applicable health, safety, and licensing requirements.

(D) Mobile Food Vending (MFVU) on Private Property – Accessory Use (overnight or long-term temporary use).

- (1)** MFVUs that remain or stored overnight on a site where sales are conducted shall obtain a Zoning Compliance Permit in addition to a Business License from the City Clerk's Office. Such MFVUs shall comply with the parking requirements of [Section 54.903](#), and the duration limitations of [Section 54.630\(B\)](#), and all applicable provisions of the City Code and all applicable health, safety, and licensing requirements.

(E) MFVUs operating on private property shall maintain safe pedestrian and vehicular circulation and shall not obstruct access to required parking, loading areas, ADA-accessible routes, or emergency routes. If an

MFVU is found to create circulation or safety hazards, the Zoning Administrator or Planning Commission, depending on the approval authority, may require relocation or removal of the unit.

(F) MFVUs shall meet all Federal, State and Local requirements.

Section 54.636 Outdoor Alcoholic Beverage Service

(A) **Outdoor Food and/or Alcoholic Beverage Service on Public Property.** Outdoor food and beverage service (including alcoholic beverages) on public property is subject to the requirements of Chapter 12 (Business), Article ~~63~~ (Sidewalk Café Permits) of the City Code of Ordinances.

(B) **Outdoor Alcoholic Beverage Service on Private Property.** Outdoor alcoholic beverage service on private property is subject to the following requirements:

(1) **Accessibility.** Outdoor alcoholic service on private property shall be located in a manner that will not interfere with vehicular or pedestrian mobility or access, and shall meet Michigan barrier-free requirements. Outdoor alcoholic service areas shall not obstruct the entrance to any building or sidewalk, nor shall they obstruct any barrier-free ramp or access aisle. If outdoor alcoholic beverage service areas are located on a private sidewalk, a minimum five (5) foot wide unobstructed pathway shall be maintained on the sidewalk, for pedestrian traffic.

(2) **Mobile Food Vending Units.** Mobile Food Vending Units per ~~Chapter 35~~ of the City Code are not considered Outdoor Food and Beverage Service. Outdoor tables and chairs are considered Outdoor Food and Beverage Service, so if a mobile food vending unit proposed to add this to the site, then they must meet [Section 54.636](#) and submit a zoning permit for this use.

(3) **Location of Outdoor Alcoholic Beverage Service Areas.** Tables and chairs must remain within a well-defined and clearly marked area. The City may require enclosures consisting of metal railing, brick walls, landscape planters or other suitable materials using decorative, wrought iron fencing, or other suitable materials. The City may permit temporary enclosure structures, provided the temporary enclosure structures meet the requirements of [Section 54.705\(I\)](#).

(C) **Outdoor Entertainment and Community Events.** See [Section 54.635](#).

(D) **Vehicle Parking Requirements.** Parking space requirements may be reduced per [Section 54.902\(G\)](#).

Section 54.637 Outdoor Food and Non-Alcoholic Beverage Service

(A) **Outdoor Food and Non-Alcoholic Beverage Service on Public Property.** Outdoor food and nonalcoholic beverage service on public property is subject to the requirements of Chapter 12 (Business), Article ~~63~~ (Sidewalk Café Permits) of the City Code of Ordinances.

(B) **Outdoor Food and Non-Alcoholic Beverage Service on Private Property.** Outdoor food and nonalcoholic beverage service on private property is subject to the following requirements:

(1) **Accessibility.** Outdoor food and beverage non-alcoholic service on private property shall be located in a manner that will not interfere with vehicular or pedestrian mobility or access, and shall meet Michigan barrier-free requirements. Outdoor food and non-alcoholic beverage service areas shall not obstruct the entrance to any building or sidewalk, nor shall they obstruct any barrier-free ramp or access aisle. If outdoor food and non-alcoholic beverage service areas are located on a private sidewalk, a minimum five (5) foot wide unobstructed pathway shall be maintained on the sidewalk, for pedestrian traffic.

- (2) **Mobile Food Vending Units.** Mobile Food Vending Units per Chapter 35 of the City Code are not considered Outdoor Food and Beverage Service. Outdoor tables and chairs are considered Outdoor Food and Beverage Service, so if a mobile food vending unit proposed to add this to the site, then they must meet [Section 54.637](#) and submit a zoning permit for this use.
- (3) **Location of Outdoor Food and Non-Alcoholic Beverage Service Areas.** Tables and chairs must remain within a well-defined and clearly marked area. The City may require enclosures consisting of metal railing, brick walls, landscape planters or other suitable materials using decorative, wrought iron fencing, or other suitable materials. The City may permit temporary enclosure structures, provided the temporary enclosure structures meet the requirements of [Section 54.705\(I\)](#).
- (C) **Outdoor Entertainment and Community Events.** See [Section 54.635](#).
- (D) **Vehicle Parking Requirements.** Parking space requirements may be reduced per [Section 54.902\(G\)](#).

Section 54.638 Outdoor Temporary Retail Sales and Service Areas

- ~~(A) Temporary retail sales and service areas, for approved commercial land uses, may be permitted to occupy not more than twenty-five percent (25%) of the existing or required parking spaces on the site, for a total of not more than 120 days in any 12-month period. The location of sales merchandise, service area and/or temporary structures shall not interfere with pedestrian accessibility, traffic patterns, or access to remaining parking spaces. Prior to placement of merchandise, service area, or erection of temporary structures, the Zoning Administrator must be notified of the date of removal. The location and construction of all temporary structures (including tents) erected in association with the temporary sale of merchandise shall require the approval of the Zoning Administrator and the Fire Administrator through a zoning permit if a City Clerk License is not required. It is the responsibility of the business owner to contact the Building Code Administrator to determine if a building permit is required.~~
- ~~(B) Mobile Food Vending Units per Chapter 35 of the City Code are exempt from [Section 54.638\(A\)](#).~~
- ~~(C) Temporary sales areas that require a person to obtain a license from the City Clerk's Office are exempt from obtaining a Zoning Compliance Permit, but must meet the requirements of [Section 54.638\(A\)](#).~~
- ~~(D) Temporary outdoor sales and display of merchandise in conjunction with Marquette Downtown Development Authority sanctioned events are exempt from [Section 54.638\(A\)](#) but must be removed at the conclusion of the event.~~
- ~~(E) Temporary outdoor sales for non-commercial land uses which are an accessory use of property, such as yard/garage sales and children's lemonade sales, are authorized with the permission of the property owner. Such sale events may occur on a singular property up to 10 times per year and no more than 4 times per month.~~

(A) Conditions.

- (1) Temporary retail sales and service areas, for approved commercial land uses, may be permitted to occupy not more than twenty-five percent (25%) of the required parking spaces on the site, for a total of

not more than 120 days, whether consecutive or non-consecutive, in any rolling twelve (12) month period.

- (2) The location of sales merchandise, service areas, and/or temporary structures shall not interfere with pedestrian accessibility, vehicular mobility, traffic patterns, emergency access, or access to remaining parking spaces, and shall otherwise comply with the Land Development Code.
- (3) Prior to placement of merchandise, establishment of service areas, or erection of temporary structures, the Zoning Administrator shall be notified of the anticipated dates of installation and removal for purposes of monitoring compliance with the time limitations of this section.

(B) Temporary Structures and Permits.

- (1) The location and construction of all temporary structures, including tents, erected in association with temporary retail sales or services shall require approval by the Zoning Administrator and the Fire Marshal through a Zoning Compliance Permit, unless a Business License from the City Clerk's Office is required pursuant to other provisions of the City Code.
- (2) It shall be the responsibility of the business owner to contact the Marquette County Building Code Administrator to determine whether a building permit is required.

(C) Licensed Temporary Sales.

- (1) Temporary retail sales and service areas that require the operator to obtain a Business License from the City Clerk's Office are exempt from obtaining a Zoning Compliance Permit, but shall comply with the location, safety, and operational standards of [Section 54.638\(A\)](#).

(D) Special Events.

- (1) Temporary outdoor sales and display of merchandise conducted in conjunction with events sanctioned by the Marquette Downtown Development Authority are exempt from the requirements of [Section 54.638\(A\)](#), provided all merchandise, structures, and displays are removed at the conclusion of the event.

(E) Non-Commercial Temporary Sales.

- (1) Temporary outdoor sales for non-commercial land uses which are accessory to the use of property, including but not limited to yard sales, garage sales, and children's lemonade stands, are permitted with the consent of the property owner.
- (2) Such events may occur on a single property no more than ten (10) times per calendar year and no more than four (4) times per month.

Section 54.642 Residential Limited Animal Keeping.

(A) Requirements Applicable to All Residential Limited Animal Keeping

- (1) **Accessory Use of On-Site Residents.** The accessory use of Residential Limited Animal Keeping is permitted upon application for a non-transferable Residential Limited Animal Keeping Permit approved by the Zoning Administrator, which is for enclosures and structures that are required for

chickens and rabbits, or for beehives. Upon approval, the permit is intended to be for the benefit of the occupants of the dwelling on-site, and not for commercial animal uses.

- (2) **Applicable Zoning Districts.** This Residential Limited Animal Keeping use is permitted only in the LDR and MDR districts as an accessory use, where there is a separate occupied dwelling.
- (3) **General Animal Care.** Animals being kept in a residential environment must be cared for and monitored daily to maintain animal health and to prevent nuisance problems with neighbors and the community.
- (4) **Permitted Animals.** Unless classified as a bona fide household pet, only animals explicitly permitted in this Section (i.e., hens, rabbits, and honeybees) qualify as animals that may be kept as a Residential Limited Animal.
- (5) **Zoning Compliance Review Required.** Zoning Compliance Review in accordance with [Section 54.1401](#) is required prior to the establishment of the Residential Limited Animal Keeping use.
- (6) **Location of Animals on the Same Lot as the Dwelling and in the Rear Yard.** The location of animals permitted in accordance with this Section must be on the same property as the dwelling to which they are accessory **and must be located in the rear yard...with the exception of properties classified as "through lots", which may use side yards for locating animal enclosures and beehives if the other requirements of this section can be met. In the event that requirements cannot be met in a side yard, the Zoning Administrator may permit another location on the property, which meet the requirements, to be used as a location for enclosure or beehives.**
- (7) **Storage of Seed, Fertilizer, and Feed.** All seed, fertilizer, and animal feed shall be stored in secured, rodent- and animal-proof containers and kept within an enclosed structure.
- (8) **On-Site Commercial Sale Prohibited.** The commercial sale of animal products including eggs, honey, hens or rabbits is prohibited on the site.
- (9) **Sanitation, Waste, and Odors.** All animal structures and roaming areas must be kept sanitary and free from accumulations of animal excrement and objectionable odors. Waste must be composted or disposed of in accordance with all City requirements. The City may require a Residential Refuse Collection Agreement as a condition of Zoning Permit approval. Piling of waste materials on the property is not permitted unless composted in accordance with [Section 54.618\(F\)](#).
- (10) **Runoff.** No runoff from nutrient sources shall be allowed to leave the property, nor be discharged into the storm sewer.

