



## **City of Marquette, MI**

### **Meeting Agenda City Commission**

300 West Baraga Ave  
Marquette, Michigan  
49855

**Monday, July 13, 2026  
6:00 PM  
Commission Chambers**

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#### **Call to Order, Pledge of Allegiance and Roll Call**

#### **Approval of the Agenda**

#### **Announcements**

#### **Boards and Committees**

1. Appointment(s)  
Steve Nystrom to the Marquette Brownfield Redevelopment  
Authority for an unexpired term ending 2-01-29

**Public Comments - Comments may not exceed three minutes per person.  
Please state your name and physical address when making public  
comments.**

#### **Presentation(s)**

2. Outstanding Upper Peninsula Children's Museum Guardian- Adylin
3. Kajaani, Finland Gift Presentation, by Marquette Area Sister City  
Chair Maureen Jensen and Liaison Randy Jensen
4. Marquette Public Art Commission, by Brianna Hobbins

#### **Public Hearing(s)**

5. Public Hearing: Ordinance 26-06 - Land Development Code  
Amendments - Roll Call Vote

#### **Consent Agenda**

##### **6. Consent Items**

- 6.a Approve the minutes of the June 29, 2026 regular City  
Commission meeting

6.b Approve the total bills payable in the amount of \$1,134,779.63

6.c Appointment of Director - Municipal Utilities

### **New Business**

7. City Manager and City Attorney Evaluation Subcommittee
8. Cinder Pond Marina - MDNR Waterways Grant Agreement - Roll Call Vote

**Public Comments - Comments may not exceed three minutes per person. Please state your name and physical address when making public comments.**

**Comments from the Commission**

**Comments from the City Manager**

**Adjournment**

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**Kyle Whitney, City Clerk**

**If you require assistance to participate in any meeting, program or activity offered by the City of Marquette, please provide advanced notice to City of Marquette ADA Coordinator Eric Stemen at 906-225-8978 or via email at [estemen@marquettemi.gov](mailto:estemen@marquettemi.gov).**

# City of Marquette, MI

300 West Baraga Ave  
Marquette, Michigan 49855

Monday, July 13, 2026

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## Public Hearing(s)

### **Public Hearing: Ordinance 26-06 - Land Development Code Amendments - Roll Call Vote**

#### **BACKGROUND:**

On June 2, 2026, the Planning Commission held a Public Hearing on Land Development Code amendments prepared over the past several months. The following motion was made:

*It was moved by N. Vermaat, and seconded M. Rayner, and carried 8-0 that 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 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 justified and appropriate and therefore should be approved by the City Commission as presented.*

Tonight's Public Hearing was scheduled during the Commission's regular meeting of June 8, 2026.

#### **FISCAL EFFECT:**

None.

#### **RECOMMENDATION:**

Following the Public Hearing, adopt Ordinance 26-06 incorporating the proposed Land Development Code Amendments for the reasons as recommended by the Planning Commission.

#### **ALTERNATIVES:**

As determined by the Commission.

#### **ATTACHMENTS:**

1. Memo and Ordinance 26-06
2. 060226.pc.minutes



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**

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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...**).

## ORDINANCE #26-06

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

#### ARTICLE 2 - DEFINITIONS

#### ARTICLE 3 – ZONING DISTRICTS AND MAP

#### ARTICLE 4 – SCHEDULE AND REGULATIONS

#### ARTICLE 5 – SUPPLEMENTAL ZONING DISTRICT STANDARDS

#### ARTICLE 6 – STANDARDS APPLICABLE TO SPECIFIC LAND USES

#### ARTICLE 7 – GENERAL PROVISIONS

#### ARTICLE 9 – PARKING, LOADING AND ACCESS MANAGEMENT

#### ARTICLE 14 – ADMINISTRATIVE PROCEDURES

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

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#### **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 ~~is 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.

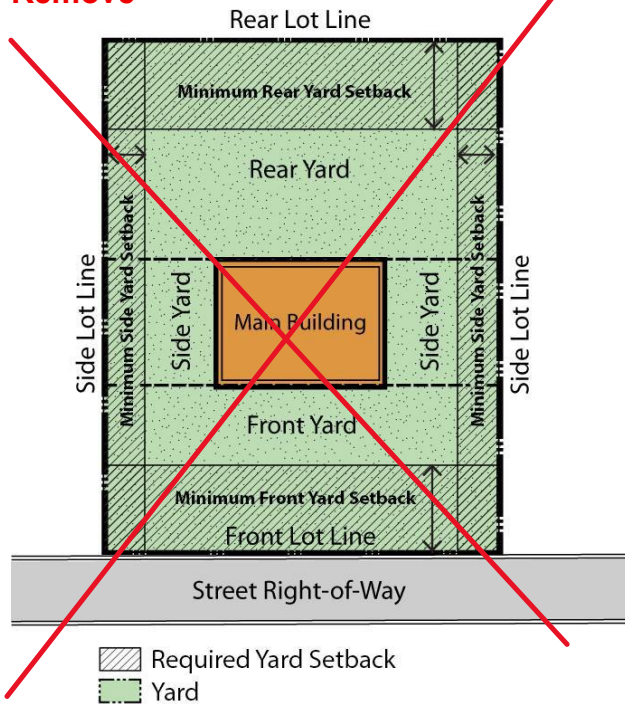
**(269) Yard, Front:** An open space extending the full width of the lot, the depth of which is the horizontal distance between the front lot line/right-of-way line and the nearest vertical plane/exterior foundation of the main structure. Through lots must provide a front yard on both streets. On a corner 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**

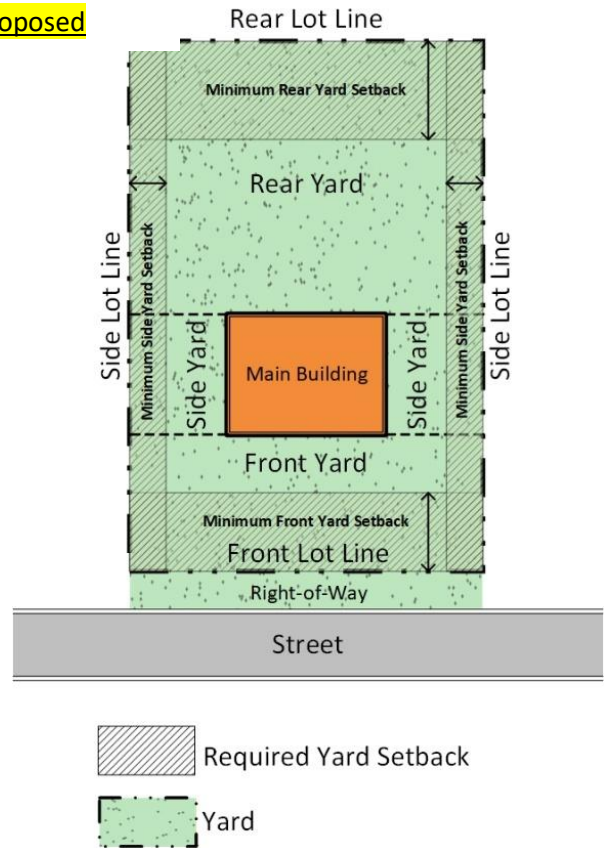
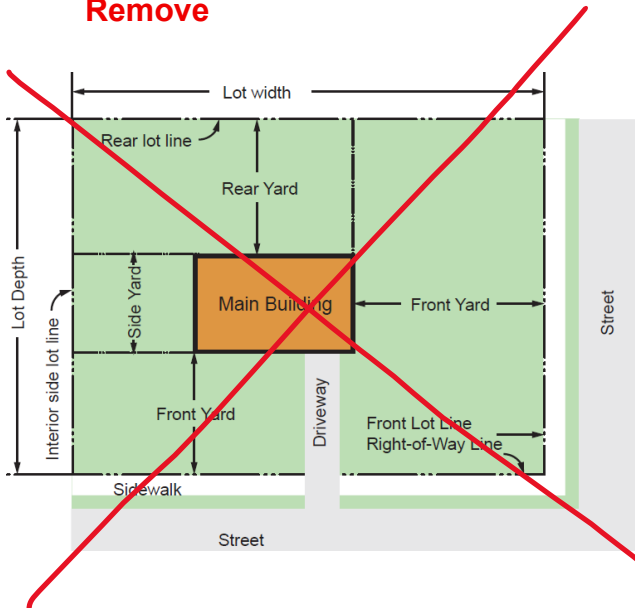
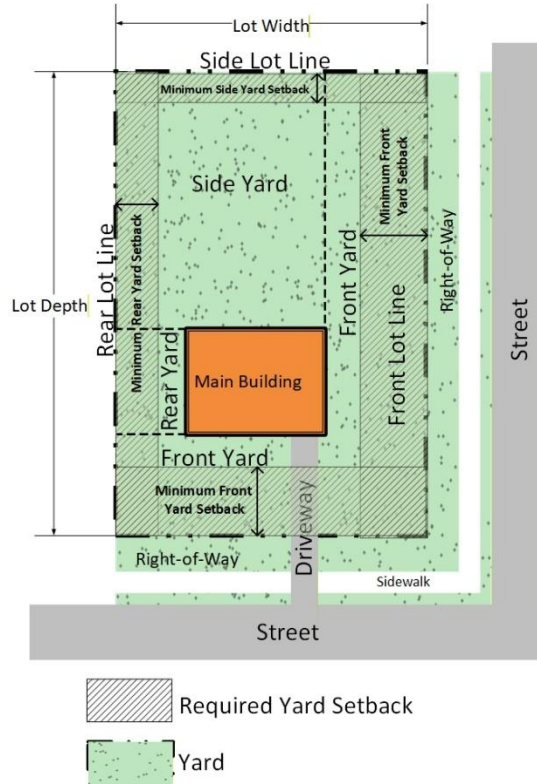
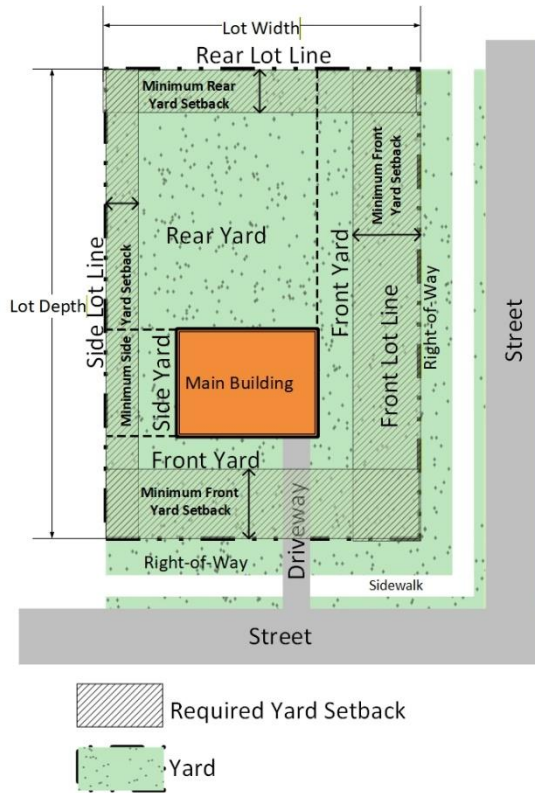


Figure 7. Yards of a Corner Lot

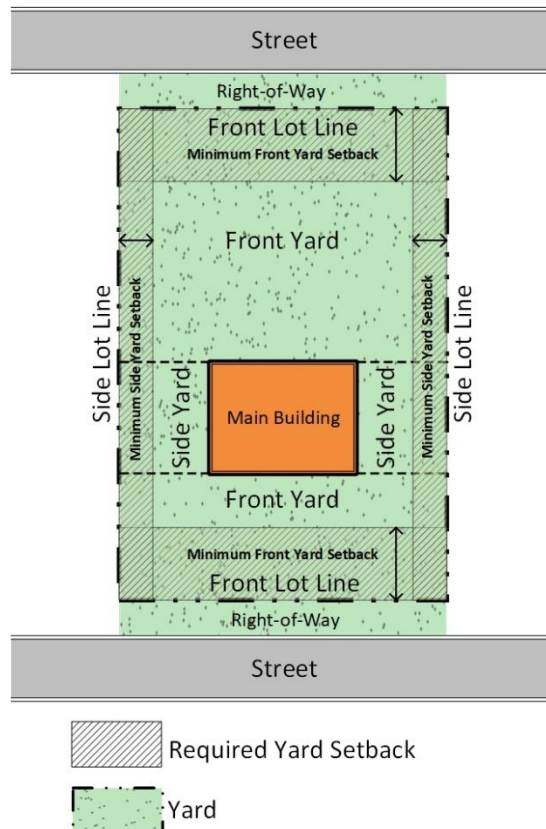
**Remove**



**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                  |
|-----------------------------------------------------------------------------------|-----|-----|-----|-----|----|-----|----|----|---|---|-----|----|-----|--------------------------------|
| <b>Residential Uses</b>                                                           |     |     |     |     |    |     |    |    |   |   |     |    |     |                                |
| Adult Foster Care, Family Home                                                    | P   | P   | P   | P   | P  | P   |    |    |   |   |     |    |     |                                |
| Adult Foster Care, Large Group Home                                               |     |     | S   |     |    |     |    |    |   |   |     |    |     | <a href="#">Section 54.602</a> |
| Adult Foster Care, Small Group Home                                               | P   | P   | P   |     | P  |     |    |    |   |   |     |    |     | <a href="#">Section 54.602</a> |
| Child or Day Care, Family Home                                                    | P   | P   | P   | P   | P  | P   |    |    |   |   |     |    |     |                                |
| Child or Day Care, Group Home                                                     | P   | P   | P   |     | P  |     |    |    |   |   |     |    |     | <a href="#">Section 54.607</a> |
| Dwelling, Accessory Unit                                                          | P   | P   | P   |     | P  | P   |    |    |   |   |     |    |     | <a href="#">Section 54.611</a> |
| Dwelling, Intentional Community                                                   | S   | S   | P   |     | S  | S   |    |    |   |   |     |    |     | <a href="#">Section 54.613</a> |
| Dwelling, Live/Work                                                               |     |     |     |     | P  | P   |    |    |   |   |     |    |     | <a href="#">Section 54.614</a> |
| Dwelling, Multiple-Family, 5+ dwelling units                                      |     |     | P   |     | P  | P   |    |    |   |   |     |    |     | <a href="#">Section 54.615</a> |
| Dwelling, Single-Family Attached                                                  |     |     | P   |     | P  | S   |    |    |   |   |     |    |     |                                |
| Dwelling, Single-Family Detached                                                  | P   | P   | P   |     | P  | S   |    |    |   |   |     |    |     | <a href="#">Section 54.616</a> |
| Dwelling, Two-Family (Duplex)                                                     | P   | P   | P   |     | P  | P   |    |    |   |   |     |    |     | <a href="#">Section 54.612</a> |
| 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   |    |    |   |   |     |    |     | <a href="#">Section 54.621</a> |
| Home Office                                                                       | P   | P   | P   |     | P  | P   |    |    |   |   |     |    |     | <a href="#">Section 54.622</a> |
| Mobile Home Park                                                                  |     |     |     | P   |    |     |    |    |   |   |     |    |     | <a href="#">Section 54.631</a> |
| Nursing Home, Convalescent Home, Extended Care Facility, Assisted Living Facility |     |     | S   |     | S  | S   |    |    |   |   |     |    |     | <a href="#">Section 54.633</a> |
| Residential Limited Animal Keeping                                                | P   | P   |     |     |    |     |    |    |   |   |     |    |     | <a href="#">Section 54.642</a> |
| <b>Lodging Uses</b>                                                               |     |     |     |     |    |     |    |    |   |   |     |    |     |                                |
| Bed and Breakfast                                                                 |     |     | S   |     | S  | S   |    |    |   |   |     |    |     | <a href="#">Section 54.603</a> |

|                                     |   |   |   |  |   |   |  |  |  |  |  |  |  |  |  |                                |
|-------------------------------------|---|---|---|--|---|---|--|--|--|--|--|--|--|--|--|--------------------------------|
| Bed and Breakfast Inn               |   |   |   |  | S | S |  |  |  |  |  |  |  |  |  | <a href="#">Section 54.604</a> |
| Domestic Violence Abuse Shelter     |   |   | S |  | S | S |  |  |  |  |  |  |  |  |  | <a href="#">Section 54.609</a> |
| Fraternity or Sorority House        |   |   | S |  | S | S |  |  |  |  |  |  |  |  |  |                                |
| Halfway House                       |   |   | S |  | S |   |  |  |  |  |  |  |  |  |  | <a href="#">Section 54.619</a> |
| Homeless Shelter                    |   |   |   |  | S | S |  |  |  |  |  |  |  |  |  | <a href="#">Section 54.623</a> |
| Homestays and Vacation Home Rentals | P | P | P |  | P | P |  |  |  |  |  |  |  |  |  | <a href="#">Section 54.624</a> |
| Hospital Hospitality House          |   | S |   |  | S | S |  |  |  |  |  |  |  |  |  | <a href="#">Section 54.626</a> |