(B) **Requirements Applicable to Residential Limited Animal Keeping of Female Chickens (Hens).** In addition to the requirements of [Section 54.642\(A\)](#), the following shall apply to the Residential Limited Animal Keeping of hens:

- (1) **Maximum Number of Hens.** A maximum of six (6) hens per single-family or two-family dwelling unit may be kept.
- (2) **Male Chickens (Roosters) Prohibited.** Male chickens (roosters) are prohibited.
- (3) **Prohibited Locations of Keeping Hens.** Hens are prohibited in a residence, porch, or attached garage.
- (4) **Keeping of Hens Required on the Lot.** Hens must be confined to the lot.
- (5) **Enclosure Housing for Hens.** Enclosed housing for hens (the hen house or coop) is

prohibited in a front yard. Enclosed housing must be fully enclosed, roofed, and provide at least one (1) square foot of indoor usable floor space per animal. Enclosed housing must be designed to discourage rodents, dogs, cats, and wildlife from gaining entry.

(6) Access to Fresh Water. Fresh water must be provided for hens at all times.

(7) Outdoor Usable Space for Hens. Outdoor usable space (a run) of at least two (2) square feet per hen must be provided and be attached to the coop. Outdoor usable space must be enclosed to prevent hens from leaving the lot and must not be located in a front yard (with the possible exception for “through lots” shown stated in 54.642(A)(6)).

(a) If the outdoor space has a roof or cover, then it has to meet [Section 54.705\(A\)](#) for the LDR or MDR zoning district requirements.

(b) If the outdoor space is just enclosed with a fence, it has to meet [Section 54.706\(C\)\(1\)](#) for the LDR or MDR zoning district requirements.

(8) Setback of Housing for Hens. Enclosed housing for hens must meet the same setback requirements for accessory buildings ([Section 54.705\(A\)](#)), except that the enclosed housing must be set back at least 20 feet from a principal building on an adjoining property. Mobile chicken housing must meet the required setbacks at all times.

(B) Requirements Applicable to Residential Limited Animal Keeping of Rabbits. In addition to the requirements of [Section 54.642\(A\)](#), the following shall apply to the Residential Limited Animal Keeping of rabbits:

(1) Maximum Number of Rabbits. A maximum of six (6) adult rabbits per single-family or two-family dwelling unit may be kept.

(2) Keeping of Rabbits Required on the Lot. Rabbits must be confined to the lot.

(3) Enclosure Housing for Rabbits. Enclosed housing for rabbits (cage or hutch) is prohibited in a front yard. Enclosed housing must be fully enclosed, roofed, and provide at least five square feet of indoor usable floor space per animal. Enclosed housing must be designed to discourage rodents, dogs, cats, and wildlife from gaining entry.

(4) Access to Fresh Water. Fresh water must be provided for rabbits at all times.

(5) Outdoor Usable Space for Rabbits. Rabbits shall only be kept within enclosed housing except for monitored exercise periods. Outdoor usable space must be enclosed to prevent rabbits from leaving the lot and must not be located in a front yard (with the possible exception for “through lots” shown stated in 54.642(A)(6)).

(6) Setback of Housing for Rabbits. Enclosed housing for rabbits must meet the same setback requirements for accessory buildings ([Section 54.705\(A\)](#)), except that the enclosed housing must be set back at least 20 feet from a principal building on an adjoining property. Mobile rabbit housing must meet the required setbacks at all times.

(C) Requirements Applicable to Residential Limited Animal Keeping of Honeybees. In addition to the requirements of [Section 54.642\(A\)](#), the following shall apply to the Residential Limited Animal Keeping of honeybees:

(1) Maximum Number of Honeybee Hives or Colonies. A maximum of 10 honeybee hives is permitted on a lot.

(2) Location. Honeybee hives must be located on an undeveloped area of the lot.

(3) Minimum Setback. Honeybee hives must be set back at least twenty-five (25) feet from any lot line. The setback for hives may be reduced to ten (10) feet to a lot line if a six (6) foot high flyway barrier surrounds the immediate vicinity of the hive(s) consisting of a solid

fence, wall, or dense vegetation that prevents a direct line of flight from the hives into neighboring properties or public use rights-of-way.

- (4) **Honeybee Hive Manipulation.** Beekeepers must make every reasonable effort to perform hive manipulations as quickly as possible, with minimum disturbance to the bees and at times of the day when outdoor activity of neighbors is minimized.
- (5) **Honeybee Swarm Prevention.** Beekeepers must use best beekeeping management practices to prevent or minimize swarming. Beekeepers must take reasonable measures to retrieve swarms.
- (6) **Access to Fresh Water.** A supply of fresh water shall be provided for all honeybee hives throughout the active flight season.

SECTION 6. Article 7 – General Provisions

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

Article 7 General Provisions

Section 54.702 Permitted Encroachments into Required Yard Setbacks

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

(1) Permit and Exemptions. A permit is required for structural amenities unless it meets the following exemptions, and the structural amenities must meet the requirements of

[54.702\(G\)](#):

- (a) Enclosed structural amenities less than sixteen (16) square feet in floor area/footprint. Examples of such amenities include dog/bat/bird houses, treehouses, library boxes, and garden sheds.
- (b) Open/Unenclosed structural amenities, such as children’s playsets, and seasonal or collapsible temporary structures such as tents and similar shelters less than 160 square feet in floor area.
- (c) Tents designed for temporary occupancy (14 days or less), used on private property with the property owners’ permission.

(d) Patios, steps, and walkways that are 100 sq. ft. in area or less, and are made of pervious materials or designed to allow water infiltration.

Section 54.705 Accessory Buildings and Structures

All accessory buildings and structures must meet the setback and height requirements of [Article 4](#) unless otherwise stated in this Section or in another section of this Ordinance applicable to accessory buildings

and structures. No accessory building or structure may be located on any parcel of land which does not have a principal building or use already established or being established contemporaneously with the accessory building or structure.

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

- (1) Attached Accessory Buildings and Structures.** Where the accessory building or structure is structurally attached to a main building, it shall be subject to, and must conform to, all yard regulations of this Ordinance, applicable to main building.
- (2) Location.** Detached accessory buildings or structures shall not be located in any required yard setback except as permitted in [Section 54.705\(A\)\(4\)](#).
- (3) Maximum Lot Coverage.** Detached accessory buildings or structures (such as concrete or asphalt structures, but excluding driveways and accessory parking areas serving up to four (4) dwelling units on a single parcel (see [Article 9](#) for maximum rear yard coverage limits for driveways and accessory parking areas) and off-street parking lot for all other uses, shall not occupy more than twenty-five percent (25%) of a rear yard area, provided that in no instance shall the total ground floor area of the detached accessory buildings exceed the ground floor area of the main building, and provided the impervious surface coverage limits of the lot (see [Article 4](#)) are not exceeded.
 - (a)** If the main structure's footprint is less than 500 square feet at full build out, an accessory structure may exceed the ground floor area of the main structure (home) by up to 10 percent of the footprint area of the main structure. An accessory structure footprint may be increased to equal that of the main structure if the main structure is remodeled to more than 550 square feet.
 - (b)** ~~Patio pervious pavers that are used for accessory structures such as patios, sidewalks, etc. that allow infiltration are not included in the 25% calculation.~~ Accessory structures such as patios, sidewalks, stairs, decks, and similar features that allow water to infiltrate or do not have an impervious surface beneath, and are not covered by a roof or overhead covering that prevents water infiltration are excluded from the twenty-five percent (25%) rear yard area coverage limitation.
- (4) Separation and Setback Distances.** No permanent accessory building or structure shall be located in a minimum front yard setback. No detached accessory building shall be located closer than five (5) feet to any main building nor closer than three (3) feet from a side or rear lot line, except swimming pools, which are regulated in [Section 54.707](#). Non-building accessory structures (e.g., fences and steps) or open buildings (i.e., a shelter without walls including an open lean-to or open carports) are not subject to the minimum separation distance requirements unless a minimum separation distance is required by the Building Official.
- (5) Maximum Height.** Unless otherwise stated in this Ordinance, no attached or detached accessory building or structure in a the LDR, MDR, and M-U Districts

shall exceed sixteen and one-half (16.5) feet in height. The height of Accessory Dwelling Units must comply with [Section 54.611](#).

~~(6) Shipping containers, cargo containers, or semi-trailers are prohibited as accessory structures.~~

(6) Shipping containers, cargo containers, and semi-trailers shall not be permitted as accessory structures unless all of the following conditions are met:

(a) The structure is located within a Mixed-Use (M-U) Zoning District;

(b) The structure does not abut or adjoin a residential use; and

(c) A landscape buffer is installed in accordance with [Section 54.1003\(D\)\(3\)\(a\)\(i\)](#).

(B) Accessory Buildings and Structures in the Multiple Family Residential (MFR) District. In the MFR District, accessory buildings and structures for multiple-family buildings and apartments with 5+ dwelling units must meet the requirements of [Section 54.615\(C\)](#). For all other uses in the MFR District, the following requirements apply:

(1) Detached Accessory Buildings and Structures.

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

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

(c) Front Yard Location Prohibited. No detached accessory building or structure shall be located in a front yard.

(d) Maximum Lot Coverage. Detached accessory buildings or structures, **but excluding driveways and accessory parking areas serving up to four (4) dwelling units on a single parcel (see [Article 9](#) for maximum rear yard coverage limits for driveways and accessory parking areas) and off-street parking lot for all other uses,** shall not occupy more than twenty-five percent (25%) of a rear yard area, provided that in no instance shall the total ground floor area of the detached accessory buildings exceed the ground floor area of the main building, and provided the impervious surface coverage limits of the lot (see [Article 4](#)) are not exceeded.

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

(ii) Pervious pavers that are used for accessory structures such as patios, sidewalks, etc.

that allow infiltration are not included in the 25% calculation.

- (e) **Separation and Setback Distances.** No detached accessory building or structure shall be located closer than five (5) feet to any main building. Non-building accessory structures (e.g., fences and steps) or open buildings (i.e., a shelter without walls including an open lean-to or open carports) are not subject to the minimum separation distance requirements unless a minimum separation distance is required by the Building Official.
 - (f) Shipping containers, cargo containers, or semi-trailers are prohibited as accessory structures
- (2) **Attached Accessory Buildings and Structures.** Attached accessory building or structure shall meet the yard requirements of the Schedule of Regulations ([Article 4](#)).
- (3) **Swimming Pools.** Outdoor swimming pools shall not be located closer than ten (10) feet to any building or lot line. The pool must comply with [Section 54.707](#).
- (C) **Accessory Buildings and Structures in General Commercial (GC), Regional Commercial (RC), Municipal (M), Civic (C), and Board of Light and Power (BLP) Districts.**

(1) **Detached Accessory Buildings and Structures.**

- (a) **Maximum Height.** No detached accessory building or structure may exceed 24 feet in height.
- (b) **Minimum Side and Rear Yard Setbacks.** Detached accessory buildings or structures shall be located at least six (6) feet from the side and rear property lines.
- (c) **Front Yard Location Prohibited.** No detached accessory building or structure shall be located in a front yard.
- (d) **Maximum Lot Coverage.** Detached accessory buildings or structures, **but excluding off-street parking lots**, shall not occupy more than twenty-five percent (25%) of a rear yard area, provided that in no instance shall the total ground floor area of the detached accessory buildings exceed the ground floor area of the main building, and provided the impervious surface coverage limits of the lot (see [Article 4](#)) are not exceeded.
- (e) **Separation and Setback Distances.** No detached accessory building or structure shall be located closer than five (5) feet to any main building. Non-building accessory structures (e.g., fences and steps) or open buildings (i.e., a shelter without walls such as a pergola) are not subject to the minimum separation distance requirements unless a minimum separation distance is required by the Building Official.

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

(1) Detached Accessory Buildings and Structures.

- (a) Maximum Height.** No detached accessory building or structure may exceed 18 feet in height.
- (b) Minimum Side and Rear Yard Setbacks.** Detached accessory buildings or structures shall be located at least three (3) feet from the side and rear property lines.
- (c) Front Yard Location Prohibited.** No detached accessory building or structure shall be located in a front yard.
- (d) Maximum Lot Coverage.** Detached accessory buildings or structures, but excluding driveways and accessory parking areas serving up to four (4) dwelling units on a single parcel (see [Article 9](#) for maximum rear yard coverage limits for driveways and accessory parking areas) and off-street parking lot for all other uses, shall not occupy more than twenty-five percent (25%) of a rear yard area, provided that in no instance shall the total ground floor area of the detached accessory buildings exceed the ground floor area of the main building, and provided the impervious surface coverage limits of the lot (see [Article 4](#)) are not exceeded.
- (e) Separation and Setback Distances.** No detached accessory building or structure shall be located closer than five (5) feet to any main building. Non-building accessory structures (e.g., fences and steps) or open buildings (i.e., a shelter without walls such as a pergola) are not subject to the minimum separation distance requirements unless a minimum separation distance is required by the Building Official.

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

(1) Detached Accessory Buildings and Structures.

- (a) Maximum Height.** No detached accessory building or structure may exceed 60 feet in height.
- (b) Minimum Side and Rear Yard Setbacks.** Detached accessory buildings or structures shall be located at least ten (10) feet from the side and rear property lines. Please also refer to Section [54.403\(P\)](#) for additional setback standards.
- (c) Front Yard Location Prohibited.** No detached accessory building or structure shall be located in a front yard. Exceptions may be granted for security or similar reasons.
- (d) Maximum Lot Coverage.** Detached accessory buildings or structures, but

excluding off-street parking lots, shall not occupy more than twenty-five percent (25%) of a rear yard area, provided that in no instance shall the total ground floor area of the detached accessory buildings exceed the ground floor area of the main building, and provided the impervious surface coverage limits of the lot (see [Article 4](#)) are not exceeded.

- (e) **Separation and Setback Distances.** No detached accessory building or structure shall be located closer than five (5) feet to any main building. Non-building accessory structures (e.g. steps) or open buildings (i.e., a shelter without walls such as a pergola) are not subject to the minimum separation distance requirements unless a minimum separation distance is required by the Building Official.

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\(E\)](#).

(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) **Height.** WEFs may be up to six (6) feet in height.
- (b) **Placement.** WEFs may be placed in any yard on the residential property, including the front yard. Fences must comply with [Section 54.704](#), to be outside of any "clear vision area" on a property.
- (c) **Anchoring.** 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) Materials. Fence spanning materials may include polymer or plastic mesh, chicken wire, and similar pliable materials, and should be durable, non-toxic, and designed to minimize entanglement and injury. Fence posts/supports and hardware may include wood and metal components. Chain link and electric fencing is prohibited.

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

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

Article 9 Parking, Loading, and Access Management **Section 54.902 Parking Regulations**

~~(A) Uses Not Provided.~~ For those uses not specifically mentioned in [Section 54.903](#) of this Ordinance, the requirements for off-street parking facilities shall be in accord with a use that the Zoning Administrator considers as similar in type. In determining a similar use, the Zoning Administrator may consult the most recent edition of *Parking Generation*, published by the Institute of Transportation Engineers (ITE), or other acceptable publication.

~~(B) Fractional Spaces.~~ Where calculation of parking requirements with the foregoing list in [Section 54.903](#) results in a fraction of a space, a full space must be provided unless otherwise modified by this Article.

(A) Compliance with All Parking Requirements of this Article. The parking requirements of this Article must be met when one (1) or more of the following takes place. Depending on the scope of work, the approving authority will be the Zoning Administrator or the Planning Commission as stated in Article 14:

(1) At the time of construction of any new building or structure, or at the time of commencement of use of any land.

(2) If any alterations are made to a building or structure which would require additional parking.

(3) If the use of any building, structure, of land is altered in a manner that would require additional parking.

(B) ~~(C)~~ Joint/Shared Parking. Two (2) or more non-residential buildings or uses may collectively provide the required off-street parking subject to the following conditions:

(1) Number of Joint/Shared Parking Spaces. The required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately. In the instance of dual function of off-street parking spaces where operating hours of the buildings or uses do not overlap, the Planning Commission or Zoning Administrator (for Minor Site Plan Review) may grant exception to the number of parking spaces required. In determining whether to grant an exception to the number of parking spaces required based on different parking levels and/or peak parking times, the Planning Commission or Zoning Administrator, as applicable, may consider a professional study submitted by the owner(s), the most recent edition of *Parking Generation* published by ITE, and/or the most recent edition of *Shared Parking* published by the Urban Land Institute (ULI).

(2) Pedestrian Access. There must be adequate pedestrian access provided between the

shared parking lot and the associated buildings and uses.

- (3) **Shared Parking Agreement.** A written shared parking agreement between the joint non-residential users in a form approved by the City must be notarized and recorded with the Marquette County Register of Deeds. The agreement must assure the continued availability of the off-site parking facilities for the uses it is intended to serve.

(C) (D) Change in Use of Off-Street Parking Lot. Any area once designated as a required off-street parking lot shall not be changed to another use unless and until equal facilities are provided elsewhere subject to the recommendation of the Zoning Administrator and Planning Commission approval, as applicable (see [Figure 51](#)).

(D) (E) Parking Standards Applicable to Specific Zoning Districts.

- (1) **LDR and MDR Districts and single-family and two-family structures in other zoning districts.** **LDR and MDR Districts and single-family, two-family (duplex), triplex, and quadplex dwellings in other zoning districts.**

This subsection shall apply only to parcels containing no more than four (4) total dwelling units. Where a parcel contains more than four (4) total dwelling units, parking shall be regulated in accordance with the applicable provisions for Off-Street Parking Lots.

Parking serving single-family dwellings, two-family dwellings (duplexes), triplex dwellings, and quadplex dwellings on parcels containing no more than four (4) total dwelling units that is provided by individual driveways or Accessory Parking Areas, as defined in this Ordinance, shall be subject only to the parking requirements expressly identified in this subsection.

- (a) **Definition of “Front Area.”** For the purposes of [Section 54.902\(E D\)\(1\)](#) only, the “Front Area” is that area located between the edge of the physical street and the nearest point of the dwelling foundation (excluding open porch projections), projected parallel from the street.
- (b) **Off-Site Parking in the LDR and MDR Districts.** In the LDR and MDR districts, off-street parking may be located on a site other than the site to which it pertains, and within the City limits or in an adjacent township.
- (c) **Maximum Rear Yard Paving.** In the LDR and MDR districts, no more than 25% of the rear yard may be paved (including but not limited to asphalt or concrete, but with the exception of compacted gravel) for parking provided the impervious surface coverage limits of the lot (see [Article 4](#)) are not exceeded. **Rear Yard Driveway and Parking Area Coverage Limit.** Paved driveways and accessory parking areas may cover no more than 25% of the rear yard area (including but not limited to asphalt or concrete, but with the exception of compacted gravel), provided that the lot’s overall impervious surface coverage does not exceed the limits specified in [Article 4](#).
- (d) **“Front Area” Parking Limitations.** Parking in the front area is permitted only on an approved hard surface parking space and/or driveway, or in a garage (see definition of “Hard Parking Surface” in [Section 54.202\(A\)\(93\)](#)). Parking spaces in the front yard area must be at least two (2) feet from the side lot line, at least two (2) feet from the inside edge of a sidewalk **or multi-use path**, and at least ten (10) feet from the edge of an established street. The encroaching driveways and parking spaces must be drained so

as to dispose of all surface water accumulated in such a way as to preclude drainage of water onto adjacent property or toward adjacent buildings.

- (i) **Front Yard Parking Waiver.** The Zoning Administrator may permit parking in a front area during the winter parking ban period for single-family or duplex dwelling units upon request for a Front Yard Parking Waiver for a limited time when the site cannot be altered without causing hardship on the property owner or if the property owner has relevant documented disabilities, or indefinitely in rare cases that the site cannot be reasonably altered to create one (1) additional parking space or a widened driveway. Self-created difficulties, such as adding renters and vehicles, are not applicable to the consideration for a Front Yard Parking Waiver.

(e) Maximum Driveway Width and Paved Area.

(i) Single-family uses:

- a. For lots with one driveway - The maximum width of a driveway on a single frontage is 18 feet wide on a lot up to and including 60 feet in width, and 24 feet wide on a lot of more than 60 feet in width.
- b. For lots with two driveways - On a lot 100 feet or more in width, the maximum width of both driveways combined is 36 feet wide on the same frontage.