**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  |    |   |   |     |    |     | <a href="#">Section 54.643</a> |
| Hotel or Motel                                                                                                           |     |     |     |     | S  | S   | P  | P  |   |   |     |    |     |                                |
| Rooming House                                                                                                            |     |     | S   |     | S  | S   | S  |    |   |   |     |    |     | <a href="#">Section 54.643</a> |
| Supportive Housing Facility, Transitional and/or Permanent                                                               | S   | S   | P   |     | S  | S   |    |    |   |   |     |    |     | <a href="#">Section 54.652</a> |
| <b>Medical Uses</b>                                                                                                      |     |     |     |     |    |     |    |    |   |   |     |    |     |                                |
| Emergency Services                                                                                                       |     |     |     |     | P  | P   | P  | P  |   |   |     |    |     |                                |
| Health Services                                                                                                          |     |     |     |     | P  | P   | P  | P  |   |   |     |    |     |                                |
| Hospice                                                                                                                  |     |     |     |     | P  | P   | P  | P  |   |   |     |    |     |                                |
| Hospital                                                                                                                 |     |     | S   |     | S  | S   | S  | S  |   |   |     |    |     | <a href="#">Section 54.625</a> |
| Medical Hospital Related Accessory Uses                                                                                  |     |     |     |     | P  | P   | P  | P  |   |   |     |    |     | <a href="#">Section 54.634</a> |
| Medical Hospital Related Office or Uses                                                                                  |     |     |     |     | P  | P   | P  | P  |   |   |     |    |     |                                |
| Office, Medical                                                                                                          |     |     |     |     | P  | P   | P  | P  |   |   | P   |    |     | <a href="#">Section 54.634</a> |
| Veterinary Clinic (Domestic Animals Only)                                                                                |     |     |     |     | P  | P   | P  | P  |   |   | P   |    |     |                                |
| <b>Public and Quasi-Public Uses</b>                                                                                      |     |     |     |     |    |     |    |    |   |   |     |    |     |                                |
| Cemetery                                                                                                                 | S   | S   | S   |     |    |     |    |    | P | P |     |    |     | <a href="#">Section 54.605</a> |
| Public or Governmental Building                                                                                          | S   | S   | S   |     | P  | P   | P  | P  | P | P | P   | P  | P   |                                |
| Recreational Use, Land Intensive                                                                                         |     |     |     |     |    |     |    |    |   |   |     | S  | S   | <a href="#">Section 54.640</a> |
| Recreational Use, Public                                                                                                 | S   | S   | S   |     | S  | S   | S  | S  | P | P |     | P  | P   |                                |
| Religious Institution                                                                                                    | S   | S   | S   |     | P  | S   | P  | P  |   |   | P   |    |     | <a href="#">Section 54.641</a> |
| School, Primary or Secondary                                                                                             | S   | S   | S   |     | S  | S   |    |    | P | P |     |    |     | <a href="#">Section 54.644</a> |
| School, University                                                                                                       |     | S   | S   |     | S  | S   |    |    | P | P |     |    |     | <a href="#">Section 54.606</a> |
| <b>Commercial and Retail Uses</b>                                                                                        |     |     |     |     |    |     |    |    |   |   |     |    |     |                                |
| Adult Entertainment Uses                                                                                                 |     |     |     |     |    |     |    |    |   |   | S   |    |     | <a href="#">Section 54.601</a> |
| Bar                                                                                                                      |     |     |     |     | S  | P   | P  | P  |   |   |     |    |     |                                |
| Child Care Center or Day Care Center                                                                                     | P   | P   |     |     | P  | P   | P  | P  |   |   |     |    |     | <a href="#">Section 54.608</a> |
| Drive-Through Uses                                                                                                       |     |     |     |     | P  | P   | P  | P  |   |   |     |    |     | <a href="#">Section 54.610</a> |
| Farmers' Markets                                                                                                         |     |     |     |     | P  | P   | P  | P  | P | P |     |    |     | <a href="#">Section 54.617</a> |
| 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   |    |     | <a href="#">Section 54.620</a> |
| Light Vehicle/Equipment Sales and Display                                                                                |     |     |     |     |    | P   | P  | P  |   |   |     |    |     | <a href="#">Section 54.628</a> |
| 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   | <a href="#">Section 54.630</a> |

|                                                                                                                              |   |   |   |   |   |   |   |   |   |   |   |   |   |                                           |
|------------------------------------------------------------------------------------------------------------------------------|---|---|---|---|---|---|---|---|---|---|---|---|---|-------------------------------------------|
| 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 | <a href="#">Section 54.630</a>            |
| 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 | <a href="#">Section 54.630</a>            |
| 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 | <a href="#">Section 54.630</a>            |
| Office, Professional                                                                                                         |   |   |   |   | P | P | P | P | P | P | P |   |   | <a href="#">Section 54.634</a>            |
| 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 |   | <a href="#">Section 54.635 (C) or (D)</a> |
| Outdoor Entertainment and Community Events (Temporary Use)                                                                   | P | P | P | P | P | P | P | P | P | P | P | P | P | <a href="#">Section 54.635 (B)</a>        |
| Outdoor Alcoholic Beverage Service                                                                                           |   |   |   |   | S | P | P | P |   |   |   | S |   | <a href="#">Section 54.636</a>            |
| Outdoor Food & Non-Alcoholic Beverage Service                                                                                |   |   |   |   | P | P | P | P |   |   |   | P |   | <a href="#">Section 54.637</a>            |
| 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  |     | <a href="#">Section 54.636</a> |
| Restaurant with Outdoor Food & Non-Alcoholic Beverage Service |     |     |     |     | P  | P   | P  | P  |   |   |     | P  |     | <a href="#">Section 54.637</a> |
| 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  |   |   |     |    |     | <a href="#">Section 54.638</a> |
| Service Establishment                                         |     |     |     |     | P  | P   | P  | P  |   |   | P   |    |     |                                |
| Shooting Range, Indoor                                        |     |     |     |     |    |     | P  | P  |   |   | P   |    |     | <a href="#">Section 54.645</a> |
| Storage, Open/Outdoor                                         |     |     |     |     |    |     | P  | P  | P | P | P   | P  | P   | <a href="#">Section 54.650</a> |
| Vehicle Repair and Service                                    |     |     |     |     | S  | S   | P  | P  |   |   | P   |    |     | <a href="#">Section 54.627</a> |
| <b>Industrial Uses</b>                                        |     |     |     |     |    |     |    |    |   |   |     |    |     |                                |
| Major Repair and Maintenance Operations                       |     |     |     |     |    |     |    |    | P | P | S   |    | P   | <a href="#">Section 54.627</a> |
| Manufacturing, Heavy                                          |     |     |     |     |    |     |    |    |   |   | S   |    | P   | <a href="#">Section 54.627</a> |
| Manufacturing, Light– Low Impact                              |     |     |     |     | P  | P   | P  | P  | P | P | P   |    | P   | <a href="#">Section 54.627</a> |
| Manufacturing, Light – Medium Impact                          |     |     |     |     | S  | S   | S  | S  | P | S | P   |    | P   | <a href="#">Section 54.627</a> |
| Natural Resource Extraction and Processing Operations         |     |     |     |     |    |     |    |    |   |   | S   | S  | P   | <a href="#">Section 54.632</a> |
| Port Facilities and Docks                                     |     |     |     |     |    |     |    |    | S | S |     | S  | S   | <a href="#">Section 54.639</a> |
| Railroad Facilities                                           |     |     |     |     |    |     |    |    |   |   | P   |    |     |                                |
| Storage, Bulk                                                 |     |     |     |     |    |     |    | S  | P | P | P   | S  | P   | <a href="#">Section 54.648</a> |
| Storage, Indoor                                               |     |     |     |     |    |     | S  | P  |   |   | P   |    |     | <a href="#">Section 54.649</a> |
| Storage, Indoor- Accessory Use                                |     |     |     |     |    |     | S  | P  |   |   | P   |    |     | <a href="#">Section 54.649</a> |

| Storage, Facility, Self                                                                                     |     |     |     |     |    |     | S  | P  |   |   | P   |    |     | <a href="#">Section 54.651</a> |
|-------------------------------------------------------------------------------------------------------------|-----|-----|-----|-----|----|-----|----|----|---|---|-----|----|-----|--------------------------------|
| Storage Facility, Self-Accessory Use                                                                        |     |     |     |     |    |     | S  | P  |   |   | P   |    |     | <a href="#">Section 54.651</a> |
| 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   |    |     |                                |
| <b>Other Uses</b>                                                                                           |     |     |     |     |    |     |    |    |   |   |     |    |     |                                |
| Accessory Building or Structure                                                                             | P   | P   | P   |     | P  | P   | P  | P  | P | P | P   | P  | P   | <a href="#">Section 54.705</a> |
| Accessory Use, Non-Single Family Residential Lots                                                           | 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   | <a href="#">Section 54.618</a> |
| Marihuana Designated Consumption Establishment                                                              |     |     |     |     |    | S   | S  |    |   |   |     |    |     | <a href="#">Section 54.629</a> |
| Marihuana Educational Research                                                                              |     |     |     |     |    | S   | S  | S  |   | S | S   |    |     | <a href="#">Section 54.629</a> |
| Marihuana Grower – Class A                                                                                  |     |     |     |     |    | S   | S  | S  |   |   | S   |    |     | <a href="#">Section 54.629</a> |
| Marihuana Grower – Class B                                                                                  |     |     |     |     |    |     | S  | S  |   |   | S   |    |     | <a href="#">Section 54.629</a> |
| Marihuana Grower – Class C                                                                                  |     |     |     |     |    |     | S  | S  |   |   | S   |    |     | <a href="#">Section 54.629</a> |
| <b>Key: P=Permitted S=Special Land Use [blank]=Use Not Permitted</b>                                        |     |     |     |     |    |     |    |    |   |   |     |    |     |                                |
| Land Use                                                                                                    | LDR | MDR | MFR | MHP | MU | CBD | GC | RC | M | C | I-M | CR | BLP | Use Standards                  |
| Marihuana Grower - Excess                                                                                   |     |     |     |     |    |     | S  | S  |   |   | S   |    |     | <a href="#">Section 54.629</a> |
| Marihuana Microbusiness- Class A and Light Manufacturing                                                    |     |     |     |     |    | S   | S  | S  |   |   | S   |    |     | <a href="#">Section 54.629</a> |
| Marihuana Microbusiness- Heavy Manufacturing                                                                |     |     |     |     |    |     |    |    |   |   | S   |    |     | <a href="#">Section 54.629</a> |
| Marihuana Processor- Light Manufacturing                                                                    |     |     |     |     |    | S   | S  | S  |   |   | S   |    |     | <a href="#">Section 54.629</a> |
| Marihuana Processor – Heavy Manufacturing                                                                   |     |     |     |     |    |     |    |    |   |   | S   |    |     | <a href="#">Section 54.629</a> |
| Marihuana Retailer                                                                                          |     |     |     |     |    | S   | S  | S  |   |   | S   |    |     | <a href="#">Section 54.629</a> |
| Marihuana Safety Compliance Facilities                                                                      |     |     |     |     | S  | S   | S  | S  |   |   | S   |    |     | <a href="#">Section 54.629</a> |
| Marihuana Secure Transporters                                                                               |     |     |     |     |    |     | S  | S  |   |   | S   |    |     | <a href="#">Section 54.629</a> |
| Small Wind Energy Systems, Roof-Mounted                                                                     | P   | P   | P   | P   | P  | P   | P  | P  | P | P | P   | P  | P   | <a href="#">Section 54.647</a> |
| Small Wind Energy Systems, Tower-Mounted                                                                    |     |     |     |     |    |     | S  | S  | S | S | S   | S  | S   | <a href="#">Section 54.647</a> |
| Solar Energy Systems <20kw – Accessory Use                                                                  | P   | P   | P   | P   | P  | P   | P  | P  | P | P | P   | P  | P   | <a href="#">Section 54.646</a> |
| Solar Energy Systems ≥20kw to 2 MW – Accessory Use                                                          | S   | S   | S   | S   | S  | S   | S  | S  | P | P | P   | S  | P   | <a href="#">Section 54.646</a> |
| Solar Energy Systems ≥20kw to 2 MW – Principal Use (Non-residential)                                        |     |     |     |     | S  | S   | S  | P  | P | P | P   | S  | P   | <a href="#">Section 54.646</a> |
| 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   | <a href="#">Section 54.653</a> |
| Marquette Downtown Waterfront District Form-Based Code (see <a href="#">Section 54.321</a> )                |     |     |     |     |    |     |    |    |   |   |     |    |     |                                |
| Third Street Corridor Form-Based Code (see <a href="#">Section 54.322</a> )                                 |     |     |     |     |    |     |    |    |   |   |     |    |     |                                |

## Section 54.311 M-U, Mixed-Use District

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

|                                                                                                                                    |  |
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| <ul style="list-style-type: none"> <li>Wholesale Trade Establishment</li> <li>Veterinary Clinic (Domestic Animals Only)</li> </ul> |  |
| Where there is a discrepancy between <a href="#">Section 54.306</a> and this table, <a href="#">Section 54.306</a> shall prevail.  |  |