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

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

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

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

(f) Maximum Number of Driveway Openings Per Site. On lots with one (1) frontage, a maximum of two (2) driveway openings per site are permitted, provided the lot is at least 100 feet wide. On lots with more than one (1) frontage, a maximum of one (1) driveway opening per frontage is permitted, except on frontages of 100 ft. or more in length – upon which an additional driveway is allowable. All curb cuts and separation distances must meet the requirements of Chapter 42 of the Code of Ordinances (Streets, Sidewalks, and Other Public Places).

- (g) **Previously Approved Hard Parking Surface Residential Locations.** Hard parking surface residential parking locations approved under a previous ordinance are not subject to provisions of [Section 54.902\(E D\)\(1\)](#) provided that the minimum safeguards are met for all parking uses where vision hazards and locations impact public safety.
- (h) **Driveway Separation Requirement at Side Lot Line.** New or expanded driveways must be separated from the side lot line by a minimum of 12 inches of pervious surface, including but not limited to turf grass or other ground cover plants, permeable pavers, or other stable cover materials. The requirement may be waived by the Planning Commission or Zoning Administrator, per relevant authority, if physical difficulties exist, such as the presence of a retaining wall along the lot line. This requirement is waived where existing paved driveways owned by neighbors are conjoined (but not necessarily shared) or otherwise meet at the property lines. However, eliminating shared driveways is encouraged to avoid maintenance disputes and other disagreements over time.
- (i) **Application of Parking Development Standards.** All one- and two-family residential parking spaces shall be exempt from the standards of [Section 54.905](#), except that site plans drawn to scale shall be submitted to the Zoning Administrator for review and approval for creation of driveways or parking spaces. Parking spaces may be on pavers or other hard parking surfaces that have an unpaved strip between the surfaces supporting the wheels. For purposes of providing required parking spaces onsite, the minimum dimensions for residential parking spaces shall be nine (9) feet wide by eighteen (18) feet long. Driveways in the front yard must be a full-width hard parking surface. Curb cut and driveway permits shall be obtained from the City Engineer when curb cuts are made or modified or if there is any work in the right-of-way for a driveway.
 - a. Curb cut and driveway permits shall be obtained from the City Engineer when curb cuts are made or modified or if there is any work in the right-of-way for a driveway. Must meet current Engineering Design standards.
 - b. Parking spaces serving parcels containing no more than four (4) total dwelling units shall be exempt from the standards of [Section 54.905](#) where such parking is provided by individual driveways or Accessory Parking Areas, as defined in this Ordinance. Site plans drawn to scale shall be submitted to the Zoning Administrator for review and approval for the creation of driveways or parking spaces. Parking spaces may be on pavers or other hard parking surfaces that have an unpaved strip between the surfaces supporting the wheels. For purposes of providing required parking spaces onsite, the minimum dimensions for residential parking spaces shall be nine (9) feet wide by eighteen (18) feet long. Driveways in the front yard must be a full-width hard parking surface.
 - c. Where triplex or quadplex dwellings, or a combination of such dwellings, are served by an off-street parking lot as defined in [Article 2, Section 54.905](#) shall be met.

(2) MFR District.

- (a) **Off-Street Parking in the MFR District.** In the MFR District, the required off-street parking shall be located on the same site as the use to which it pertains unless off-site parking is approved pursuant to [Section 54.902\(E\)\(5\)](#).
 - (i) Parking spaces must be designed so that backing into them or backing on to a street is not required.

- (ii) Driveways for MFR uses must connect to a parking lot, and may not be used as parking lots.

(b) Additional Requirements. See additional requirements of [Section 54.902\(E\)\(5\)](#).

- (3) M-U District.** In the M-U District, parking in the front yard is prohibited except that a single row of parking (perpendicular, angled, or parallel) may be located in the front yard, provided the landscaping requirements are met for street trees ([Section 54.1003\(A\)](#)), frontage landscaping ([Section 54.1003\(B\)](#)), and parking lot landscaping ([Section 54.1003\(C\)](#)). The depth of the parking spaces and width of the aisle shall not be larger than the minimum dimensional requirements of [Figure 55](#) and [Figure 56](#). The required off-street parking shall be located on the same site as the use to which it pertains unless off-site parking is approved pursuant to also [Section 54.902\(E\)\(5\)](#).

(a) Exception: For lots with multiple front yards, the requirement above is applicable to only one of the front yards.

- (4) GC District.** In the GC District, parking in the front yard is prohibited except that a double row of parking (perpendicular, angled, or parallel) may be located in the front yard, provided the landscaping requirements are met for street trees ([Section 54.1003\(A\)](#)), frontage landscaping ([Section 54.1003\(B\)](#)), and parking lot landscaping ([Section 54.1003\(C\)](#)). The depth of the parking spaces and width of the aisle shall not be larger than the minimum dimensional requirements of [Figure 55](#) and [Figure 56](#). See also [Section 54.902\(E\)\(5\)](#).

(a) Exception: For lots with multiple front yards, the requirement above is applicable to only one of the front yards.

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

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

(b) Site Plan Review of Off-Site Parking. In all districts, except residential, where off-street parking is located on a lot other than the lot occupied by the use which requires it (an Off-site Parking Spot), site plan approval for both lots is required, unless the scope of the proposed alteration to the Off-site Parking Spot does not require Site Plan Review (per [Figure 64](#)) – in which case only a Zoning Compliance Permit would be required from the OPS property owner

- (6) CBD.**

(a) Front Yard Parking Prohibited. In the CBD, parking in the front yard is prohibited.

(i) Exception: For lots with multiple front yards, the requirement above is

applicable to only one of the front yards.

(b) **Parking Space Requirements.** Parking space requirements for principal uses in the CBD apply only to residential uses, and all other principal uses in the CBD are exempt from parking space requirements. Special land uses, except outdoor food and beverage service, must meet minimum parking requirements unless modified in accordance with this Article.

(c) **Additional Requirements.** See also [Section 54.902\(E\)\(5\)](#).

~~(F) **Compliance with All Parking Requirements of this Article.** The parking requirements of this Article must be met when one (1) or more of the following takes place. Depending on the scope of work, the approving authority will be the Zoning Administrator or the Planning Commission as stated in [Article 14](#):~~

~~(1) At the time of construction of any new building or structure, or at the time of commencement of use of any land.~~

~~(2) If any alterations are made to a building or structure which would require additional parking.~~

~~(3) If the use of any building, structure, of land is altered in a manner that would require additional parking.~~

~~(G) **Parking Reduction Formula.** After calculating the number of parking spaces necessary to meet the standards in [Section 54.903](#), the parking requirements for uses, other than residential, in the non-residential zoning districts (i.e., non-LDR, MDR, MFR, and MHP zoning districts) may be modified using [Figure 52](#). If a greater parking reduction is requested, the City may approve fewer parking spaces based on a professionally prepared parking study and/or the most recent edition of *Parking Generation* published by ITE. Also see [Section 54.908\(D\)](#) for reductions in motor vehicle parking that may be achieved by substitution if bicycle parking spaces are provided in the specified quantity.~~

Figure 52. Parking Reduction Formula

Spaces Calculated	Percentage Required
Less than 5	50%
6-10	60%
11-20	70%
21-30	80%
31-40	90%
41-50	100%
51-60	90%
61-70	80%
71-80	70%
81 or more	60%

~~(H) **Maximum Parking Allowed.** In order to minimize excessive areas of pavement which depreciate aesthetic standards and contribute to higher rates of storm water runoff and higher micro-temperatures, exceeding the minimum parking space requirements of [Section 54.903](#) by greater than twenty percent (20%) is prohibited, except as approved by the Planning Commission or Zoning Administrator (see [Article 14](#)). In its request for additional parking spaces, the applicant must submit a parking study to the Planning Commission or Zoning Administrator (see [Article 14](#)).~~

demonstrating that additional parking spaces are needed based on the nature of the use and/or peak times thereof. In determining whether to grant additional parking spaces, the Planning Commission shall also consult the most recent edition of the *Parking Generation*, published by the ITE, or other acceptable standard.

- ~~(1) If a site plan proposes to exceed the maximum amount of parking allowed, any parking spaces in an enclosed building would not be considered in violation of the maximum number allowed – since the intent of the maximum is to reduce surface parking – and therefore the spaces may be counted towards the total but any number above the maximum allowed that are indoors would not be counted as above the maximum.~~

Section 54.903 Minimum/Maximum Number of Parking Spaces

In all districts there shall be provided off-street parking for motor vehicles, as defined in the Michigan Vehicle Code, for specified land uses. ~~When a public parking lot has been provided by special assessment, the minimum required parking may be reduced by the number of spaces in the public lot representing the same percentage as the property's participation in the special assessment district costs.~~ The minimum and/or maximum number of spaces to be provided shall be based on the following schedule, which may only be increased in accordance with Section 54.902(H)3(B) and may only be reduced in accordance with the parking reduction standards of Section 54.902(G) 3(A)(3), Section 54.908(D), or the shared parking standards of Section 54.902(E B):

(A) The following factors shall be used in determining the required number of parking spaces.

(1) Land Uses.

- (a) Calculations.** Parking space requirements shall be calculated separately for each land use type in a building, structure or on a lot, except that the Zoning Administrator may determine that a lower standard would be adequate for shared parking, as described in Section 54.902(B). Accessory uses shall be calculated separately and are additive.
- (b) Uses Not Provided.** For those uses not specifically mentioned in Section 54.903 of this Ordinance, the requirements for off-street parking facilities shall be in accord with a use that the Zoning Administrator considers as similar in type. In determining a similar use, the Zoning Administrator may consult the most recent edition of *Parking Generation*, published by the Institute of Transportation Engineers (ITE), or other acceptable publication.
- (c) Bicycle Parking** shall be as required in Section 54.908. Bicycle parking shall not occupy any required motor vehicle parking space.

(2) Measurements.

- (a) Floor Area.** Where floor area is the unit of measurement to determine the required number of off-street parking and loading spaces, gross floor area (GFA) shall be used.
- (b) Employees.** Where the number of spaces required is based on the number of employees, calculations shall be based upon the maximum number of employees likely to be on the premises at any one time. Where multiple shifts of employees are involved, calculations shall be based on the largest shift.
- (c) Occupancy.** Where occupants are used as a measurement, all calculations shall be based on the maximum capacity permitted under fire safety and building codes.
- (d) Stalls.** Where vehicle stalls are used as a measurement, all calculations shall be based on the number of service bays, garage door openings or similar area.

- (e) **Bench Seating.** In calculating bench seating for places of assembly, each continuous four (4) foot segment of benches, pews or other similar seating shall be counted as one (1) seat.
- (f) **Fractions.** Where the calculation of parking requirements with the foregoing list results in a fraction of a space, a full space must be provided unless otherwise modified by this Article.

(3) Parking Reduction Formula. After calculating the number of parking spaces necessary to meet the standards in [Section 54.903](#), the parking requirements for uses, other than residential, in the non-residential zoning districts (i.e., non-LDR, -MDR, -MFR, and -MHP zoning districts) may be modified using Figure 52. If a greater parking reduction is requested, the City may approve fewer parking spaces based on a professionally prepared parking study and/or the most recent edition of *Parking Generation* published by ITE. Also see [Section 54.908\(D\)](#) for reductions in motor vehicle parking that may be achieved by substitution if bicycle parking spaces are provided in the specified quantity.

Figure 52. Parking Reduction Formula

Spaces Calculated	≤ 5	6-10	11-20	21-30	31-40	41-50	51-60	61-70	71-80	≥81
Percentage Required	50%	60%	70%	80%	90%	100%	90%	80%	70%	60%

(B) Maximum Parking Allowed. In order to minimize excessive areas of pavement which depreciate aesthetic standards and contribute to higher rates of storm water runoff and higher micro temperatures, exceeding the minimum parking space requirements of [Section 54.903](#) by greater than twenty percent (20%) is prohibited, except as approved by the Planning Commission or Zoning Administrator (see [Article 14](#)). In its request for additional parking spaces, the applicant must submit a parking study to the Planning Commission or Zoning Administrator (see [Article 14](#)) demonstrating that additional parking spaces are needed based on the nature of the use and/or peak times thereof. In determining whether to grant additional parking spaces, the Planning Commission shall also consult the most recent edition of the *Parking Generation*, published by the ITE, or other acceptable standard.

- (1) If a site plan proposes to exceed the maximum amount of parking allowed, any parking spaces in an enclosed building would not be considered in violation of the maximum number allowed – since the intent of the maximum is to reduce surface parking – and therefore the spaces may be counted towards the total but any number above the maximum allowed that are indoors would not be counted as above the maximum.

Figure 53. Minimum/Maximum Motor Vehicle Parking Spaces by Land Use

Land Use	Minimum/Maximum Parking Requirement (standards show the parking minimums unless a maximum is stated)
(A) Residential and Lodging	
(1) Single-Family and Two-Family (duplex) units	Two (2) spaces per single-family dwelling unit, except in the M-U and CBD zoning districts, which require 1.125 spaces per any type of dwelling unit. Duplex units: Two (2) spaces per each dwelling unit with more than one bedroom, and one (1) parking space for each one-bedroom dwelling unit, except the M-U and CBD zoning districts (as above). For parking spaces provided for residential dwelling

	units off-site, one (1) space per dwelling unit may be permitted off-site if proof of a lease arrangement for long-term parking is provided to the City with the application.
(1) Multiple-Family units with 3 or 4 dwelling units	One and a half (1.5) spaces per dwelling unit, except the M-U and CBD zoning districts require 1.125 spaces per dwelling unit.
(2) Multiple-Family units with 5 – 19 dwelling units, except subsidized (below market rate) and senior housing.	Two (2) spaces per each dwelling unit with more than one bedroom; one (1) parking space must be provided for each one-bedroom dwelling unit, except the M-U and CBD zoning districts require 1.125 space per any dwelling unit. 2 motor vehicle parking spaces per dwelling unit is the maximum allowed.
(4) Multiple-Family units with 20 or more dwelling units, subsidized housing units (including Section 8 and other programs)	Two (2) spaces per each dwelling unit with more than one bedroom; one (1) parking space must be provided for each one-bedroom dwelling unit, except the M-U and CBD zoning districts require 1.125 space per any dwelling unit. 2 motor vehicle parking spaces per dwelling unit is the maximum allowed.
(5) Attached housing exclusively for senior citizens that is not congregate care.	One-half space per dwelling unit plus one space per employee on peak shift.
(6) Hotels and Motels	1 space per rental unit, plus 1 space per employee on peak shift. A hotel or motel may provide parking spaces and power hookups for recreational vehicles (RVs). The maximum number of spaces for RVs shall be ten (10) percent of the number of rental units/rooms.
(7) Fraternities, Sororities, and Intentional Communities	One (1) space for each capacity occupant
(8) Rooming Houses and Hostels	Three (3) spaces.
(9) Nursing Home, Convalescent Homes, Extended Care Facility, Assisted Living Facility (congregate care facilities).	One (1) space for each three (3) units or beds
(10) Homeless Shelter or Domestic Violence Abuse Shelter	Established based on the needs of each facility. As a general rule, shelter facilities providing services to families will require more parking than emergency shelters that serve homeless individuals exclusively.
(11) Bed and Breakfast Homes, and Bed and Breakfast Inns	Two (2) spaces, plus one (1) space per guest room.
(12) Short-Term Rentals (Homestays and Vacation Homes)	One (1) space per dwelling unit.

Land Use	Minimum/Maximum Parking Requirement (standards show the parking minimums unless a maximum is stated)
(A) Residential and Lodging Cont.	
(13) Supportive Housing Facility, Permanent and Transitional	Two (2) spaces
(14) Group Home Day Care	One (1) off-street parking space must be provided for the caregiver(s) not living in the dwelling. Two (2) parking spaces must be available for drop-off and pick-up within 250 feet of the home.
(B) Educational	
(1) Public and Private Elementary, Junior, and Senior High Schools	One (1) space for each instructor, administrator or additional employee plus one (1) space for each ten (10) senior high school students
(2) Commercial and Trade Schools, Colleges, and Universities	One (1) space for each instructor, administrator or other employee plus 1 space for each four students
(C) Religious, Cultural, and Recreational	
(1) Religious Institutions, Commercial or Noncommercial Assembly, Convention, Meeting and Exhibition Halls, Theaters, Auditoriums Stadiums, Sports Arenas, and Similar Places of Public Gathering	One (1) space for every three (3) seats or six (6) feet of linear seating in the main assembly area for areas with fixed seating. For facilities without fixed seating, one (1) space for every three (3) capacity occupants.
(2) Libraries, Museums, Art Galleries	One (1) space per 250 square feet of floor area
(3) Private Clubs, Private Lodges, or Indoor Recreation (Commercial or Noncommercial)	One (1) space for every three (3) capacity occupants
(D) Health Facilities	
(1) Hospitals and Inpatient Mental Health or Substance Abuse Treatment Facility	Two (2) spaces for each bed
(2) Medical and Dental Clinics, Doctors' and Dentists' Offices, Veterinary Clinics, and Outpatient Mental Health or Substance Abuse Treatment Facilities with less than 20 Licensed Health Professionals	One (1) space per 400 square feet of gross floor area plus one (1) per employee on peak shift.

(3) Medical and Dental Clinics, Doctors' and Dentists' Offices, Veterinary Clinics, and Outpatient Mental Health or Substance Abuse Treatment Facilities containing twenty or more Licensed Health Professionals	One (1) space per 500 square feet of gross floor area plus one (1) per employee on peak shift.
Land Use	Minimum/Maximum Parking Requirement (standards show the parking minimums unless a maximum is stated)
(E) Transportation, Communication, and Utilities	
(1) Rail, Bus, Air and Water Passenger Terminals	No minimum
(2) Air, Rail, Motor and Water Freight Terminals	One (1) space per 400 square feet of floor area
(3) Radio and Television Stations	One (1) space per 200 square feet
(4) Public Utility Operations other than Offices	One (1) space per 1,000 square feet of floor area plus One (1) space per 10,000 square feet of site area
(F) Industrial/Wholesaling/Warehousing	
(1) Production or Processing of Materials, Goods, or Products	One (1) space per 1,500 square feet of floor area plus one (1) space per 10,000 square feet of site area
(2) Testing, Repairing, Cleaning or Servicing of Materials, Goods, or Products	One (1) space per 1,000 square feet of floor area plus One (1) space per 10,000 square feet of site area
(3) Warehousing and Wholesaling	One (1) space per 1,000 square feet of floor area plus One (1) space for every 10,000 square feet of outdoor storage or sales area
(G) Retail Trade	
(1) Establishments for the Consumption of Food or Beverages on the Premises, excluding Drive-Through Restaurants	1 space for every two (2) capacity occupants
(2) Drive-Through Restaurants	1 space for every two (2) capacity occupants plus a minimum of two (2) stacking spaces between the pick-up window and the order station, where space exists. Any other Stacking spaces shall not conflict with access to required parking spaces or block any right-of-way.
(3) <u>Mobile Food Vending (MFVU) on Private Property – Accessory Use (overnight or long-term temporary use)</u>	<u>One (1) space for MFVU parking; plus one (1) space for patron orders/pick-up adjacent to MFVU, unless a suitable location for patrons to order is provided.</u>

(4) Mobile Food Vending (MFVU) on Private Property – Accessory Use (day use only, no overnight parking)	One (1) space for MFVU parking; plus one (1) space for patron orders/pick-up adjacent to MVU, unless a suitable location for patrons to order is provided
(3) (5) Establishments for the Sale of Motor Vehicles, Trailers, and Large Equipment of any sort	One (1) space for each 1,000 square feet of floor area, minimum of two (2) spaces
(4) (6) Gasoline Stations and Convenience Stores	One (1) per gas pump (located at the pump) and one (1) per employee on peak shift, plus required parking for the retail area. In no instance shall a required parking space or its maneuvering area conflict with vehicles being fueled or serviced or awaiting to be fueled or serviced.
(5) (6) All Other Retail	Maximum of one (1) space for every 300 square feet of floor area, minimum of two (2) spaces
(H) Services	
(1) Offices, business and professional except as otherwise specified.	One (1) space for every 400 square feet of floor area
Land Use	Minimum/Maximum Parking Requirement (standards show the parking minimums unless a maximum is stated)
(H) Services Cont.	
(2) Auto service stations and repair garages	One (1) space for every 300 square feet of interior office/sales/waiting room floor area plus two (2) spaces per service stall.
(3) Laundromats	One (1) space for every 50 square feet of floor area.
(4) Barber Shops, Beauty Shops, and Salons	One (1) space per employee plus two (2) spaces per service chair.
(5) Day Care Facilities	One (1) per employee in the largest working shift and one (1) per ten (10) persons cared for at capacity plus stacking spaces for two (2) vehicles. The stacking spaces must meet the minimum parking layout dimension requirements per Figure 55 .
(6) Pet Boarding Facilities	One (1) per employee in the largest working shift and one (1) per ten (10) animals cared for at capacity.
(7) Other Personal Service Establishments	One (1) space for every 150 square feet of floor area, minimum of two spaces
(I) Other	
(1) Marihuana Designated Consumption Establishment	1 space for every two (2) capacity occupants
(2) Marihuana Grower and Marihuana Microbusiness growing portion	Minimum of one (1) space per employee on maximum shift, maximum of two (2) spaces.