## Section 54.312 CBD, Central Business District

| (B) Permitted Principal Uses                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | (C) Special Land Uses                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
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| <ul style="list-style-type: none"> <li>Accessory Building or Structure</li> <li>Accessory Use, Non-Single Family Residential Lots</li> <li>Adult Foster Care, Family Home</li> <li>Bar</li> <li>Child or Day Care, Family Home</li> <li>Child Care Center or Day Care Center</li> <li>Drive-Through Uses</li> <li>Dwelling, Live/Work</li> <li>Dwelling, Accessory Unit</li> <li>Dwelling, Multiple Family 5+ dwelling units</li> <li>Dwelling, Quadplex</li> <li>Dwelling, Two-Family (Duplex)</li> <li>Dwelling, Triplex</li> <li>Emergency Services</li> <li>Farmers' Markets</li> <li>Food Production, Minor</li> <li>Foster Family Home</li> <li>Health Services</li> <li>Home Occupation</li> <li>Home Office</li> <li>Homestays and Vacation Home</li> <li>Hospice</li> <li>Indoor Recreation</li> <li>Light Vehicle/Equipment Sales and Display</li> <li>Manufacturing, Light- Low Impact</li> <li>Medical Hospital Related Accessory Uses</li> <li>Medical Hospital Related Office or Uses</li> <li><u>Mobile Food Vending (MFVU) on Private Property – Accessory Use (day use only; no overnight parking) and 120 days or less</u></li> <li><u>Mobile Food Vending (MFVU) on Private Property – Accessory Use (overnight or long-term temporary use) and 120 days or less</u></li> <li>Office, Medical</li> <li>Office, Professional</li> <li>Outdoor Alcoholic Food and Beverage Service</li> <li>Outdoor Entertainment and Community Events (Principal, Temporary, or Accessory Use)</li> <li>Outdoor Food and Non-Alcoholic Beverage Service</li> <li>Outdoor Recreation</li> <li>Public or Governmental Building</li> </ul> | <ul style="list-style-type: none"> <li>Accessory Use, Single-Family Residential Lots</li> <li>Bed and Breakfast</li> <li>Bed and Breakfast Inn</li> <li>Domestic Violence Abuse Shelter</li> <li>Dwelling, Intentional Community</li> <li>Dwelling, Single-Family Attached</li> <li>Dwelling, Single-Family Detached</li> <li>Foster Family Group Home</li> <li>Fraternity or Sorority House</li> <li>Fuel Dispensing Uses, including Service Stations</li> <li>Homeless Shelter</li> <li>Hospital</li> <li>Hospital Hospitality House</li> <li>Hostel</li> <li>Hotel or Motel</li> <li>Manufacturing, Light – Medium Impact</li> <li>Marihuana Designated Consumption Establishment</li> <li>Marihuana Educational Research</li> <li>Marihuana Grower – Class A</li> <li>Marihuana Microbusiness – Light Manufacturing</li> <li>Marihuana Processor – Light Manufacturing</li> <li>Marihuana Retailer</li> <li>Marihuana Safety Compliance Facility</li> <li><u>Mobile Food Vending (MFVU) on Private Property – Accessory Use (day use only; no overnight parking) and more than 120 days</u></li> <li><u>Mobile Food Vending (MFVU) on Private Property – Accessory Use (overnight or long-term temporary use) and more than 120 days</u></li> <li>Nursing Home, Convalescent Home, Extended Care Facility, Assisted Living Facility</li> <li>Off-street Parking Lot</li> <li>Recreational Use, Public</li> <li>Religious Institution</li> <li>Rooming House</li> <li>School, Primary or Secondary</li> <li>School, University</li> <li>Solar Energy Systems, ≥20kw to 2 MW - Accessory Use</li> <li>Solar Energy Systems, ≥20kw to 2 MW - Principal Use (Non-residential)</li> <li>Supportive Housing Facility, Transitional and/or</li> </ul> |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                       |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>• Restaurant, Indoor Service</li> <li>• Retail Business, Indoor</li> <li>• Restaurant with Outdoor Food &amp; Non-Alcoholic Beverage Service</li> <li>• Restaurant with Outdoor Alcoholic Beverage Service</li> <li>• Retail Sales and Service Areas, Outdoor Temporary</li> <li>• Service Establishment</li> <li>• Small Wind Energy Systems, Roof-Mounted</li> <li>• Solar Energy Systems, &lt;20kw- Accessory Use</li> <li>• Wholesale Trade Establishment</li> <li>• Veterinary Clinic (Domestic Animals Only)</li> </ul> | <ul style="list-style-type: none"> <li>• Permanent</li> <li>• Vehicle Repair and Service</li> <li>• Wireless Telecommunications Facilities</li> </ul> |
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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

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| <ul style="list-style-type: none"> <li>• Accessory Building or Structure</li> <li>• Accessory Use, Non-Single Family Residential Lots</li> <li>• Bar</li> <li>• Child Care Center or Day Care Center</li> <li>• Drive-Through Uses</li> <li>• Emergency Services</li> <li>• Farmers' Markets</li> <li>• Food Production, Minor</li> <li>• Fuel Dispensing Uses, including Service Stations</li> <li>• Health Services</li> <li>• Heavy Vehicle/Equipment Sales, Rental, and Display</li> <li>• Hospice</li> <li>• Hotel or Motel</li> <li>• Indoor Recreation</li> <li>• Light Vehicle/Equipment Sales and Display</li> <li>• Manufacturing, Light – Low Impact</li> <li>• Medical Hospital Related Accessory Uses</li> <li>• Medical Hospital Related Office or Uses</li> <li>• <u>Mobile Food Vending (MFVU) on Private Property – Accessory Use (day use only; no overnight parking) and 120 days or less</u></li> <li>• <u>Mobile Food Vending (MFVU) on Private Property – Accessory Use (overnight or long-term temporary use) and 120 days or less</u></li> <li>• Office, Medical</li> <li>• Office, Professional</li> <li>• Outdoor Alcoholic Beverage Service</li> <li>• Outdoor Entertainment and Community Events (Temporary Use)</li> <li>• Outdoor Food and Non-Alcoholic Beverage Service</li> <li>• Outdoor Recreation</li> </ul> | <ul style="list-style-type: none"> <li>• Hospital</li> <li>• Hostel</li> <li>• Manufacturing, Light– Medium Impact</li> <li>• Marihuana Designated Consumption Establishment</li> <li>• Marihuana Educational Research</li> <li>• Marihuana Grower – Class A</li> <li>• Marihuana Grower – Class B</li> <li>• Marihuana Grower – Class C</li> <li>• Marihuana Grower – Excess</li> <li>• Marihuana Microbusiness Class A and Light Manufacturing</li> <li>• Marihuana Processor – Light Manufacturing</li> <li>• Marihuana Retailer</li> <li>• Marihuana Safety Compliance Facility</li> <li>• Marihuana Secure Transporters</li> <li>• <u>Mobile Food Vending (MFVU) on Private Property – Accessory Use (day use only; no overnight parking) and more than 120 days</u></li> <li>• <u>Mobile Food Vending (MFVU) on Private Property – Accessory Use (overnight or long-term temporary use) and more than 120 days</u></li> <li>• Off-street Parking Lot</li> <li>• Outdoor Entertainment and Community Events (Principal &amp; Accessory Use)</li> <li>• Pet Boarding Facility</li> <li>• Recreational Use, Public</li> <li>• Retail Business, Outdoor Permanent</li> <li>• Rooming House</li> <li>• Small Wind Energy Systems, Tower-Mounted</li> <li>• Solar Energy Systems, ≥20kw to 2 MW - Accessory Use</li> <li>• Solar Energy Systems, ≥20kw to 2 MW - Principal Use (Non-residential)</li> </ul> |
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| <ul style="list-style-type: none"> <li>• Public or Governmental Building</li> <li>• Religious Institution</li> <li>• Restaurant, Indoor Service</li> <li>• Restaurant with Outdoor Food &amp; Non-Alcoholic Beverage Service</li> <li>• Restaurant with Outdoor Alcoholic Beverage Service</li> <li>• Retail Business, Indoor</li> <li>• Retail Sales and Service Areas, Outdoor Temporary</li> <li>• Service Establishment</li> <li>• Shooting Range, Indoor</li> <li>• Small Wind Energy Systems, Roof-Mounted</li> <li>• Solar Energy Systems, &lt;20kw- Accessory Use</li> <li>• Storage, Open/Outdoor</li> <li>• Vehicle Repair and Service</li> <li>• Veterinary Clinic (Domestic Animals Only)</li> <li>• Wholesale Trade Establishment</li> </ul> | <ul style="list-style-type: none"> <li>• Storage Facility, Self</li> <li>• Storage Facility, Self- Accessory Use</li> <li>• Storage, Indoor</li> <li>• Storage, Indoor – Accessory Use</li> <li>• Warehousing</li> <li>• Wireless Telecommunications Facilities</li> </ul> |
| Where there is a discrepancy between <a href="#">Section 54.306</a> and this table, <a href="#">Section 54.306</a> shall prevail.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                            |

## Section 54.314 RC, Regional Commercial District

| (B) Permitted Principal Uses                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | (C) Special Land Uses                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
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| <ul style="list-style-type: none"> <li>• Accessory Building or Structure</li> <li>• Accessory Use, Non-Single Family Residential Lots</li> <li>• Bar</li> <li>• Child Care Center or Day Care Center</li> <li>• Drive-Through Uses</li> <li>• Emergency Services</li> <li>• Farmers' Markets</li> <li>• Food Production, Minor</li> <li>• Fuel Dispensing Uses, including Service Stations</li> <li>• Health Services</li> <li>• Heavy Vehicle/Equipment Sales, Rental, and Display</li> <li>• Hospice</li> <li>• Hotel or Motel</li> <li>• Indoor Recreation</li> <li>• Light Vehicle/Equipment Sales and Display</li> <li>• Manufacturing, Light – Low Impact</li> <li>• Medical Hospital Related Accessory Uses</li> <li>• Medical Hospital Related Office or Uses</li> <li>• <u>Mobile Food Vending (MFVU) on Private Property – Accessory Use (day use only; no overnight parking) and 120 days or less</u></li> <li>• <u>Mobile Food Vending (MFVU) on Private Property – Accessory Use (overnight or long-term temporary use) and 120 days or less</u></li> <li>• Office, Medical</li> <li>• Office, Professional</li> <li>• Outdoor Alcoholic Beverage Service</li> <li>• Outdoor Entertainment and Community Events (Temporary Use)</li> </ul> | <ul style="list-style-type: none"> <li>• Hospital</li> <li>• Manufacturing, Light – Medium Impact</li> <li>• Marihuana Educational Research</li> <li>• Marihuana Grower – Class A</li> <li>• Marihuana Grower – Class B</li> <li>• Marihuana Grower – Class C</li> <li>• Marihuana Grower – Excess</li> <li>• Marihuana Microbusiness – Class A and Light Manufacturing</li> <li>• Marihuana Processor – Light Manufacturing</li> <li>• Marihuana Retailer</li> <li>• Marihuana Safety Compliance Facility</li> <li>• Marihuana Secure Transporters</li> <li>• <u>Mobile Food Vending (MFVU) on Private Property – Accessory Use (day use only; no overnight parking) and more than 120 days</u></li> <li>• <u>Mobile Food Vending (MFVU) on Private Property – Accessory Use (overnight or long-term temporary use) and more than 120 days</u></li> <li>• Off-street Parking Lot</li> <li>• Outdoor Entertainment and Community Events (Principal &amp; Accessory Use)</li> <li>• Pet Boarding Facility</li> <li>• Recreational Use, Public</li> <li>• Retail Business, Outdoor Permanent</li> <li>• Small Wind Energy Systems, Tower-Mounted</li> <li>• Solar Energy Systems, ≥20kw to 2 MW - Accessory Use</li> <li>• Storage, Bulk</li> </ul> |

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| <ul style="list-style-type: none"> <li>• Outdoor Food and Non-Alcoholic Beverage Service</li> <li>• Outdoor Recreation</li> <li>• Public or Governmental Building</li> <li>• Religious Institution</li> <li>• Restaurant, Indoor Service</li> <li>• Restaurant with Outdoor Food &amp; Non-Alcoholic Beverage Service</li> <li>• Restaurant with Outdoor Alcoholic Beverage Service</li> <li>• Retail Business, Indoor</li> <li>• Retail Sales and Service Areas, Outdoor Temporary</li> <li>• Service Establishment</li> <li>• Shooting Range, Indoor</li> <li>• Small Wind Energy Systems, Roof-Mounted</li> <li>• Solar Energy Systems, &lt;20kw- Accessory Use</li> <li>• Solar Energy Systems, ≥20kw to 2 MW - Principal Use (Non-residential)</li> <li>• Storage Facility, Self</li> <li>• Storage Facility, Self- Accessory Use</li> <li>• Storage Indoor</li> <li>• Storage Indoor – Accessory Use</li> <li>• Storage, Open/Outdoor</li> <li>• Vehicle Repair and Service</li> <li>• Veterinary Clinic (Domestic Animals Only)</li> <li>• Wholesale Trade Establishment</li> </ul> | <ul style="list-style-type: none"> <li>• Warehousing/Storage Facilities</li> <li>• Wholesaling Operations</li> <li>• Wireless Telecommunications Facilities</li> </ul> |
| Where there is a discrepancy between <a href="#">Section 54.306</a> and this table, <a href="#">Section 54.306</a> shall prevail.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                        |

## Section 54.315 M, Municipal District

| (B) Permitted Principal Uses                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | (C) Special Land Uses                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
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| <ul style="list-style-type: none"> <li>• Accessory Building or Structure</li> <li>• Accessory Use, Non-Single Family Residential Lots</li> <li>• Agriculture-Like Operation, including Forestry</li> <li>• Cemetery</li> <li>• Farmers' Markets</li> <li>• Food Production, Minor</li> <li>• Fuel Dispensing Uses, including Service Stations</li> <li>• Indoor Recreation</li> <li>• Major Repair and Maintenance Operations</li> <li>• Manufacturing, Light – Low Impact</li> <li>• Manufacturing, Light – Medium Impact</li> <li>• <u>Mobile Food Vending (MFVU) on Private Property – Accessory Use (day use only; no overnight parking) and 120 days or less</u></li> <li>• <u>Mobile Food Vending (MFVU) on Private Property – Accessory Use (overnight or long-term temporary use) and 120 days or less</u></li> <li>• Office, Professional</li> <li>• Outdoor Entertainment and Community Events (Principal, Temporary, or Accessory Use)</li> <li>• Outdoor Recreation</li> </ul> | <ul style="list-style-type: none"> <li>• <u>Mobile Food Vending (MFVU) on Private Property – Accessory Use (day use only; no overnight parking) and more than 120 days</u></li> <li>• <u>Mobile Food Vending (MFVU) on Private Property – Accessory Use (overnight or long-term temporary use) and more than 120 days</u></li> <li>• Off-street Parking Lot</li> <li>• Port Facilities and Docks</li> <li>• Recycling Collection and Transfer Stations</li> <li>• Small Wind Energy Systems, Tower-Mounted</li> <li>• Structures between the shoreline of Lake Superior and the pavement of the nearest public street or highway.</li> </ul> |

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| <ul style="list-style-type: none"> <li>• Public or Governmental Building</li> <li>• Recreational Use, Public</li> <li>• School, Primary or Secondary</li> <li>• School, University</li> <li>• Small Wind Energy Systems, Roof-Mounted</li> <li>• Solar Energy Systems, &lt;20kw- Accessory Use</li> <li>• Solar Energy Systems, ≥20kw to 2 MW - Accessory Use</li> <li>• Solar Energy Systems, ≥20kw to 2 MW - Principal Use (Non-residential)</li> <li>• Storage, Bulk</li> <li>• Storage, Open/Outdoor</li> <li>• Warehousing</li> <li>• Wireless Telecommunications Facilities</li> </ul> |  |
| Where there is a discrepancy between <a href="#">Section 54.306</a> and this table, <a href="#">Section 54.306</a> shall prevail.                                                                                                                                                                                                                                                                                                                                                                                                                                                            |  |

## Section 54.316 C, Civic District

| (B) Permitted Principal Uses                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | (C) Special Land Uses                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
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| <ul style="list-style-type: none"> <li>• Accessory Building or Structure</li> <li>• Accessory Use, Non-Single Family Residential Lots</li> <li>• Agriculture-Like Operation, including Forestry</li> <li>• Cemetery</li> <li>• Farmers' Markets</li> <li>• Food Production, Minor</li> <li>• Fuel Dispensing Uses, including Service Stations</li> <li>• Indoor Recreation</li> <li>• Major Repair and Maintenance Operations</li> <li>• Manufacturing, Light – Low Impact</li> <li>• <u>Mobile Food Vending (MFVU) on Private Property – Accessory Use (day use only; no overnight parking) and 120 days or less</u></li> <li>• <u>Mobile Food Vending (MFVU) on Private Property – Accessory Use (overnight or long-term temporary use) and 120 days or less</u></li> <li>• Office, Professional</li> <li>• Outdoor Entertainment and Community Events (Principal, Temporary, or Accessory Use)</li> <li>• Outdoor Recreation</li> <li>• Public or Governmental Building</li> <li>• Recreational Use, Public</li> <li>• School, Primary or Secondary</li> <li>• School, University</li> <li>• Small Wind Energy Systems, Roof-Mounted</li> <li>• Solar Energy Systems, &lt;20kw- Accessory Use</li> <li>• Solar Energy Systems, ≥20kw to 2 MW - Accessory Use</li> <li>• Solar Energy Systems, ≥20kw to 2 MW - Principal Use (Non-residential)</li> <li>• Storage, Bulk</li> </ul> | <ul style="list-style-type: none"> <li>• Manufacturing, Light – Medium Impact</li> <li>• Marihuana Educational Research</li> <li>• <u>Mobile Food Vending (MFVU) on Private Property – Accessory Use (day use only; no overnight parking) and more than 120 days</u></li> <li>• <u>Mobile Food Vending (MFVU) on Private Property – Accessory Use (overnight or long-term temporary use) and more than 120 days</u></li> <li>• Off-street Parking Lot</li> <li>• Port Facilities and Docks</li> <li>• Small Wind Energy Systems, Tower-Mounted</li> <li>• Structures between the shoreline of Lake Superior and the pavement of the nearest public street or highway.</li> <li>• Warehousing</li> </ul> |

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| <ul style="list-style-type: none"> <li>• Storage, Open/ Outdoor</li> <li>• Wireless Telecommunications Facilities</li> </ul>      |  |
| Where there is a discrepancy between <a href="#">Section 54.306</a> and this table, <a href="#">Section 54.306</a> shall prevail. |  |

## Section 54.317 IM, Industrial/Manufacturing District

| (B) Permitted Principal Uses                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | (C) Special Land Uses                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
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| <ul style="list-style-type: none"> <li>• Accessory Building or Structure</li> <li>• Accessory Use, Non-Single Family Residential Lots</li> <li>• Food Production, Minor</li> <li>• Fuel Dispensing Uses, including Service Stations</li> <li>• Heavy Vehicle/Equipment Sales, Rental, and Display</li> <li>• Indoor Recreation</li> <li>• Manufacturing, Light – Low Impact</li> <li>• Manufacturing, Light – Medium Impact</li> <li>• <b>Mobile Food Vending (MFVU) on Private Property – Accessory Use (day use only; no overnight parking) and 120 days or less</b></li> <li>• <b>Mobile Food Vending (MFVU) on Private Property – Accessory Use (overnight or long-term temporary use) and 120 days or less</b></li> <li>• Office, Medical</li> <li>• Office, Professional</li> <li>• Outdoor Entertainment and Community Events (Temporary)</li> <li>• Public or Governmental Building</li> <li>• Railroad Facilities</li> <li>• Religious Institution</li> <li>• Retail Business, Indoor</li> <li>• Service Establishment</li> <li>• Shooting Range, Indoor</li> <li>• Small Wind Energy Systems, Roof-Mounted</li> <li>• Solar Energy Systems, &lt;20kw- Accessory Use</li> <li>• Solar Energy Systems, ≥20kw to 2 MW - Accessory Use</li> <li>• Solar Energy Systems, ≥20kw to 2 MW - Principal Use (Non-residential)</li> <li>• Storage, Bulk</li> <li>• Storage Facility, Self</li> <li>• Storage Facility, Self – Accessory Use</li> <li>• Storage, Indoor</li> <li>• Storage, Indoor – Accessory Use</li> <li>• Storage, Open/Outdoor</li> <li>• Vehicle Repair and Service</li> <li>• Veterinary Clinic (Domestic Animals Only)</li> <li>• Warehousing/Storage Facilities</li> <li>• Wholesale Trade Establishment</li> <li>• Wholesaling Operations</li> <li>• Wireless Telecommunications Facilities</li> </ul> | <ul style="list-style-type: none"> <li>• Adult Entertainment Uses</li> <li>• Major Repair and Maintenance Operations</li> <li>• Marihuana Educational Research</li> <li>• Marihuana Grower – Class A</li> <li>• Marihuana Grower – Class B</li> <li>• Marihuana Grower – Class C</li> <li>• Marihuana Grower – Excess</li> <li>• Marihuana Microbusiness – Class A and Light Manufacturing</li> <li>• Marihuana Microbusiness – Heavy Manufacturing</li> <li>• Marihuana Processor – Light Manufacturing</li> <li>• Marihuana Processor – Heavy Manufacturing</li> <li>• Marihuana Retailer</li> <li>• Marihuana Safety Compliance Facility</li> <li>• Marihuana Secure Transporters</li> <li>• Manufacturing, Heavy</li> <li>• <b>Mobile Food Vending (MFVU) on Private Property – Accessory Use (day use only; no overnight parking) and more than 120 days</b></li> <li>• <b>Mobile Food Vending (MFVU) on Private Property – Accessory Use (overnight or long-term temporary use) and more than 120 days</b></li> <li>• Natural Resource Extraction and Processing Operations</li> <li>• Off-street Parking Lot</li> <li>• Pet Boarding Facility</li> <li>• Retail Business, Outdoor Permanent</li> <li>• Small Wind Energy Systems, Tower-Mounted</li> <li>• Utility Electrical Power Generation</li> </ul> |
| Where there is a discrepancy between <a href="#">Section 54.306</a> and this table, <a href="#">Section 54.306</a> shall prevail.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

## Section 54.318 CR, Conservation and Recreation District

| (B) Permitted Principal Uses                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | (C) Special Land Uses                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
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| <ul style="list-style-type: none"> <li>• Accessory Building or Structure</li> <li>• Accessory Use, Non-Single Family Residential Lots</li> <li>• Agriculture-Like Operation, including Forestry</li> <li>• Food Production, Minor</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <ul style="list-style-type: none"> <li>• <u>Mobile Food Vending (MFVU) on Private Property – Accessory Use (day use only; no overnight parking) and more than 120 days</u></li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <ul style="list-style-type: none"> <li>• <u>Mobile Food Vending (MFVU) on Private Property – Accessory Use (day use only; no overnight parking) and 120 days or less</u></li> <li>• <u>Mobile Food Vending (MFVU) on Private Property – Accessory Use (overnight or long-term temporary use) and 120 days or less</u></li> <li>• Outdoor Entertainment and Community Events (Accessory, Temporary, and Principal)</li> <li>• Outdoor Food and Non-Alcoholic Beverage Service</li> <li>• Outdoor Recreation</li> <li>• Public or Governmental Building</li> <li>• Recreational Use, Public</li> <li>• Restaurant with Outdoor Food &amp; Non-Alcoholic Beverage Service</li> <li>• Small Wind Energy Systems, Roof-Mounted</li> <li>• Solar Energy Systems, &lt;20kw- Accessory Use</li> <li>• Storage, Open/Outdoor</li> </ul> | <ul style="list-style-type: none"> <li>• <u>Mobile Food Vending (MFVU) on Private Property – Accessory Use (overnight or long-term temporary use) and more than 120 days</u></li> <li>• Natural Resource Extraction and Processing Operations</li> <li>• Outdoor Alcoholic Beverage Service</li> <li>• Port Facilities and Docks</li> <li>• Recreational Use, Land Intensive</li> <li>• Restaurant with Outdoor Alcoholic Beverage Service</li> <li>• Small Wind Energy Systems, Tower-Mounted</li> <li>• Solar Energy Systems, ≥20kw to 2 MW - Accessory Use</li> <li>• Solar Energy Systems, ≥20kw to 2 MW - Principal Use (Non-residential)</li> <li>• Storage, Bulk</li> <li>• Structures between the shoreline of Lake Superior and the pavement of the nearest public street or highway.</li> <li>• Wireless Telecommunications Facilities</li> </ul> |
| Where there is a discrepancy between <a href="#">Section 54.306</a> and this table, <a href="#">Section 54.306</a> shall prevail.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

## Section 54.319 BLP, Board of Light and Power District

| (B) Permitted Principal Uses                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | (C) Special Land Uses                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
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| <ul style="list-style-type: none"> <li>• Accessory Building or Structure</li> <li>• Accessory Use, Non-Single Family Residential Lots</li> <li>• Agriculture-Like Operation, including Forestry</li> <li>• Food Production, Minor</li> <li>• Fuel Dispensing Uses, including Service Stations</li> <li>• Major Repair and Maintenance Operations</li> <li>• Manufacturing, Light – Low Impact</li> <li>• Manufacturing, Light – Medium Impact</li> <li>• Manufacturing, Heavy</li> <li>• <u>Mobile Food Vending (MFVU) on Private Property – Accessory Use (day use only; no overnight parking) and 120 days or less</u></li> <li>• <u>Mobile Food Vending (MFVU) on Private Property – Accessory Use (overnight or long-term temporary use) and 120 days or less</u></li> <li>• Natural Resource Extraction and Processing Operations</li> <li>• Outdoor Entertainment and Community Events (Temporary)</li> <li>• Outdoor Recreation</li> <li>• Public or Governmental Building</li> <li>• Recreational Use, Public</li> <li>• Small Wind Energy Systems, Roof-Mounted</li> <li>• Solar Energy Systems, &lt;20kw- Accessory Use</li> <li>• Solar Energy Systems, ≥20kw to 2 MW - Accessory Use</li> <li>• Solar Energy Systems, ≥20kw to 2 MW - Principal Use (Non-residential)</li> <li>• Storage, Bulk</li> <li>• Storage, Open/Outdoor</li> <li>• Utility Electrical Power Generation</li> <li>• Warehousing</li> <li>• Wireless Telecommunications Facilities</li> </ul> | <ul style="list-style-type: none"> <li>• <u>Mobile Food Vending (MFVU) on Private Property – Accessory Use (day use only; no overnight parking) and more than 120 days</u></li> <li>• <u>Mobile Food Vending (MFVU) on Private Property – Accessory Use (overnight or long-term temporary use) and more than 120 days</u></li> <li>• Off-street Parking Lot</li> <li>• Port Facilities and Docks</li> <li>• Recreational Use, Land Intensive</li> <li>• Small Wind Energy Systems, Tower-Mounted</li> </ul> |
| Where there is a discrepancy between <a href="#">Section 54.306</a> and this table, <a href="#">Section 54.306</a> shall prevail.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

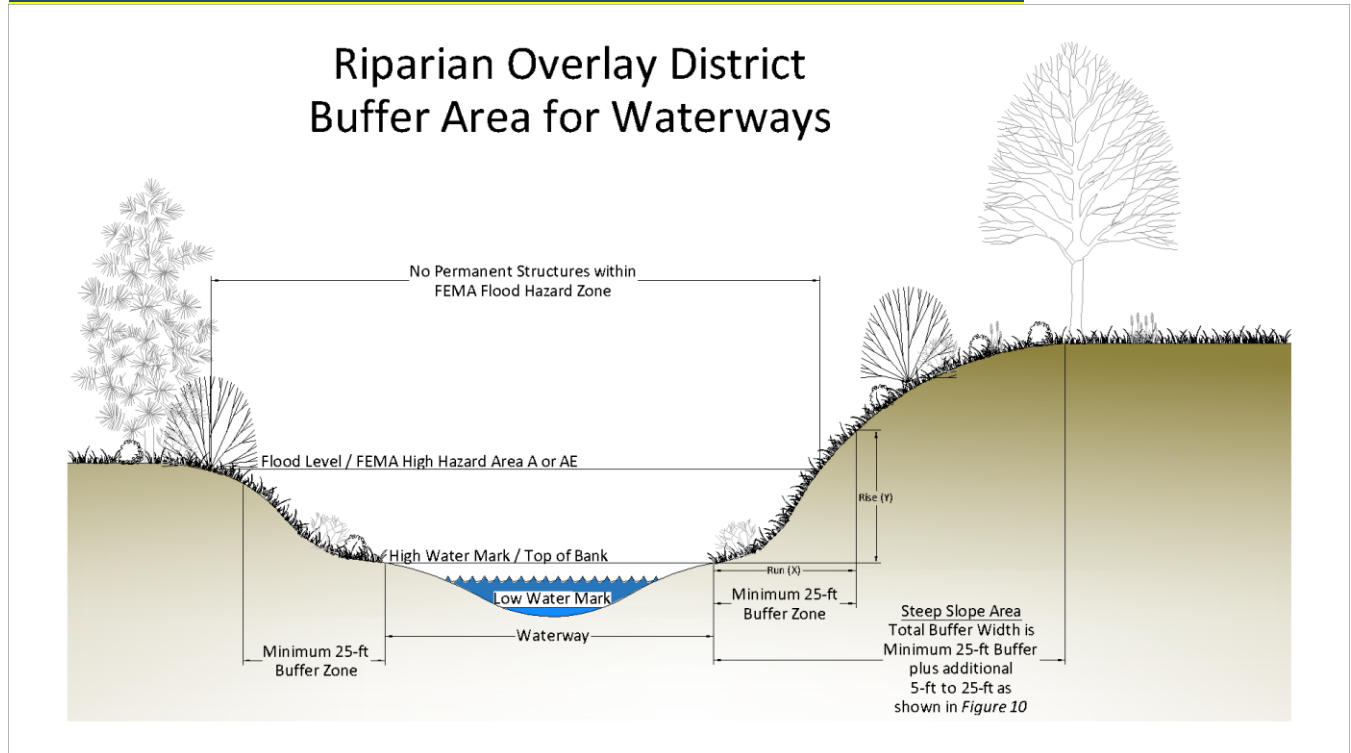
## Section 54.320 RO, Riparian Overlay District

**(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:

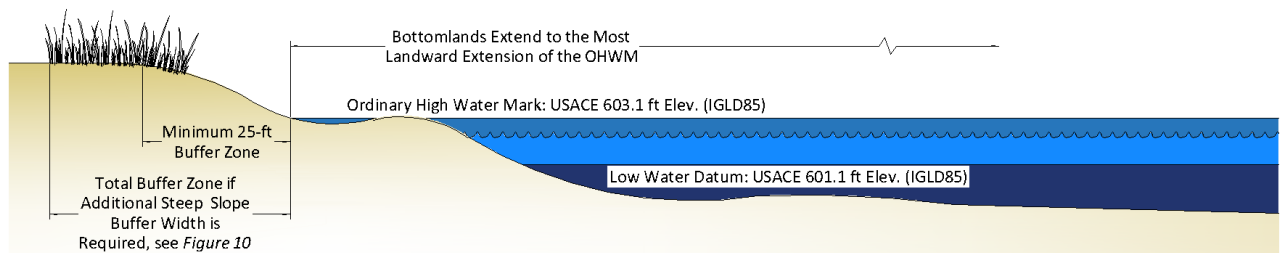
- (1) A waterway, including the top bank, and 25 feet perpendicularly away from the bank plus any additional buffer width as specified in this Section.