(3) Marihuana Processor and Marihuana Microbusiness processing portion	One (1) space per 1,000 square feet of floor area plus one (1) space per 10,000 square feet of site area
(4) Marihuana Retailer and Marihuana Microbusiness retail portion	Maximum of one (1) space for every 150 square feet of floor area, minimum of two (2) spaces
(5) Marihuana Safety Compliance Facility , Marihuana Education Research, and Marihuana Secure Transporter	One (1) space per 1,000 square feet of floor area plus One (1) space per 10,000 square feet of site area
(6) Outdoor Recreation	One (1) space per 10,000 square feet of space dedicated to recreation activities (not to include offices, restrooms, landscaped areas, roads, etc.)

Section 54.905 Parking Layout, Design, Construction, and Maintenance

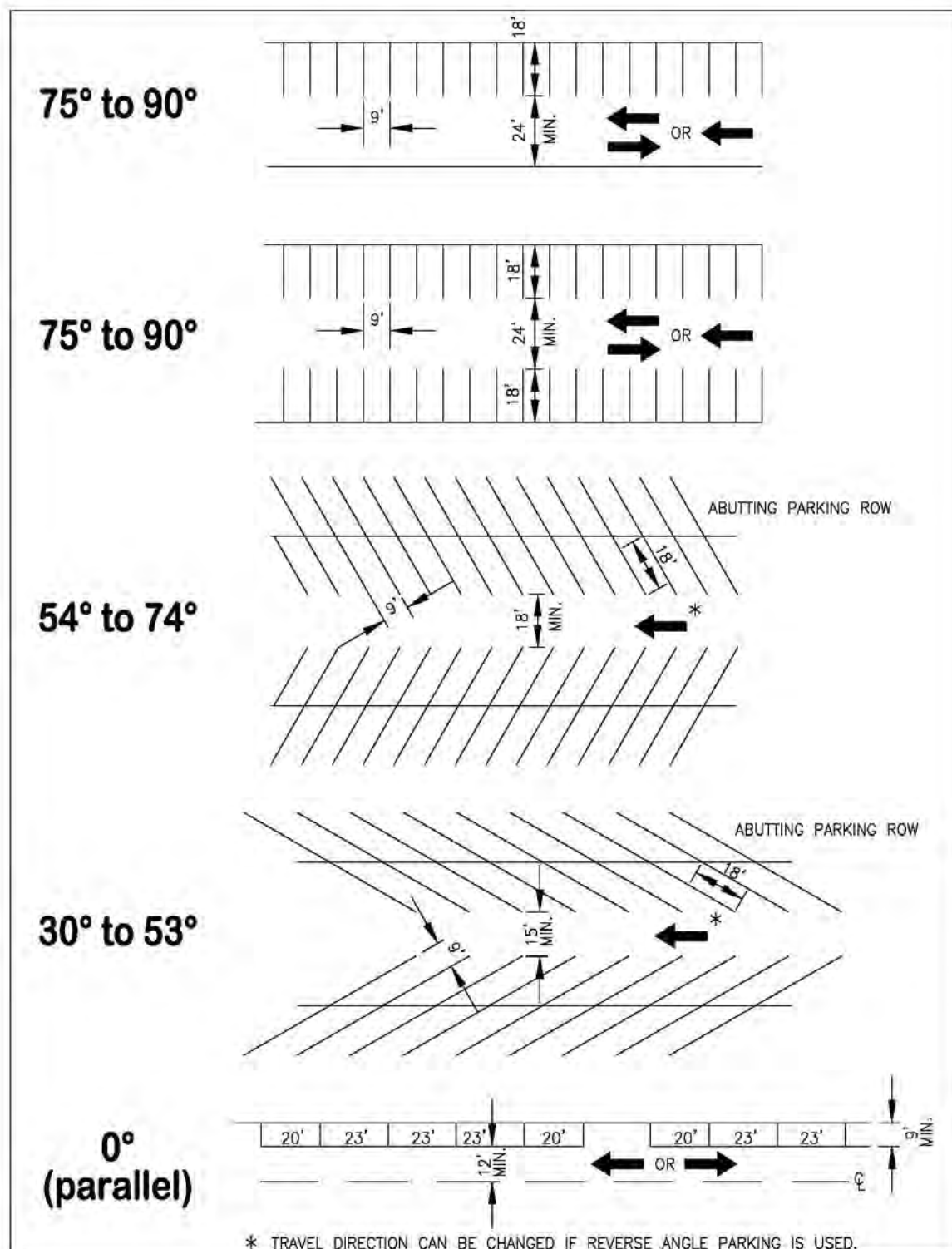
All off-street parking shall be laid out, constructed, and maintained according to the following standards and regulations:

- (A) Required Parking Space Dimensions.** Unless otherwise stated in [Section 54.905\(C\)](#), all parking spaces shall be laid out in the minimum dimensions of nine (9) feet wide by eighteen (18) feet long, exclusive of maneuvering lanes.
- (B) Snow Storage.** An area equivalent to 10% of the required parking stall area must be provided for snow storage. The snow storage area shall **may** be landscaped and shall be located within any fence bounding the parking lot, **however it shall not occupy more than 10% of the required parking lot spaces**. The snow storage area may be located in a landscape area required in [Article 10](#) or in a storm water detention or retention pond, subject to approval by the City. Snow storage on lot corners and near driveway entrances must meet the clear vision requirements of [Section 54.704](#)
- (C) Parking Layout Requirements.** Plans for the layout of the parking lot shall show the dimensions of the total lot, shall show the location and dimensions of all parking spaces, maneuvering lanes, entrances, exits, borders and snow storage areas. Means of limiting ingress and egress to the parking lot shall also be shown. One of the following patterns shall be used for the layout of parking spaces:

Figure 55. Minimum Parking Layout Dimension Requirements (Text)

Angle (In Degrees)	Min. Stall Length	Min. Stall Width	Min. Maneuvering Lane Width
0 (parallel)	23 ft.	9 ft.	12 ft. (one way)
30-53	18 ft.	9 ft.	15 ft. (one way)
54-74	18 ft.	9 ft.	18 ft. (one way)
75-90	18 ft.	9 ft.	24 ft. (one and two way)

Figure 56. Minimum Parking Layout Dimension Requirements (Graphic)



- (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 driveway intersection pursuant to [Section 54.704](#)
- (F) **Curb Cut Setback From Residential District.** Each exit and entrance to and from any off-street parking lot located in an area zoned for other than Low Density Residential District (LDR) and Medium Density Residential District (MDR) must be at least 25 feet from any adjacent property located in a LDR or MDR zoning district.
- (G) **Surface and Drainage.** The entire parking lot including parking spaces and maneuvering lanes required under this Section, must be provided with a hard paving surface in accordance with specifications approved by the City Engineer (see definition of “Hard Parking Surface” in [Section 54.202\(A\)\(93\)](#)). The parking area shall be surfaced within (1) year of the date the permit is issued. Off-street parking lots, including the driveways, must be drained so as to dispose of all surface water accumulated in the parking areas and driveways in such a way as to preclude drainage of water onto adjacent property or toward buildings. Storm water management systems are encouraged to include one (1) or more of the Best Management Practices (BMPs) published by the Michigan Department of Environment, Great Lakes, and Energy (EGLE) or any other BMP accepted by the City, such as underground infiltration trenches, rain gardens, cisterns, and swales.
- (H) **Curbing and Painted Lines.** Except for those parking areas serving a single- or two-family dwelling unit in a LDR or MDR zoning district, concrete curbs, sidewalks, and other items necessary for the protection of the public and adjoining properties must be provided and maintained around all parking areas, including where parking spaces abut landscaping, property lines, or required setback areas. In lieu of concrete curbing, the City may approve concrete wheel stops/parking blocks. All parking spaces shall be clearly defined by painted lines, except for those parking areas serving a single- or two-family dwelling unit in a LDR or MDR zoning district.
- (I) **Parking Lots Abutting Certain Residential Districts.** An off-street parking lot abutting the LDR, MDR, or MFR districts must be provided with a continuous six (6) foot high solid or stockade style screening fence. This screening fence must meet the requirements of [Section 54.706](#), and be provided on all sides where the abutting zoning district is designated as LDR, MDR, or MFR. In lieu of a wall or fence, the owner may plant and maintain an evergreen greenbelt buffer in accordance with [Section 54.1003\(D\)\(2\)\(c\)](#).
- (J) **Lighting.** All lighting used to illuminate any off-street parking area must meet the requirements of [Section 54.802](#) and be confined within and directed onto the parking lot only. In no case may the source of light exceed twenty feet in overall height above ground level.
- (K) **Maintenance:** The off-street parking lot, required borders, and landscaped areas must be maintained in a litter free condition. All landscaping and screening must be maintained in a healthy growing condition pursuant to [Article 10](#), and neat and orderly in appearance. Snow must be removed as necessary to permit the use of all required parking spaces.

- (L) **Parking Lot Border.** Unless parking lot landscaping and screening is required by [Section 54.1003\(C\)\(1\)](#), a two-foot wide border must be created and maintained between a parking lot, and the adjacent buildings and/or property lines. This border must be landscaped or paved with concrete as a walkway, and may be included in the required snow storage area.
- (1) **Exception.** Two adjacent property owners may create a shared parking lot without the necessity of maintaining a two-foot border between their property lines, provided the proposal complies with [Section 54.902\(C\)\(B\)](#) and the adjacent property owners provide a comprehensive parking easement agreement that identifies responsibilities for various maintenance tasks- including snow removal, repaving, and landscaping upkeep. Furthermore, this parking easement agreement shall be recorded with the Marquette County Register of Deeds.
- (N) **Repaving and Restriping.** Prior to repaving or restriping a parking lot, a plot plan must be submitted to the Zoning Administrator for Zoning Compliance Review pursuant to [Section 54.1401](#).
- (O) **Setback.** Unless otherwise required in this Ordinance, an off-street parking area may be located in a front, side, or rear yard setback area.