- (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

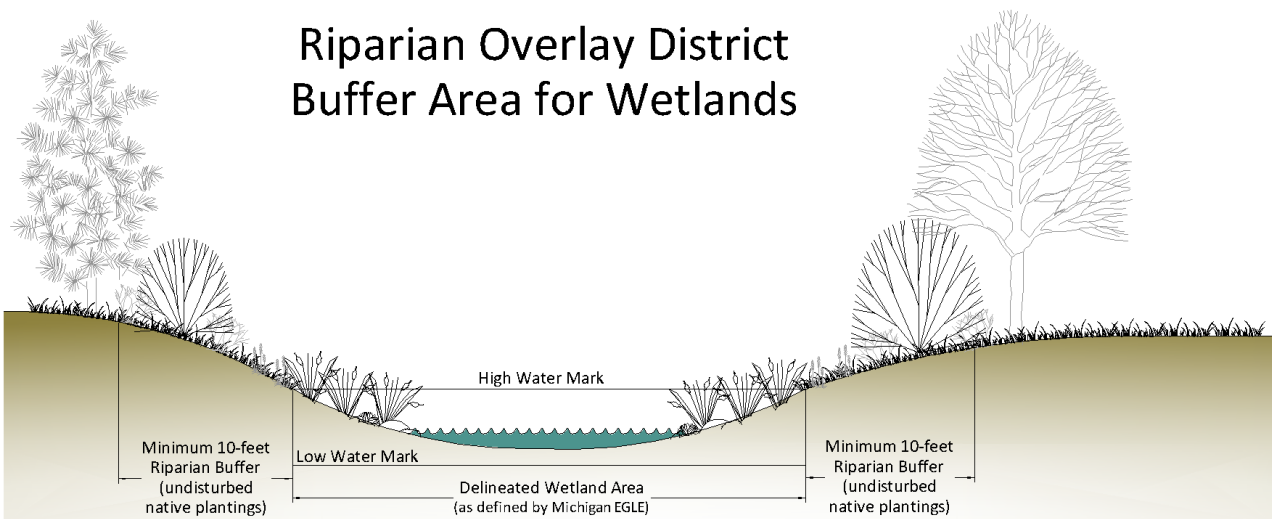


Figure 10 9. Slope and Riparian Buffer Width

| Steep Slopes<br>Percent Slope | Buffer<br>Extension | Total Width of<br>Riparian Buffer | Total Width of Buffer<br>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

|                                                                                                                                                                                |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>(D) Marquette Waterfront – General 3</b>                                                                                                                                    |
| <b>(12) Corner Lots (General 3)</b>                                                                                                                                            |
| 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. |
| <b>(E) Marquette Waterfront – General 5</b>                                                                                                                                    |
| <b>(6) Corner Lots (General 5)</b>                                                                                                                                             |
| 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. |
| <b>(F) Marquette Waterfront – North Lakeshore Frontages</b>                                                                                                                    |
| <b>(10) Corner Lots (North Lakeshore)</b>                                                                                                                                      |
| 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. |
| <b>(I) Marquette Waterfront - Founders 5</b>                                                                                                                                   |
| <b>(6) Corner Lots (Founders 5)</b>                                                                                                                                            |
| 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.

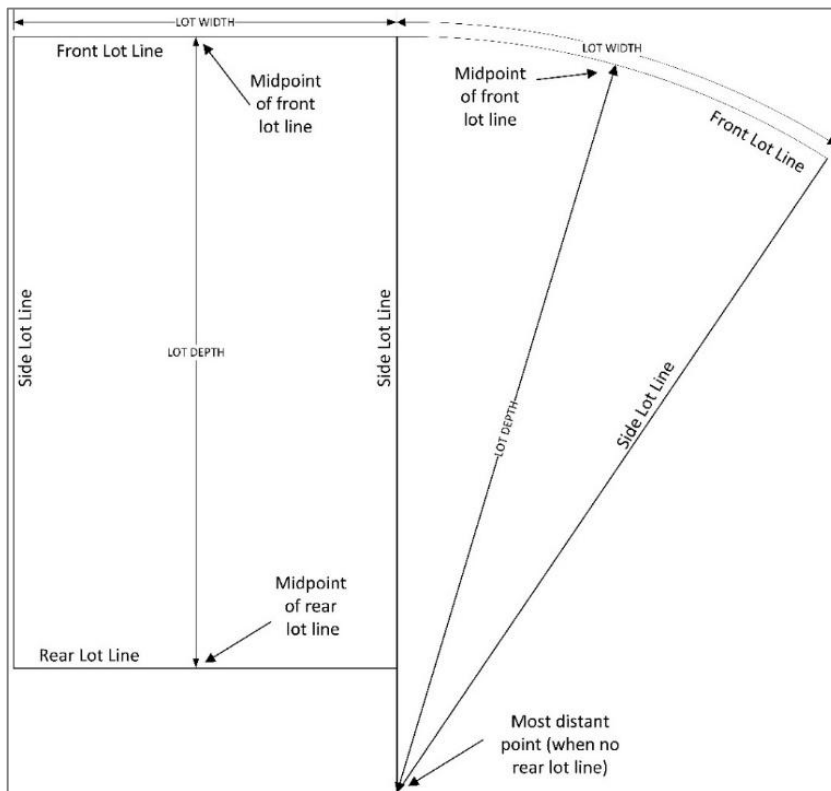
**(e)** A parcel of 40 acres or more created by the division of a parent parcel or parent tract shall not be counted toward the number of parcels permitted, and is not subject to Section 109 of the Land Division Act (MCL 560.109).

**(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 (2~~10~~) 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.

~~(C)~~ **(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

## **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 ~~6~~[3](#) (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<br>(standards show the parking minimums unless a maximum is stated)                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|--------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>(A) Residential and Lodging</b>                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>(1)</b> 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).<br>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.                                                                                                                                                                                                                                                                                         |
| <b>(1)</b> 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.                                                                                                                                                                           |
| <b>(2)</b> 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. |
| <b>(4)</b> 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. |
| <b>(5)</b> 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.                                                                                                                                                                                                                              |
| <b>(6)</b> 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.                                     |
| <b>(7)</b> Fraternities, Sororities, and Intentional Communities                                                                   | One (1) space for each capacity occupant                                                                                                                                                                                                                                                                 |
| <b>(8)</b> Rooming Houses and Hostels                                                                                              | Three (3) spaces.                                                                                                                                                                                                                                                                                        |
| <b>(9)</b> Nursing Home, Convalescent Homes, Extended Care Facility, Assisted Living Facility (congregate care facilities).        | One (1) space for each three (3) units or beds                                                                                                                                                                                                                                                           |
| <b>(10)</b> 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.                                                                                     |
| <b>(11)</b> Bed and Breakfast Homes, and Bed and Breakfast Inns                                                                    | Two (2) spaces, plus one (1) space per guest room.                                                                                                                                                                                                                                                       |
| <b>(12)</b> Short-Term Rentals (Homestays and Vacation Homes)                                                                      | One (1) space per dwelling unit.                                                                                                                                                                                                                                                                         |

| Land Use                                                                                                                                                                                                 | Minimum/Maximum Parking Requirement<br>(standards show the parking minimums unless a maximum is stated)                                                                                                                       |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>(A) Residential and Lodging Cont.</b>                                                                                                                                                                 |                                                                                                                                                                                                                               |
| (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>(B) Educational</b>                                                                                                                                                                                   |                                                                                                                                                                                                                               |
| (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                                                                                                                        |
| <b>(C) Religious, Cultural, and Recreational</b>                                                                                                                                                         |                                                                                                                                                                                                                               |
| (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                                                                                                                                                                          |
| <b>(D) Health Facilities</b>                                                                                                                                                                             |                                                                                                                                                                                                                               |
| (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.                                                                                                                                                                                                                   |
| <b>Land Use</b>                                                                                                                                                                                                  | <b>Minimum/Maximum Parking Requirement</b><br>(standards show the parking minimums unless a <b>maximum is</b> stated)                                                                                                                                                                                            |
| <b>(E) Transportation, Communication, and Utilities</b>                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                  |
| (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                                                                                                                                                                                                         |
| <b>(F) Industrial/Wholesaling/Warehousing</b>                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                  |
| (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                                                                                                                                                                               |
| <b>(G) Retail Trade</b>                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                  |
| (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 <b>minimum of</b> two (2) stacking spaces between the pick-up window and the order station, where space exists. <del>Any-</del> <del>other</del> Stacking spaces shall not conflict with access to required parking spaces or block <b>any</b> right-of-way. |
| (3) <b>Mobile Food Vending (MFVU) on Private Property – Accessory Use (overnight or long-term temporary use)</b>                                                                                                 | <b>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.</b>                                                                                                                                                |

|                                                                                                                               |                                                                                                                                                                                                                                                                                           |
|-------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <del>(4)</del> <b>(4)</b> 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                                                                                                                                 |
| <del>(3)</del> <b>(5)</b> 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                                                                                                                                                                                                         |
| <del>(4)</del> <b>(6)</b> 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. |
| <del>(5)</del> <b>(6)</b> All Other Retail                                                                                    | Maximum of one (1) space for every 300 square feet of floor area, minimum of two (2) spaces                                                                                                                                                                                               |
| <b>(H) Services</b>                                                                                                           |                                                                                                                                                                                                                                                                                           |
| <b>(1)</b> Offices, business and professional except as otherwise specified.                                                  | One (1) space for every 400 square feet of floor area                                                                                                                                                                                                                                     |
| <b>Land Use</b>                                                                                                               | <b>Minimum/Maximum Parking Requirement</b><br>(standards show the parking minimums unless a maximum is stated)                                                                                                                                                                            |
| <b>(H) Services Cont.</b>                                                                                                     |                                                                                                                                                                                                                                                                                           |
| <b>(2)</b> 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.                                                                                                                                                           |
| <b>(3)</b> Laundromats                                                                                                        | One (1) space for every 50 square feet of floor area.                                                                                                                                                                                                                                     |
| <b>(4)</b> Barber Shops, Beauty Shops, and Salons                                                                             | One (1) space per employee plus two (2) spaces per service chair.                                                                                                                                                                                                                         |
| <b>(5)</b> 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 <a href="#">Figure 55</a> .                       |
| <b>(6)</b> Pet Boarding Facilities                                                                                            | One (1) per employee in the largest working shift and one (1) per ten (10) animals cared for at capacity.                                                                                                                                                                                 |
| <b>(7)</b> Other Personal Service Establishments                                                                              | One (1) space for every 150 square feet of floor area, minimum of two spaces                                                                                                                                                                                                              |
| <b>(I) Other</b>                                                                                                              |                                                                                                                                                                                                                                                                                           |
| <b>(1)</b> Marihuana Designated Consumption Establishment                                                                     | 1 space for every two (2) capacity occupants                                                                                                                                                                                                                                              |
| <b>(2)</b> Marihuana Grower and Marihuana Microbusiness growing portion                                                       | Minimum of one (1) space per employee on maximum shift, maximum of two (2) spaces.                                                                                                                                                                                                        |

|                                                                                                                  |                                                                                                                                                     |
|------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>(3)</b> 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                                            |
| <b>(4)</b> 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                                                         |
| <b>(5)</b> 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                                            |
| <b>(6)</b> 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)    |

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- (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 (10 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<br>Required by P.C. | Minor/Admin<br>Site Plan | Exempt From<br>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 <b>total on one parcel</b> .                                                                                                                                                                                                                                                                          | •                                    |                          |                                 |
| Site Condominium development – New, amendment, or expansion                                                                                                                                                                                                                                                                                                                                                                 | •                                    |                          |                                 |
| Additions, alterations <b>(excluding any diminution of a building)</b> , 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 <b>or lodging rooms total on one parcel</b> , 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<br>Required by P.C. | Minor/Admin<br>Site Plan | Exempt From Site<br>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 <b>(excluding any diminution of a building)</b> , 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                                                                                                        |  | • |   |
| <del>New</del> Commercial and non-residential buildings less than 16,000 square feet, unless the activity requires <b>Planning Commission</b> 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.                                                                                                                                                                                    |  |   | • |
| <del>Single family dwellings and their accessory facilities on individual parcels</del>                                                                                                                                                                                                   |  |   | • |
| <del>Two family dwellings and their accessory facilities on individual parcels</del>                                                                                                                                                                                                      |  |   | • |
| <b>Total of four (4) or fewer dwelling units on one parcel and their accessory facilities</b>                                                                                                                                                                                             |  |   | • |
| 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                                                                                                                                               |  |   | • |
| <b>Demolition or diminution of a multi-family residential or non-residential building</b>                                                                                                                                                                                                 |  |   | • |

#### (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

**(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 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 its potential impacts upon the natural environment and help conserve natural resources 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~~ 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.

**SECTION 9.** That this ordinance shall take effect ten days after adoption but not before publication.

\_\_\_\_\_  
Paul Schloegel, Mayor

\_\_\_\_\_  
Kyle Whitney, City Clerk

Date Adopted: \_\_\_\_\_

Effective: \_\_\_\_\_

**OFFICIAL PROCEEDINGS**  
**MARQUETTE CITY PLANNING COMMISSION**  
**June 02, 2026**

A regular meeting of the Marquette City Planning Commission was duly called and held at 6:00p.m. on Tuesday, June 02, 2026, in the Commission Chambers at City Hall. A video recording of the meeting is available online at the [City of Marquette's YouTube channel](#).

**ROLL CALL**

Planning Commission (PC) members present (8): M. Rayner, N. Vermaat, J. Guter, J. Fitkin, D. Fetter, S. Lawry, Vice-Chair A. Wilkinson, Chair Kevin Clegg.

PC Members absent: None

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

**AGENDA**

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

**MINUTES**

The minutes of the 5/05/2026 meeting were approved by consent, as presented.

**CONFLICT OF INTEREST**

Nobody stated a conflict.

**PUBLIC HEARINGS**

**A. 01-SUP-06-26 424 N. Third St. and 143 W. Michigan St. – Blackrocks Brewery-Taphouse**

A. Landers said that City Staff has reviewed the Special Land Use permit 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. She scrolled through the agenda materials and named each item, beginning with the Staff Report/Analysis and including the application, the site plan, staff comments on the site plan set, the applicant's replies to staff comments, maps and photos of the site, and other attachments. She said that there was no correspondence submitted on the item.

K. Clegg asked the applicant to address the Commission.

Mr. Andy Langlois introduced himself and Dave Manson, as the applicants. Mr. Langlois stated:

This is something we were doing during the COVID period and it worked really well. Since 2021 or 2022, we're approved and licensed through the State to do just this. Until now, we thought, let's not. But it seems like, seeing how things have been ramping up this summer, it makes sense for us to do this for a couple different reasons. Currently on weekends, we will have three food trucks at the pub, and they take up space whether they're on the road or in our parking lot. We currently put two of the trucks in the parking lot right now, and one goes on the curb. That presents a few problems too, potentially, that haven't happened, but safety issues with standing out in the parking lot waiting for their pretzel and a car coming out leaving at night. By doing this, it's a safer option to say there's no parking back there, we're going to put people back there, and they can sit down and wait for their pretzel and not worry about a car coming by. I mentioned these trucks take up space. Right now, the Burger Bus takes up three spots, the Pretzel truck is going to take up two spots, another truck is going to take all of one, but it will probably encroach into two spots, so that's like seven spots. Right now, we don't have anything. So, what we're proposing is, there's ten spots in the back and we'd end up taking up those spots, leaving three spots that could have been used for parking.

**OFFICIAL PROCEEDINGS**  
**MARQUETTE CITY PLANNING COMMISSION**  
**June 02, 2026**

Unfortunately, we would lose three spots but in the big picture too, being on Third St. quite a few years back, I don't remember when, but it was designated that businesses aren't required any parking. That being said, we totally appreciate and value the parking we do have so we'll be able to maintain up in front seven spots there. That's the game plan right there. It's seasonal, it's hard to plow when you've got all that stuff in the way.

A. Landers clarified that certain business uses aren't required to have parking. She stated: Your retail isn't but your manufacturing is. That's why you have the parking calculations. You have to have the six required parking spaces, and you're showing eight temporary parking spaces per the site plan.

Mr. Langlois said that this is what we're looking to do, and I think it'll be a great option to kind of create a space for people to go eat and safely wait for their purchase, let that roll through Labor Day probably and then go back to plowing snow.

K. Clegg opened the public hearing and invited comments from those assembled.

Mr. Peter Dohrewend, of 131 W. Ohio St., stated:

I had come before when they were doing the upstairs deck portion on the new addition and we had some communication about just noise and issues like that. They listened to those comments and planned accordingly; the owners did. Then a couple of years ago there were some issues about noise and the bands and things like that. I went to them and said, "Hey, what agreements can we have about the bands playing at certain times?" We had agreements and Andy and Dave were really great about that and sort of working with us as neighbors. I'm just here to say they listen to their neighbors. They realize where they're located in terms of their business in a more residential area. So, I understand and am here to support that. I think they'll do what they say in terms of being easy to work with. If we have issues, they're more than accommodating.

Ms. Alissa Patton, of 118 W. Arch St., stated:

We kind of share the back of the lot there. I just feel like there's going to be a lot more people. There's going to be capacity for a lot more people now. So, I'm just wondering if there's going to be any soundproofing, like walls, that kind of thing. And then if it does get louder, what we can do about it? Just wondering if they're going to make any infrastructure, like barriers for sound. So, that's my question, I just want to make sure there's soundproofing, because I just like think there's going to be a couple hundred extra people maybe, and it just gets really loud. So that's my concern.

Mr. Todd King, proprietor of Downwind Sports at 514 N. Third St., stated:

I think it's a great idea. It's well thought out little plan. My only concern is removing any parking whatsoever is a big problem. So, we have tenants over on our side that overflow from the brewery over to our area, which is fine until the people that rent from us can't park. They come up and can't find a spot. So, I'm just thinking if removing any spots is a question now. So, still a concern.

K. Clegg asked if there were others that wished to comment, and seeing none, closed the public hearing. He asked if anyone wanted to motion to suspend the rules for discussion.

*It was moved by J. Guter, seconded by S. Lawry, and carried 8-0 to suspend the rules for discussion.*

S. Lawry said that he had a question for the owners. He said the Fire Department comments indicated a problem with the proposed location for the bicycle parking. Do you intend to leave the bicycle parking where it presently is then?

**OFFICIAL PROCEEDINGS**  
**MARQUETTE CITY PLANNING COMMISSION**  
**June 02, 2026**

Mr. Langlois said he thinks that's what they're going to do for now, and that he would like to talk to [Fire Marshal] Jeff Fossitt and just meet him out there and actually see if there was an issue and if he is looking to pull the [fire] truck right next to food trucks?

A. Landers indicated where the issue was for access.

Mr. Langlois said that they will likely put an opening there for egress so he can come in. He said if there's room on either side and he's cool with it, then they'll put some on the outside of that barricade as long as he has what he needs to keep it safe, but until that happens, they'll just keep it bike parking where it is, which is on that swale.

S. Lawry said that their comments indicate that they don't have a plan for what was marked as an Arts Sale area.

Mr. Langlois said he put it there because he thought it would be a fun thing, like on a Saturday, to have an art market. Andrea (Landers) mentioned that a permit or license needs to be acquired, and they will go through that process in order to do that.

S. Lawry said he was wondering if they were going to alternatively then use that space for extra tables as well.

Mr. Langlois said he wasn't planning on it. Tables are like \$200 bucks a pop right now.

S. Lawry said in reality, seating is probably being added for about 36 people at most.

Mr. Langlois confirmed that this is correct and added that this isn't a situation where, if you order food, you have to eat it out there. It's almost more of a waiting area with your beer, or for if you want to eat there. He said a lot of people would go back to join their group and watch music and eat where they normally eat. He added that it's just another option for people to get their food. He also said that, for extra people, you can only fit six at a table; there won't be much standing room. It'd be great to have hundreds of extra people come every day, but that's not going to happen. They are pretty much doing what they're doing right now but allowing people to hang out and do it safely, and to eat there if they want to.

S. Lawry asked if the food trucks would be staying overnight.

Mr. Langlois said he hoped they would. He said that is part of keeping it more efficient and a permanent structure. He said there are other cities that have food truck areas where they're there and maybe they rotate out every month or something, and there's some new one that comes in, but initially they're looking at three that have committed to being there and that's kind of our approach with that.

D. Fetter said that she had two questions. She asked her first question about parking and meeting the requirements. She said her concern is specifically that the handicap spot now appears to have a barrier across it and whether there will be designated handicap access.

Mr. Langlois pointed out on the plan where access would be created the opening for the egress.

D. Fetter said her other question was regarding soundproofing since there will be food trucks there, with generators?

Mr. Langlois said there will be no generators, only onsite electric.

D. Fetter asked if there had been any thoughts for sound reduction with the additional people that will be going to that area.

**OFFICIAL PROCEEDINGS**  
**MARQUETTE CITY PLANNING COMMISSION**  
**June 02, 2026**

Mr. Langlois said no, and added one whole side is surrounded by trees, and if we put out some seating, people will be lower, and there's a six-foot fence. So, in a sense, there's already soundproofing. He said it's like everything else over the last 15 years - figure it out as we go and make adjustments if they need to be made. He also pointed out that it's not going to be a freestanding mosh pit of people back there, and if once or twice a year it is, that would be great. He also said that in general, he's thinking it's going to be a group here and a group there sitting and getting their food, and nothing is being moved back there for entertainment.

J. Guter said he would like clarification on the barrier indicated by the applicant.

Mr. Langlois said that if you go to a festival, they have those galvanized, but they hope to get painted ones because they look sharper, eight-and-a-half-foot-long barriers that you see at running races, bike races, festivals, and they're easily rotated too. It's a semi-permanent structure, but really easy if the Fire Department doesn't have to get in there. It could be moved and easily accessible if they need a bigger space to get through.

N. Vermaat asked Mr. Langlois if he anticipates there being any issues with the flow of pedestrians to that narrow rear entrance, such as people trying to get by, potentially moving to that food truck area.

Mr. Langlois asked for clarification, if N. Vermaat means from the sidewalk or the business.

Mr. Vermaat said they have people coming into the business from there and also have more people potentially using that little path and then going over to the food area, and will extra signage will be added.

Mr. Langlois said it's something they did for Oktoberfest in the past and throughout COVID, and they didn't have any issues, even on Oktoberfest, one of the highest-traffic days. He said that a couple times a year it might get busy if they have some kind of event, but in general, it hasn't been a problem at all.

K. Clegg asked if tents will be installed over the picnic tables.

Mr. Langlois said maybe for once a year, for an event like Oktoberfest.

A. Landers said that she has a question about the divider, and asked for clarification about when the revision is submitted, will it show the parking space indicated with no divider?

Mr. Langlois said he was standing out there today trying to think of the best way to do this. He then pointed out to the Commission on the map what he thought was the best way while still keeping a parking space.

K. Clegg said that he had a question for staff, and asked if this gets approved, and if it's seasonally done, do they have to come before the Planning Commission in future years to do the same thing, especially in regard to the relevant LDC amendments that the City Commission will be considering for adoption?

D. Stensaas said the part about whether or not they'll have to come back again, and we haven't discussed this with the applicants, but in the LDC amendments there is a proposal that food trucks that are going to be on a site for what's deemed long term, to have to get a Special Land Use permit. He said that the DDA in part wanted that as a standard, and so we have to talk to our attorney about what vested rights this approval will confer.

J. Fitkin said just to clarify, you are expecting folks to just go into the outdoor area, go inside and get a beer and then be able to bring it back out and into the area to wait for their food.

Mr. Langlois said yes.

**OFFICIAL PROCEEDINGS**  
**MARQUETTE CITY PLANNING COMMISSION**  
**June 02, 2026**

J. Fitkin asked if they were concerned when folks are walking through that parking area with their beverage?

Mr. Langlois described on the plan what the route would be from inside to outside and vice versa. He said that people are walking around with cups in the Social District at this point, so he didn't see any danger.

S. Lawry said he had concerns about noise for the neighbors too, and the public record shows there's been quite a bit of concern about that in the past. He said he was there in the afternoon, and they didn't have a huge crowd by that time in the afternoon, but there was well over a dozen people in the back talking loudly and the food trucks were making a pretty effective sound screen to the east. If one of them is going to be parked at the far south end of the parking lot, it may be a fairly effective sound screen there.

D. Fetter said she has a question about leaving the property with beer. She's said that she's familiar with the signage about no alcohol beyond this area, but what are the plans for making sure that people are aware that alcohol cannot go into some areas of the parking lot?

Mr. Langlois said that situation could happen now and they're not seeing it often, and that his staff is constantly patrolling out there, and part of their job is to keep eyes on customers and what's going on, even to the point where staff is checking that someone isn't coming in with a Social District cup from somewhere else.

Mr. Manson said it was more of an egregious violation when they were on the street or even in the parking lot, because they don't even think about it; they're just having their beer. So, a lot of the times they'll go back in, put the beer down, then go.

Mr. Langlois said that's one of their hopes, like David said, that with the food trucks in the parking lot, customers will know that cups of alcohol are not allowed outside of the social district. He said they haven't had many issues with that and it's something we continue to keep an eye on.

D. Fetter said that with this addition, will the plan be to have some kind of direction or signage in this area?

Mr. Manson said they're silly with signs, but they realize only about 20% will read them.

K. Clegg said that if there are no more questions, the Planning Commission can review the Site Plan Review and Special Land Use standards.

The standards of sections 54.1402 (E) and 54.1403(C) were reviewed by the Planning Commission, and all were found to be met by the proposal. The review of these standards included the following discussion:

K. Clegg said, regarding section 54.1402(E.10), that noise will be partially mitigated by the existing fence and the placement of the food truck.

J. Guter said he thinks the noise will be reduced just by the fact that none of the trucks will require generators because that's a big noise maker.

K. Clegg stated that they will work to change this plan. They have demonstrated that they have done this in the past and submitted. We had some public testimony that they had done so and worked with the neighbors as well, so I'm feeling good on that.

D. Stensaas related to the Planning Commission that they are always entitled to have a hearing to review conditions after approval and change the conditions if necessary. He said it wasn't very long ago that the City had to do that with Superior Culture because of the noise issue, and that there were actually two following public hearings until the issue was satisfied to the satisfaction of all the neighbors.

**OFFICIAL PROCEEDINGS**  
**MARQUETTE CITY PLANNING COMMISSION**  
**June 02, 2026**

J. Fitkin said, regarding section 54.1403(C.8), that if they plan on keeping the parking spot to the south of the entrance to the bar, she could foresee that creating some issues with someone backing their car out into a person exiting that extra area. She said that could be an issue, but otherwise doesn't see any issues.

J. Guter said, regarding section 54.1403(C.14), that he thinks it meets the standard. He said the N. Third St. Corridor is designated in the Community Master Plan as a mixed-use district with more intense activities along the street, and thinks this goes right along with trying to meet that.

K. Clegg asked if anyone wanted to make a motion.

*It was moved by J. Guter, seconded by A. Wilkinson, and carried 8-0 that 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 that the request meets the intent and requirements of the Land Development Code Sections 54.1403, 54.1402, and 54.636, and hereby approves 01-SUP-06-26 with the following conditions:*

- *That an amended plan is submitted to meet staff comments including correcting the site plan sheet for the existing location of the bike racks.*
- *That reasonable efforts be made to address any noise concerns if they arise.*
- *That the applicant resolves the fire department's concerns.*

**B. 01-ZOA-06-26 Land Development Code (LDC) Amendments**

Ms. Landers said this hearing will consider many proposed LDC amendments that have been underway since late 2025. She related that because the last meeting was canceled on short notice, some proposed LDC amendments were not fully reviewed at previous meetings, and she proceeded to address those subsections. City Staff and the Planning Commission reviewed and discussed portions of section 54.705(3); the definition of Structural Amenity; subsection 54.702(H.1.d); portions of sections 54.502(D) and (F); section 54.905(B); proposed new section 54.630; Figure 53; and subsections 54.636(B.2) and 54.637(B.2). After reviewing the specific sections above, the Planning Commission voted on the package of amendments.

*It was moved by N. Vermaat, and seconded M. Rayner, and carried 8-0 that 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 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 justified and appropriate and therefore should be approved by the City Commission as presented.*

**CITIZENS WISHING TO ADDRESS THE COMMISSION ON AGENDA ITEMS**

Nobody provided comments.

**CITIZENS WISHING TO ADDRESS THE COMMISSION ON NON-AGENDA ITEMS**

Nobody provided comments.