54.908 Bicycle Parking Requirements and Parking Space Reduction/Substitution for Bicycle Parking

- (A) **Intent.** To provide convenient and dignified parking places for bicyclists to store bicycles securely and to support non-motorized travel and travelers within the city.
- (B) **Application.** – new/proposed or remodeled buildings (where the likely cost of remodeling will exceed fifty/50 percent of the assessed value of the existing structure at time of application).
- (C) **Standards.** Bicycle parking is required to meet the following standards and regulations:
- (1) The required amount of bicycle parking shall meet the amount/use schedule for specific land uses, according to [Figure 57](#). Bicycle parking types and options are as shown in [Figure 58](#).
 - (2) Required short-term bicycle parking facilities shall be located in a convenient and visible area, within fifty (50) feet of a principal entrance. If this location standard cannot be met, the Planning Commission or Zoning Administrator may approve alternative locations. At the time of application, if there are no parking/storage locations on private property that meet the requirements of this section, the installation requirement will be non-binding.
 - (3) Bicycle parking spaces should be located on paved or pervious surfaces and shall be a minimum of two (2) feet by six (6) feet. The installation of parking racks shall follow the manufacturer's specifications or other best practices, ensuring that comfortable access space around bicycle racks is provided, parked bicycles do not obstruct walkways, and the spaces are accessible without requiring the movement of another bicycle.
 - (4) All bike racks must permit the locking of the bicycle frame and one (1) wheel to the rack while supporting a bicycle in a stable position. Racks shall accommodate cable locks and "U" locks.

- (5) For multi-building development, bicycle parking shall be provided for each building occupied by a dwelling or a work station.
- (6) Bicycle parking not meeting dimensional or access aisle requirements may be installed, but shall not count towards a minimum bicycle parking requirement.

(D) Motor Vehicle Parking Space Reduction by Bicycle Parking Substitution

- (1) For every four (4) bicycle parking spaces added above the minimum number required, one (1) vehicle parking space may be removed from the required amount. Maximum substitution amount of three (3) vehicle spaces. The minimum number of vehicle parking spaces required after substitution is two (2).
- (2) Bicycle parking substituted for *motor vehicle/car and truck* parking may be horizontal or vertical, as long as dimensional requirements are met as described in [Section 54.908\(A\)\(5\)\(C\)\(3\)](#).

SECTION 8. Article 14 – Administrative Procedures

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

Article 14 Administrative Procedures

Section 54.1401 Zoning Permits and Zoning Compliance Review

- (A) Submission of Zoning Compliance Application Required.** No person shall commence to erect, alter, or repair any structure or to replace or enlarge any of the uses listed in [Section 54.1401\(B\)](#), without first obtaining Zoning Compliance and approval of plans. No use shall be carried on, nor construction undertaken, except as shown upon an approved Zoning Compliance application and plan. Plans shall be submitted to the Zoning Administrator or designated official.
- (B) Permitted Uses and Development Subject to Zoning Compliance Review.** The following uses and development are subject to Zoning Compliance Review:
 - (1) Residential dwellings (one-family, two family, multi-family) and associated accessory structures, including additions and structural alterations, and structural alterations to any other building or structure. 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 and exterior alterations of a non-residential use provided such remodeling or alteration is not subject to Site Plan Review pursuant to [Section 54.1402\(B\)](#).
 - (3) Interior remodeling of a residential use, exempt from Site Plan Review pursuant to [Section 54.1402\(B\)](#), when such remodeling involves interior structural alterations, including but not limited to the removal or addition of interior walls, or any change of use of within interior areas.

(3 4) 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 5) The establishment of a permitted use in the district, provided that the use must meet all requirements of this Ordinance including any special requirements listed for that zoning district. Any development requiring Site Plan Review must be reviewed in accordance with to [Section 54.1402\(B\)](#) and special land uses must be reviewed in accordance with [Section 54.1403](#).

(6) Demolition of residential, non-residential, and multifamily residential buildings and accessory structures.

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

(1) Name and address of the applicant and plan preparation date.

(2) Dimensioned property lines of the area included in the plan and a north arrow.

(3) The scaled shape, size, use, location, height, eave size, floor area, parking spaces, driveways, sidewalks, exterior architectural design of all structures, the floor area and ground coverage ratios of residential structures if applicable.

(4) The elevation of the finished floor and the elevation at the curb for driveways when the proposed construction is new or when this information is otherwise deemed necessary by the Zoning Administrator to determine the runoff flow of storm water.

(5) All proposed and existing structures and their relationship to each other and adjacent property lines, including setbacks.

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

(7) Any other information deemed necessary by the Zoning Administrator to establish compliance with this and other ordinances.

(8) If no exterior dimensional changes will result from the proposed construction or alteration, the Zoning Administrator may permit the plan to consist of the minimum applicable information listed above to determine compliance with the Zoning Ordinance and applicable codes.

(D) **Zoning Compliance Review Procedure.** Upon receipt of any Zoning Compliance application and plan, the Zoning Administrator or designated official shall review to determine whether it is in proper form, contains all of the required information and shows compliance with the ordinance. The Zoning Administrator or designated review official shall, within fifteen (15) business days, grant approval in writing or deny approval in writing, setting forth in detail the reasons which shall be limited to any defect in form or required information, any violation of any provision of this Ordinance, and any changes which would make the plan acceptable. The Zoning Administrator or designated official may extend this fifteen ~~ten~~ (15) business day period if

additional time is required to determine compliance and/or obtain additional information necessary to determine compliance. In determining compliance with this Ordinance, the Zoning Administrator or designated official shall take into consideration all applicable standards of this Ordinance, such as setbacks, height, parking, landscaping, etc. If non-compliance with any standard of this Ordinance is demonstrated, the Zoning Administrator or designated official shall deny approval of the plan. The applicant may appeal any denial to the Board of Zoning Appeals.

- (E) **Expiration.** Zoning permits (which includes zoning compliance, fence, and sign permits, etc.) will expire after two (2) years if construction has not commenced. Zoning Staff upon request prior to the expiration date, may grant an extension of not more than one (1) year from the expiration date, upon findings that the conditions of the permit have not changed. Not more than two (2) such extensions may be granted.

Section 54.1402 Site Plan Review

- (A) **Intent.** It is the intent of this section to establish procedures and standards for the review and approval of site plan applications and to ensure proper relationships between the development features as they relate to the standards outlined in this section. This section is further intended to ensure that developments are compatible with adjacent uses of land and promote the use of land in a desirable manner that does not impair the surrounding uses by the erection of structures, additions, alterations, or site improvements that may negatively impact surrounding development, while providing for the orderly development of the City of Marquette.
- (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 total on one parcel .	•		
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 total on one parcel , 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.		•	
Development Activity	Site Plan Review Required by P.C.	Minor/Admin Site Plan	Exempt From Site Plan Review
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 (excluding any diminution of a building) , non-residential and multi-family accessory structures, Solar Energy Systems ≥20kw to 2 MW – Accessory Use, Solar Energy Systems ≥20kw to 2 MW – Principal Use, and renovations that are more than 10% of the size of the original commercial or multi-family residential building footprint or more than 500 square feet, unless otherwise exempt.		•	
Relocation of a building approved via Site Plan Review, with associated utilities.		•	
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		•	
New Commercial and non-residential buildings less than 16,000 square feet, unless the activity requires Planning Commission site plan review		•	
Condominium development – New, amendment, or expansion		•	
If only adding a new driveway to an existing off-street parking lot and not affecting the parking lot.			•
Single family dwellings and their accessory facilities on individual parcels			•
Two-family dwellings and their accessory facilities on individual parcels			•

Total of four (4) or fewer dwelling units on one parcel and their accessory facilities			●
Multi-family residential units that contain or will contain three (3) or four (4) dwelling units.			●
Additions, alterations, non-residential and multi-family accessory structures, Solar Energy Systems <20kw – Accessory Use, and renovations that are up to 10% of the size of the original industrial, commercial or multi-family residential building footprint or up to 500 square feet.			●
Relocation of a building approved via a site or plot plan, no corresponding utilities.			●
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			●
Demolition or diminution of a multi-family residential or non-residential building			●

(F) Validity of Approved Site Plans and Expiration.

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

(2) Validity of Approved Site Plans.

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

(i) Planning Commission Review. If the site plan is approved with conditions that require revisions to the site plan, the applicant must make the required revisions and submit the revised plans to the City zoning office prior to the expiration date. Failure to submit revised plans shall result in expiration of the approval.

(ii) Administrative Review. For site plans reviewed administratively, the applicant shall submit revised plans to the City zoning office addressing staff comments within a reasonable period, not to exceed one (1) year from the date the City transmits its initial review comments. If revised plans are not submitted within this period, the site plan 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.

(iii) Automatic Closure for Non-Response After Notice. If an applicant fails to respond to

the City zoning office for staff review comments for a period of six (6) months, the City may issue a written notice of pending expiration. Within thirty (30) days of the notice, the applicant shall either:

- a. Submit revised plans addressing the outstanding comments, or
- b. Submit a written response explaining why revised plans cannot yet be provided and the status of revisions.

If the applicant does not submit either revised plans or a written response to the City zoning office within thirty (30) days after the notice, the application shall expire, and written notice of expiration shall be provided. Any subsequent submittal shall require a new application and payment of all applicable fees.

- (b) **Halt in Construction.** The Planning Commission or Zoning Administrator, according to which entity approved the plan, may revoke the zoning approval if work on a project is halted for at least two (2) months, except during winter conditions, if the conditions warrant.
- (c) **Extension.** The Planning Commission may grant two (2) one-time extensions to the expiration deadline, not to exceed one (1) year each, provided the request for an extension must be submitted at least 26 days prior to the expiration of the site plan approval and must meet the following standards. The Zoning Administrator may similarly grant extensions of administratively approved site plans.
 - (i) The approved plan conforms to zoning at the time the extension is granted
 - (ii) Any and all Federal and State approvals and permits are current.
- (d) **Relevant LDC Amendment.** If the Land Development Code is amended within one year of site plan approval and approved work has not been completed, any less intensive standards provided by the amendment may be applied to the unfinished aspects of the site plan if a revised site plan is submitted before the one year site plan approval period expires.
- (e) **Resubmission of Expired Plans.** Site plans whose approval has expired shall require resubmission as an initial application.

(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.