**OFFICIAL PROCEEDINGS**  
**MARQUETTE CITY PLANNING COMMISSION**  
**June 02, 2026**

**COMMISSION and STAFF COMMENTS**

J. Guter said that he didn't want to lose sight of the need to address the data centers issue, and what we can do as a Planning Commission on that issue, and developing a sound ordinance could be one thing that we could realistically do, and I'm hoping that we can pursue that in the coming months. He also said that revising the tree schedule for the type of trees approved for planting is another thing that the board could possibly follow up on over the next few months.

M. Rayner said that some place downstate had an ordinance on data centers that was really good and the state overruled it and approved a data center there anyway, so maybe we need to have an attorney write an ordinance

S. Lawry said that Blackrocks has been here many times over the past fifteen years, and in most cases we have heard from the public, mostly the residential neighbors, and when they first proposed that location they were going to be an indoor facility. He said most, or all, of the other facilities on Third St. now have outdoor seating as well, and the conflicts with that business corridor and the adjoining neighborhoods didn't really factor into our zoning layout (inaudible) when we established that, and the evolution of outdoor seating has created a conflict (inaudible) with abutting residential properties. He said that it may be too late to do anything about that now, and I think that's a societal change that people want the outdoor seating, and it seems the problem now is not so much the individual businesses, but the fact that we set that growth (?) pattern up that allowed that first outdoor seating that may not have been consistent with neighboring residences, and once we did that we have to (inaudible) for everybody. So, if there is a way we can look at to try to preserve residences that are off Third St. He said that the Third St. part of the Master Plan encourages a vibrant Third St. environment, but it also encourages more residential use of the Third St. corridor too, and if we're going to accomplish those goals we might have to change the wording in the ordinance regarding what you can do outside, how big and area you can have outside (inaudible). Thank you.

A. Landers said that we don't have anything for the next meeting in June.

D. Stensaas said he would be glad to cancel the meeting. He also said that the Planning Commission doesn't get to decide whether to move forward with a data center zoning project, and that the City Manager or Commission provides direction for such a project and we have submitted a memo from the PC to the Manager requesting that it be considered.

K. Clegg said that will be a hard road but worth pursuing.

**ADJOURNMENT**

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



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

# City of Marquette, MI

300 West Baraga Ave  
Marquette, Michigan 49855

Monday, July 13, 2026

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## Consent Agenda

### **Approve the minutes of the June 29, 2026 regular City Commission meeting**

#### **BACKGROUND:**

#### **FISCAL EFFECT:**

#### **RECOMMENDATION:**

#### **ALTERNATIVES:**

As determined by the Commission.

#### **ATTACHMENTS:**

1. 06-29-26.cc.minutes



## City of Marquette, MI

### Meeting Minutes City Commission

Monday, June 29, 2026  
6:00 PM  
Commission Chambers

300 West Baraga Ave  
Marquette, Michigan  
49855

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### Call to Order, Pledge of Allegiance and Roll Call

Mayor Schloegel called the meeting to order at 6:00 p.m..

**Present:** Sally Davis, Paul Schloegel, Michael Larson, Cody Mayer, Cary Gottlieb, Jessica Hanley, Jermey Ottaway

**Absent:** None

### Approval of the Agenda

*Jermey Ottaway moved to Approve the agenda as presented, seconded by Cody Mayer. The motion carried unanimously.*

### Announcements

Mayor Schloegel had no announcements.

**Public Comments - Comments may not exceed three minutes per person. Please state your name and physical address when making public comments.**

Margaret Brumm spoke about the impact of City employee Mark O'Neill, whose retirement is being recognized tonight.

Jenna Smith spoke about her candidacy for Marquette County Commission District 1, sharing her background and what her goals would be as an elected official.

Steve Nystrom said he would like to apply to be on the City's Brownfield Redevelopment Authority, and then spoke about the local housing market.

Bailey Quinn spoke about the issues she is having with her landlord, a local company. She spoke about specific concerns with her property and her efforts to find relevant regulations related to rentals.

### Presentation(s)

## 1. Recognition of City Retiree- Mark O'Neill

City Manager Karen Kovacs spoke about retiring City employee Mark O'Neill, who has spent more than 30 years with the City, including the last few as the director of Municipal Utilities. She talked about his work ethic, as well as his interest in keeping the public informed.

Mark O'Neill then thanked City Manager Kovacs for her kind words and thanked the City staff and City Commission for their support. He said he and his wife are looking forward to enjoying a retirement that will include a lot of camping and international travel. The City Commission then wished Mark a happy retirement.

## 2. Lifesaving Efforts, by Fire Chief Ian Davis

Ian Davis presented the Fire Department's Cardiac Lifesaving Award to Brandon Morey and Jake Phillips, and told the story of an event that Morey and Phillips were called to, where a reported fall turned out to be a cardiac event. Davis said the pair made a series of key decisions that led to a positive outcome for the victim.

## 3. Marquette Brownfield Redevelopment Authority, by Callie New

Callie New shared an annual update on behalf of the City's Brownfield Redevelopment Authority, which she chairs. She provided an overview of the brownfield process, discussing the benefits of the tax-increment financing mechanism, and highlighted the existing and completed MBRA projects

MBRA Chair Callie New presented the Authority's annual update, reviewing its use of tax increment financing to support redevelopment of eligible brownfield and housing properties. She provided an overview of the brownfield process, discussing the benefits of the tax-increment financing mechanism, and she summarized completed and active projects, including Founders Landing, Liberty Way, the former hospital site, the Vault, the Chipp housing development, and the mixed-use project at the former Northern Hydroponics site.

## Consent Agenda

### 4. Consent Items

***Jermy Ottaway moved to Approve the Consent Agenda as written, seconded by Michael Larson. The motion carried unanimously.***

4.a Approve the minutes of the June 16, 2026 special City Commission meeting

4.b Approve the total bills payable in the amount of \$2,955,749.12

4.c Cardiac Monitor Contract

4.d Freedom Monument — Donation Acceptance

- 4.e Marquette Cultural Trailhead - Construction Contract Change Order
- 4.f Marquette Cultural Trailhead - Grant Award
- 4.g Marquette Cultural Trailhead - Rotary Donation

## **New Business**

- 5 AARP Age Friendly Communities Application — Resolution of Support - Roll Call Vote

***Sally Davis moved to Approve the resolution of support for the City's AARP Age-Friendly Communities Application, and authorize the Mayor and Clerk to sign it and the corresponding letter of support, seconded by Cody Mayer. The motion carried unanimously.***

**Public Comments - Comments may not exceed three minutes per person. Please state your name and physical address when making public comments.**

Margaret Brumm talked about local efforts to recycle cigarette butts.  
Bailey Quinn continued to talk about her issues with local landlords and her desire for increased local renter protections.

## **Comments from the Commission**

**Commissioner Sally Davis** discussed the grants received on tonight's Consent Agenda, as well as her recent trip to Kajaani, Finland as part of the Sister Cities trip.  
**Commissioner Cary Gottlieb** thanked Margaret Brumm for her praise of Mark O'Neill.  
**Commissioner Jessica Hanley** discussed Emily Barker, who died recently during a wilderness firefighting trip out west.

**Mayor Pro Tem Jerney Ottaway** said the temperatures are going to be very high over the next few days and asked people to make sure they stay hydrated and that they protect themselves from the heat.

**Commissioners Michael Larson** and **Cody Mayer** had no comments.

**Mayor Paul Schloegel** talked about the Habitat for Humanity groundbreaking on the new development near McClellan Avenue.

## **Comments from the City Manager**

**City Manager Karen Kovacs** said there will be several street closures during the coming 4th of July festivities, and asked everyone to follow the rules.

## **Adjournment**

Mayor Schloegel adjourned the meeting at 6:56 p.m.

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**Paul Schloegel, Mayor**

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**Kyle Whitney, City Clerk**

***If you require assistance to participate in any meeting, program or activity offered by the City of Marquette, please provide advanced notice to City of Marquette ADA Coordinator Eric Stemen at 906-225-8978 or via email at [estemen@marquettemi.gov](mailto:estemen@marquettemi.gov).***

# City of Marquette, MI

300 West Baraga Ave  
Marquette, Michigan 49855

Monday, July 13, 2026

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## Consent Agenda

### **Appointment of Director - Municipal Utilities**

#### **BACKGROUND:**

The City Manager recommends the appointment of Water Treatment Plant Supervisor, Neil Traye, to the position of Director - Municipal Utilities effective July 1, 2026. Department Head positions are the equivalent of administrative officer positions under the Charter and City Code. The appointment is to fill the vacancy created by the retirement of prior Director, Mark O'Neill, at the end of June.

Neil holds a Bachelor of Science in Environmental Conservation with a minor in Biology from Northern Michigan University. He has obtained an extensive array of professional certifications, including State of Michigan EGLE Class B, C, and D Wastewater Treatment certifications, a Waterworks System Operator F-1 certification, a Distribution System S-4 certification, Michigan Industrial Stormwater A:1i certification, and a Class A Commercial Driver License (CDL). He is also scheduled to graduate from the Michigan Public Service Institute in September 2026.

Neil began his career with the City of Marquette in 2001 as a Relief Water Plant Operator. In 2002, he accepted a full-time position as a Wastewater Treatment Plant Operator, where he built nearly two decades of experience in municipal wastewater operations. In 2021, Neil returned to the Water Treatment Plant and was promoted to Water Treatment Plant Supervisor. Throughout his career, he has consistently demonstrated exceptional technical expertise, sound judgment, effective leadership, and an unwavering commitment to public service. His educational background, professional certifications, and more than 25 years of progressively responsible experience in municipal water and wastewater operations have prepared him well to lead the City's Municipal Utilities Department. Neil is exceptionally well qualified to serve as the Municipal Utilities Department Head.

As the Department Head for Municipal Utilities, Neil will oversee the Water and Wastewater divisions of the City.

#### **FISCAL EFFECT:**

This is a replacement for a budgeted position.

#### **RECOMMENDATION:**

Appoint Neil Traye as the Director of Municipal Utilities effective July 1, 2026.

#### **ALTERNATIVES:**

As determined by the Commission.

ATTACHMENTS:

None

# City of Marquette, MI

300 West Baraga Ave  
Marquette, Michigan 49855

Monday, July 13, 2026

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## New Business

### **City Manager and City Attorney Evaluation Subcommittee**

#### **BACKGROUND:**

The City Commission annually appoints three Commissioners to serve on a committee to review and compile the City Manager's and City Attorney's performance evaluations and to make recommendations regarding future terms of employment and compensation.

#### **FISCAL EFFECT:**

None with this action.

#### **RECOMMENDATION:**

Authorize the Mayor to appoint three Commissioners to serve on the City Manager and City Attorney Evaluation Subcommittee with an immediate charge to evaluate the City Manager's and City Attorney's performance in Fiscal Year 2026 and bring back a recommendation for compensation and terms of employment at the City Commission's September 28th regular meeting.

#### **ALTERNATIVES:**

As determined by the Commission.

#### **ATTACHMENTS:**

None

# City of Marquette, MI

300 West Baraga Ave  
Marquette, Michigan 49855

Monday, July 13, 2026

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## New Business

### **Cinder Pond Marina - MDNR Waterways Grant Agreement - Roll Call Vote**

#### **BACKGROUND:**

At its March 30, 2026 meeting, the City Commission authorized submitting a Michigan Department of Natural Resources - Waterways Grant Program application for Cinder Pond floating pier replacement.

The City recently received notice that the project was recommended for funding. The DNR provided a Waterways Grant Agreement, which provides for 50 percent of the \$3,388,000 estimated project cost, not to exceed \$1,694,000. The grant proceeds are solely for the design and completion of the project.

Upon approving the Grant Agreement, the City will be authorized to proceed with engineering, design, demolition of existing piers and construction of a new pier system for Cinder Pond Marina. The professional services of design and construction oversight will be contracted.

The intended timeline for this project would include design through the fall of 2026, and floating dock construction during winter 2026-2027. Demolition and installation would occur prior to the 2027 boating season.

#### **FISCAL EFFECT:**

The local match of \$1,694,000 is anticipated to be incorporated into the City's FY'27 Capital Improvement Program and financed through the City's overall capital financing plan, subject to the future City Commission approval of the FY'27 budget and any necessary financing authorizations.

#### **RECOMMENDATION:**

Approve the Waterways Grant Agreement totaling \$1,694,000 to reconstruct the piers at Cinder Pond Marina, authorize the City Manager or her designee to sign the Agreement, and authorize the City Clerk to sign the Resolution.

#### **ALTERNATIVES:**

As determined by the Commission.

ATTACHMENTS:

1. DNR Waterways Grant Agreement and Resolution



## MICHIGAN GRANT IN AID PROGRAM HARBOR DEVELOPMENT PROJECT AGREEMENT

This Agreement is between **the City of Marquette** in the county of **Marquette** County, hereinafter referred to as the "GRANTEE," and the MICHIGAN DEPARTMENT OF NATURAL RESOURCES, an agency of the State of Michigan, hereinafter referred to as the "DEPARTMENT." The DEPARTMENT has authority to issue grants to local units of government for the development of public recreation facilities under Part 781 of the Natural Resources and Environmental Protection Act, P.A. 451 of 1994, as amended and under Article IX, Section 40 of the Michigan Constitution. The GRANTEE has been approved by the Director of the DEPARTMENT to receive a grant. In Public Act **2025-PA-0022**, the Legislature appropriated funds from the Waterways Account (Grant in Aid or GIA) to the DEPARTMENT for a grant-in-aid to the GRANTEE.

The purpose of this Agreement is to provide funding in exchange for work to be performed for the project named below. This Agreement is subject to the terms and conditions specified herein.

Project Title: **Cinder Pond Marina Pier Replacement** Project #: **WW2026-006**

Amount of grant: **\$1,694,000** **50%** PROJECT TOTAL: **\$3,388,000**

Amount of match: **\$1,694,000** **50%**

Start Date: **July 22, 2026** End Date: **July 22, 2029**

As a precondition to the effectiveness of the Agreement, the GRANTEE is required to sign the Agreement and return it to the DEPARTMENT with the required attachments by **12/01/2026** or the Agreement may be cancelled by the DEPARTMENT. This Agreement is not effective until the GRANTEE has signed it, returned it, and the DEPARTMENT has signed it. The Agreement is considered executed when signed by the DEPARTMENT.

The individuals signing below certify by their signatures that they are authorized to sign this Agreement on behalf of their agencies, and that the parties will fulfill the terms of this Agreement, including any attached appendices, as set forth herein.