Section 54.1403 Special Land Use Review

(A) **Standards of Special Land Use Review.** In permitting a special land use, the Planning Commission shall make a finding that the special land use will be in compliance with the general purpose of the ordinance and the intent of the district in which it is located and will not be injurious to the spirit of this Ordinance and intent of the district, and will not be injurious to the neighborhood, or otherwise detrimental to the public health and welfare. A request for approval of a land use or activity shall be approved if it is determined that the request ~~is in compliance~~ will comply with the following standards, as well as other applicable City ordinances, and state and federal statutes:

- (1) **Intent of Zoning District.** ~~The intent of the Zoning District is met and the proposed~~ Special Land Use is consistent with the intent of the Zoning District and is in harmony with appropriate and orderly development of the district.
- (2) **Use of Adjacent Lands.** The current use of adjacent lands and the neighborhood ~~are~~ is compatible with the proposed use.
- (3) **Physical Appearance of Structures.** The physical appearance of existing or proposed structures (location, height, bulk of building (s), as well as construction materials) meets the standards of this Ordinance.
- (4) **Landscaping.** ~~The suitability of the proposed landscaping~~ is suitable in for providing ground cover, screening, stormwater absorption, and decoration on the site. See [Article 10](#).
- (5) **Operations of Use.** The nature and intensity of operations involved in or conducted in connection with the proposed use ~~is~~ are appropriate for the site and not in conflict with surrounding properties and uses.
- (6) **Time of Use, and Physical and Economic Relationship.** The proposed or estimated time(s) of use and the physical and economic relationship of one type of use to another are not in conflict with each other or with surrounding properties and uses.
- (7) **Number of Persons or Employees.** The proposed or estimated number and assembly of associated persons or employees shall not be hazardous to the neighborhood ~~or incongruous or conflict with normal traffic or activity in the vicinity.~~
- (8) **Vehicular and Pedestrian Circulation.** ~~Proposed~~ Anticipated or estimated vehicular and pedestrian traffic volumes and patterns, ~~particularly of children,~~ as well as vehicular turning movements, do not ~~negatively impact~~ impair efficient traffic flows, intersections safety, site distances, access to properties, and general safety of all users of public right-of-way areas and/or private roads, driveways, and sidewalks.
- (9) **Physical Characteristics of the Site.** The current and proposed physical characteristics of the site, such as size/area, drainage, topography, open space, landscaping, and access to minor and/or major streets, will meet the requirements of this Ordinance and all other City standards. The use and development proposal shall be considered by it's potential impacts upon the natural environment and ~~help conserve~~ on and around the site. And that there is the potential for reasonable anticipated expansion of the use without nuisances to neighboring uses.
- (10) **Public Services.** Proposed or estimated demands upon public services such as electricity, sewer, water, police, and fire protection, schools and refuse disposal shall not be overly burdensome, based on the readily available information.
- (11) **Environmental Nuisance Factors.** The type and amount of litter, waste, noise, dust, traffic, fumes, glare, and vibration which may be generated by such use shall be minimized and/or properly mitigated.
- ~~(12) **Site Area and Potential Future Expansion Areas.** That the Planning Commission has determined that there is sufficient site area for the proposed use to prevent nuisances to neighboring uses, and that there is the potential for reasonable anticipated expansion of the use without nuisances to neighboring uses.~~

- (13 3) Additional Neighborhood Factors.** Other factors shall be considered as necessary to maintain property values in the neighborhood and guarantee safety, light, air flow, and privacy to the principal uses in the district.
- (13 4) Community Master Plan.** Conformance and harmony with the Community Master Plan

Section 54.1405 Zoning Ordinance Amendment Procedures

(A) Initiation of Amendments.

~~The City Commission, the Planning Commission, or the property owner (including a designated agent of the property owner) may at any time originate a petition to amend or change the zoning district boundaries pursuant to the authority and procedure established by Act 110 of Public Acts of 2006 as amended. Changes in the text of this Ordinance may be proposed by the City Commission, Planning Commission, or any interested person or organization.~~

- (1) Zoning Map/Rezoning.** The City Commission, the Planning Commission, or the property owner (including a designated agent of the property owner) may at any time originate a petition to amend or change the zoning district boundaries and official zoning map, pursuant to the authority and procedure established by Act 110 of Public Acts of 2006 as amended.
- (2) Land Development Code text.** Changes in the text of this Ordinance may be proposed by the City Commission, Planning Commission, or any interested person or organization.

- (B) Application for Amendment.** Each petition by one (1) or more persons for an amendment shall be submitted to the Zoning Administrator. Documents to support the application may be filed with the Zoning Administrator. A fee, as established by the City Commission shall accompany each petition, except those originated by the Planning Commission or City Commission.
- Amendment Review Procedures.

(C) Amendment Review Procedures.

- (1) Public Hearing.** The staff liaison to the Planning Commission shall set a time and date for a public hearing, and the public hearing shall be noticed in accordance with Section 54.1406. The Planning Commission may refuse to schedule a hearing on a petition for rezoning which includes any portion of a site considered for rezoning in the previous six (6) months.
- (2) Planning Commission Consideration of the Proposed Amendment.** The Planning Commission shall review the proposed amendment, together with any reports and recommendations from staff, consultants, other reviewing agencies, and any public comments. The Planning Commission shall identify and evaluate all factors relevant to the petition, including the appropriate criteria listed in this Section. Following the public hearing, the Planning Commission shall make a recommendation to the City Commission to either approve or deny the petition and report its findings to the City Commission.
- (3) City Commission Consideration of the Proposed Amendment.** The City Commission, upon recommendation from the Planning Commission, shall either schedule a public hearing or deny the petition. This hearing shall be advertised in accordance with [Section 54.1406](#). If determined to be necessary, the City Commission may refer the amendment back to the Planning Commission for further consideration. In the case of an amendment to the Official

Zoning Map, the City Commission shall approve or deny the amendment, based upon its consideration of the criteria contained in this Ordinance.

(D) Standards of Review for Amendments. In considering any petition for an amendment to the text of this Ordinance or to the Official Zoning Map, the Planning Commission and City Commission shall consider the following criteria that apply to the application in making findings, recommendations, and a decision. The Planning Commission and City Commission may also take into account other factors or considerations ~~that are~~ applicable to the application but that are not listed below.

(1) Community Master Plan. Consistency with the recommendations, goals, policies, and objectives of the Master Plan and any sub-area plans. If conditions have changed since the Master Plan was adopted, consistency with recent development trends in the area shall be considered.

(2) Intent and Purpose of the Zoning Ordinance Land Development Code. Consistency with the basic intent and purpose of this Zoning Ordinance the Land Development Code.

(3) Street System. The capability of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.

(4) Utilities and Services. The capacity of the City's utilities and services sufficient to accommodate the uses permitted in the requested district without compromising the health, safety, and welfare of the City.

(5) Changed Conditions. ~~Since the Zoning Ordinance Was Adopted or Errors to the Zoning Ordinance. That conditions have changes since the Zoning Ordinance was adopted or there was an error in the Zoning Ordinance that justifies the amendment.~~ Conditions have changed since the Land Development Code (LDC) was adopted, or an error in the LDC justifies the amendment.

(6) No Exclusionary Zoning. ~~That~~ The amendment will not be expected to result in exclusionary zoning, which could create or foster social, economic, or racial segregation.

(7) Environmental Features. If a rezoning is requested, the compatibility of the site's physical, geological, hydrological and other environmental features with the uses permitted in the proposed zoning district.

(8) Potential Land Uses and Impacts. If a rezoning is requested, the compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning, in terms of land suitability, ~~impacts on the environmental~~ al impacts, density, nature of use, traffic impacts, aesthetics, infrastructure, and potential influence on property values.

(9) Relationship to Surrounding Zoning Districts and Compliance with the Proposed District. If a rezoning is requested, the boundaries of the requested rezoning district will be reasonable in relationship to surrounding zoning districts, and new construction on the site will ~~be able to~~ meet the dimensional regulations ~~for~~ of the requested zoning district.

(10) Alternative Zoning Districts. If a rezoning is requested, the requested zoning district is considered

to be more appropriate from the City's perspective than another zoning district, including a Planned Unit Development district.

(11) Rezoning Preferable to Text Amendment, Where Appropriate. If a rezoning is requested to allow for a specific use, rezoning the land is considered to be more appropriate than amending the list of permitted or special land uses in the current zoning district to allow the use.

(12) Isolated or Incompatible Zone Prohibited. If a rezoning is requested, the ~~requested rezoning~~ new zoning district will not create be an isolated or incompatible zone in the ~~neighborhood~~ vicinity.

(E) Notice of Adoption of Amendment. Following adoption of an amendment by the City Commission, one (1) notice of adoption shall be filed with the City Clerk and one (1) notice shall be published in a newspaper of general circulation in the City within fifteen (15) days after adoption, in accordance with the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended. Amendments shall take effect eight (8) days after publication. A record of all amendments shall be maintained by the City Clerk. A Zoning Map shall be maintained by the City Clerk or his/her designee, which shall identify all map amendments. The required notice of adoption shall include all of the following information:

- (1)** In the case of a newly adopted Zoning Ordinance, the following statement: "A zoning ordinance regulating the development and use of land has been adopted by the City of Marquette."
- (2)** In the case of an amendment(s) to the existing Zoning Ordinance, either a summary of the regulatory effect of the amendment(s), including the geographic area affected, or the text of the amendment(s).
- (3)** The effective date of the ordinance or amendment.

(F) Protest Petition of Amendment. An amendment under this Chapter is subject to a protest petition in accordance with Section 403 of the Michigan Zoning Enabling Act, PA 110 of 2006 (as amended), summarized as follows:

- (1) Petition Submittal Requirements.** The protest petition shall be presented to the City Commission before final legislative action on the amendment, and shall be signed by one (1) or more of the following:
 - (a)** The owners of at least 20% of the area of land included in the proposed change. Publicly owned land shall be excluded in calculating the 20% land area.
 - (b)** The owners of at least 20% of the area of land included within an area extending outward 100 feet from any point on the boundary of the land included in the proposed change. Publicly owned land shall be excluded in calculating the 20% land area.

(2) Vote. If a protest petition is filed, approval of the amendment to this

Ordinance shall require a 2/3 vote of the City Commission.

- (G) **Referendum.** Within thirty (30) days following the passage of the Zoning Ordinance, a petition signed by a number of registered electors may be filed with the City Clerk requesting submission of this Ordinance or part of this Ordinance to the electors for their approval, in accordance with Section 402 of the Michigan Zoning Enabling Act, PA 110 of 2006, as amended. Whenever there is a conflict between this section of the Zoning Ordinance or P.A. 110 of 2006, as amended, the provisions of P.A. 110 of 2006, as amended, shall govern.

(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.