### GRANTEE

SIGNED

By [Print Name]: **Jon Swenson**

Title: **Director of Community Services**

Date: **July 13, 2026**

**NJTGBUGAVBF9**

**DUNS Number**

**CV0047620** **001**

**SIGMA Vendor Number** **SIGMA Address ID**

### MICHIGAN DEPARTMENT OF NATURAL RESOURCES

**Waterways Grant Coordinator**

**Parks and Recreation Divisions/MIDNR**

**Date of Execution by DEPARTMENT**

1. The Parties agree as follows:

- a. This Agreement shall be administered on behalf of the DEPARTMENT by the Administrative Services Section within the Parks and Recreation Division. All notices, reports, documents, requests, actions or other communications required between the DEPARTMENT and the GRANTEE shall be submitted through the DEPARTMENT's current procedure. Primary points of contact pertaining to this agreement shall be:

**GRANTEE CONTACT**

Jon Swenson, Director of Community Services

Name/Title

City of Marquette)

Organization

300 West Baraga Avenue

Address

Marquette, MI, 49866

Address

906-225-8593

Telephone Number

jswenson@marquettetmi.gov

E-mail Address

**DEPARTMENT CONTACT**

Curt Wemple/Waterways Grant Coordinator

Name/Title

Grants & Infrastructure Finance/DNR Parks and Recreation

Organization

8015 Mackinaw Trail

Address

Cadillac, MI 49601

Address

(231)444-8029 office; (231)577-8973 mobile

Telephone Number

WempleC1@Michigan.gov

E-mail Address

- b. The encumbrances identified in the terms of this agreement shall apply to the "harbor" as identified by the included legal description and map for the useful life of the project facility.
- c. The word "project area" shall mean the land and area highlighted on the harbor map identifying the area of development.
- d. "Project facility" shall mean the following individual components, as further described in the application:
- **Pier Removal and Construction, Pier Utilities, Pier Shack**
- e. A legal description and map of the harbor, a map highlighting the project area, and the development grant application bearing the number **WW2026-006** are by this reference made part of this Agreement.
- f. The time period allowed for completion of the development in the project area is from **July 22, 2026** through **July 22, 2029**, hereinafter referred to as the "project period." Requests by the GRANTEE to extend the project period shall be submitted before the expiration of the project period. Extensions to the project period are at the discretion of the DEPARTMENT and may only be extended by an amendment to this Agreement.
- g. This Agreement together with the referenced documents constitute the entire Agreement between the parties and may be modified only in writing and executed in the same manner as the Agreement is executed.
2. The DEPARTMENT will:
- a. Grant the GRANTEE a sum of money equal to **Fifty percent (50%) of Three Million Three Hundred Eighty Eight Thousand dollars (\$3,388,000)**, which is the total eligible cost of construction of the project facilities including engineering costs, but in any event not to exceed **One Million Six Hundred Ninety Four Thousand dollars (\$1,694,000)**.
- b. Grant these funds in the form of reimbursements to the GRANTEE for eligible costs and expenses incurred as follows:
- i. Payments will be made on a reimbursement basis at **Fifty percent (50%)** of the eligible expenses incurred by the GRANTEE up to 90% of the maximum reimbursement allowable under the grant.
  - ii. Reimbursement will be made only upon DEPARTMENT review and approval of a complete reimbursement request submitted by the GRANTEE on a form provided by the DEPARTMENT which includes an expenditure list supported by documentation as required by the DEPARTMENT, including but not limited to copies of invoices, cancelled checks, EFTs and/or list of volunteers and/or force account time and attendance records.
  - iii. The DEPARTMENT shall conduct an audit of the project's financial records upon approval of the final

10 % reimbursement request by DEPARTMENT staff. The DEPARTMENT may issue an audit report with no deductions or may find some costs ineligible for reimbursement.

- iv. Final payment will be released upon completion of a satisfactory audit by the DEPARTMENT and documentation that the GRANTEE has erected a sign in compliance with Section 3(j) of this Agreement.

3. The GRANTEE will:

- a. Immediately make available all funds needed to incur all necessary costs required to complete the project and to provide **One Million Six Hundred Ninety Four Thousand dollars (\$1,694,000)** in local match. This sum represents **Fifty percent (50%)** of the total eligible cost of construction including engineering costs. Any cost overruns incurred to complete the project facilities called for by this Agreement shall be the sole responsibility of the GRANTEE.
- b. Certify to the best of its knowledge and belief that the GRANTEE and any principal, agent, contractor, and subcontractor of the GRANTEE:
  - i. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any State or Federal agency.
  - ii. Have not been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction, as defined in 45 CFR 1185; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property within a three-year period preceding this Agreement.
  - iii. Are not presently indicted or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses.
  - iv. Have not had one or more public transactions (Federal, State, or local) terminated for cause or default within three years preceding this Agreement.
  - v. Will comply with all applicable requirements of all Federal and State laws, rules, executive orders, regulations, and policies governing this program.
- c. Complete construction of the project facilities to the satisfaction of the DEPARTMENT and to comply with the development project procedures set forth by the DEPARTMENT in completion of the project, including but not limited to the following:
  - i. **Within 180 days** following execution of this Agreement by the GRANTEE and the DEPARTMENT and before soliciting bids or quotes or incurring costs other than costs associated with the development of plans, specifications, or bid documents, provide the DEPARTMENT with plans, specifications, and bid documents for the project facilities, sealed by the GRANTEE'S Prime Professional
  - ii. **Prevailing Wages.** Pursuant to Public Act 10 of 2023: If execution of this Agreement involves work by a construction mechanic, and any part of that work is sponsored or financed in whole or in part by the State, then the following will apply: The rates of wages and fringe benefits to be paid to each class of construction mechanics by Permittee cannot be less than the wage and fringe benefit rates issued by the Michigan Department of Energy, Labor and Economic Growth, Wage/Hour Division, in its schedule of occupational classification and wage and fringe benefit rates for the locality in which the work is to be performed.
  - iii. Permit DEPARTMENT review and approval of all professional services agreements, project contracts, bidding documents, specifications, and final engineering drawing plans before being sent out to bid. The final engineering drawings shall provide, or conduct, soil boring data for any projects below the waterline. The DEPARTMENT must approve all change orders before being initiated. The DEPARTMENT reserves the option to have a representative on the selection panel for all contracts.
  - iv. Upon DEPARTMENT approval of plans, specifications and bid documents, openly advertise and seek written bids for contracts for purchases or services with a value equal to or greater than \$50,000 and accept the lowest qualified bid as determined by the GRANTEE'S Prime Professional.
  - v. Upon DEPARTMENT approval of plans, specifications and bid documents, solicit three (3) written quotes for contracts for purchases or services between \$5,000 and \$50,000 and accept the lowest qualified bid as determined by the GRANTEE'S Prime Professional.

- vi. Maintain detailed written records of the contracting processes used and submit these records to the DEPARTMENT upon request.
  - vii. Complete construction to all applicable local, state and federal codes, as amended; including but not limited to the federal Americans with Disabilities Act (ADA) of 2010, as amended; the Persons with Disabilities Civil Rights Act, Act 220 of 1976, as amended; the Utilization of Public Facilities by Physically Limited Act, P.A. 1 of 1966, as amended; and the Elliott-Larsen Civil Rights Acts, Act 453 of 1976, as amended; 2013 Access Boards Final Guidelines for Outdoor Developed Areas.
  - viii. When possible, utilities should be buried within the project area.
  - ix. Correct any deficiencies discovered at the final inspection within 90 days of written notification by the DEPARTMENT. These corrections shall be made at the GRANTEE'S expense and are eligible for reimbursement at the discretion of the DEPARTMENT and only to the degree that the GRANTEE'S prior expenditures made toward completion of the project are less than the grant amount allowed under this Agreement.
  - x. The GRANTEE must submit invoices for reimbursement within ninety (90) days of invoice date.
- d. Use all funds granted within the dates specified in this Agreement. The GRANTEE shall maintain satisfactory financial accounts, documents and records, and shall make them available to the DEPARTMENT for auditing at reasonable times. The GRANTEE shall retain all accounts, documents, and records for the facilities for the life of the facility plus ten (10) years following completion of construction.
  - e. Operate the "project facilities" for the anticipated useful life, minimum of **20** years, upon completion of the facility measured by the final reimbursement request. Operate means regulate the use thereof to the satisfaction of the DEPARTMENT, and to appropriate such monies and/or provide such services as shall be necessary to provide such adequate maintenance.
  - f. Provide to the DEPARTMENT for approval, a complete rate schedule containing all charges to be assessed against the public utilizing the project area and/or any of the facilities constructed thereon, and to provide to the DEPARTMENT for approval, all amendments thereto before the effective date of such amendments.
  - g. Adopt such ordinances and/or resolutions as shall be required to effectuate the provisions of this Agreement; certified copies of all such ordinances and/or resolutions adopted for such purposes shall be forwarded to the DEPARTMENT before the effective date.
  - h. Separately account for and reserve in a restricted fund net revenues accruing from the operation of the harbor for the future maintenance or expansion of the harbor or, with the approval of the DEPARTMENT, the construction of other recreational boating facilities.
  - i. Furnish the DEPARTMENT, upon request, detailed statements covering the annual operation of the project area and/or project facilities, including income and expenses and such other information the DEPARTMENT might reasonably require.
  - j. Maintain the premises in such condition as to comply with all federal, state, and local laws which may be applicable and to make any and all payments required for all taxes, fees, or assessments legally imposed against the project area.
  - k. Erect and maintain a sign on the property for the life of the facilities which designates this project as having been constructed with the assistance of GIA. The size, color and design of this sign shall be in accordance with DEPARTMENT specification and shall be approved by the DEPARTMENT before constructed. The sign shall be placed in a location where it is visible and readable to the majority of boaters using the harbor.
- 4. Only eligible costs and expenses incurred toward completion of the project facilities after execution of the Project Agreement shall be considered for reimbursement under the terms of this Agreement. Any costs and expenses incurred before or after the project period shall be the sole responsibility of the GRANTEE.
  - 5. To be eligible for reimbursement, the GRANTEE shall comply with the DEPARTMENT requirements. At a minimum, the GRANTEE shall:
    - a. Submit a progress report quarterly during the project period (due January 1, April 1, July 1, and October 1). Reports shall be submitted to the Waterways Grant Coordinator.
    - b. Submit complete requests for partial reimbursement when the GRANTEE is eligible to request at least 25 percent of the grant amount and construction contracts have been executed or construction by force account labor has begun. For grants \$15,000 or less, the request reimbursement should be submitted for entire amount at completion of the project.
    - c. Submit a complete request for final reimbursement within **90 days of project completion and no later**

than (date 90 days after project period). If the GRANTEE fails to submit a complete final request for reimbursement by (date 90 days after project period), the DEPARTMENT may audit the project costs and expenses and make final payment based on documentation on file as of that date or may terminate this Agreement and require full repayment of grant funds by the GRANTEE.

6. All project facilities constructed or purchased by the GRANTEE under this Agreement shall be placed and used at the project area and solely for the purposes specified in the application and this Agreement. Upon completion of the project, a final set of "as built" plans shall be submitted to the DEPARTMENT in an appropriate digital format.
7. The facilities constructed pursuant to this Agreement, or pursuant to any amendments or extensions of this Agreement, shall be reserved for the life of a facility by the GRANTEE for the exclusive use and/or rental, on a daily basis, by the operations of transient recreational watercraft, unless otherwise authorized in writing by the DEPARTMENT.
8. The project area and all facilities provided thereon and the land and water access ways to the project facilities shall be open to the general public at all times on equal and reasonable terms. No individual shall be denied ingress, egress, or employment thereto or the use thereof on the basis of sex, race, color, religion, national origin, residence, age, height, weight, familial status, marital status, or disability in accordance with the Elliott-Larsen Civil Rights Act, 1976 PA 453, MCL 37.2101 as amended or the Persons with Disabilities Civil Rights Act 1976 PA 220, MCL 37.1101 as amended. Any violation of this requirement shall be a material breach of contract, subject to penalties as provided in this Agreement.
9. Unless an exemption has been authorized by the DEPARTMENT pursuant to this Section, the GRANTEE hereby represents that it possesses fee simple title, free of all liens and encumbrances, to the project area. The fee simple title acquired shall not be subject to: 1) any possibility of reverter or right of entry for condition broken or any other executory limitation which may result in defeasance of title or 2) any reservations or prior conveyance of coal, oil, gas, sand, gravel or other mineral interests. For any portion of the project area that the GRANTEE does not possess in fee simple title, the GRANTEE hereby represents that it has:
  - a. Supplied the DEPARTMENT with an executed copy of the approved lease or easement, and
  - b. Confirmed through appropriate legal review the terms of the lease or easement are consistent with GRANTEE'S obligations under this Agreement and will not hinder the GRANTEE'S ability to comply with all requirements of this Agreement. In no case shall the lease or easement tenure be less than the useful life of the project facilities.
10. The GRANTEE shall not allow any encumbrance, lien, security interest, mortgage or any evidence of indebtedness to attach to or be perfected against the project area or project facilities included in this Agreement.
11. During the life of the facilities, none of the project area, nor any of the project facilities constructed under this Agreement, shall be wholly or partially conveyed, either in fee, easement, or otherwise, or leased for a term of years or for any other period, nor shall there be any whole or partial transfer of the lease title, ownership, or right of maintenance or control by the GRANTEE except with the written approval and consent of the DEPARTMENT. The GRANTEE shall regulate the use of the project area to the satisfaction of the DEPARTMENT.
12. The assistance provided to the GRANTEE as a result of this Agreement is intended to have a lasting effect on the supply of recreation and recreation facilities beyond the financial contribution alone and commits the project area to Michigan's recreation estate for the useful life of the project facilities. Prior to completion of the project, the GRANTEE and the DEPARTMENT may mutually agree to alter the project area through an amendment to this Agreement to provide the most satisfactory public harbor. Proceeding with unauthorized changes shall result in excluding the work from State fund eligibility. No amendment to the Agreement shall be binding upon the parties unless it is in writing and signed by a duly authorized representative of both parties.
13. The GRANTEE acknowledges that:
  - a. The GRANTEE has examined the project area and has found the property safe for public use or actions will be taken by the GRANTEE before beginning the project to assure safe use of the property by the public, and
  - b. The GRANTEE is solely responsible for development, operation, and maintenance of the project area and project facilities, and that responsibility for actions taken to develop, operate, or maintain the property is solely that of the GRANTEE, and
  - c. The DEPARTMENT'S involvement in the premises is limited solely to the making of a grant to assist the GRANTEE in developing project site.
14. The GRANTEE assures the DEPARTMENT that the proposed State-assisted action will not have a negative effect on the environment and, therefore, an Environmental Impact Statement is not required.

15. The GRANTEE hereby acknowledges that this Agreement does not require the State of Michigan to issue any permit required by law to construct the harbor project that is the subject of this Agreement. It is the sole responsibility of the GRANTEE to determine what permits are required for the project, secure the needed permits and remain in compliance with such permits.
16. Before the DEPARTMENT will approve plans, specifications, or bid documents; or give written approval to the GRANTEE to advertise, seek quotes, or incur costs for this project, the GRANTEE must provide documentation to the DEPARTMENT that indicates either:
  - a. it is reasonable for the GRANTEE to conclude, based on the advice of an environmental consultant, as appropriate, that no portion of the project area is a facility as defined in Part 201 of the Michigan Natural Resources and Environmental Protection Act, Act 451 of the Public Acts of 1994, as amended.or
  - b. If any portion of the project area is a facility, documentation that DEPARTMENT of Environmental, Great Lakes and Energy-approved response actions have been or will be taken to make the site safe for its intended use within the project period, and that implementation and long-term maintenance of response actions will not hinder public recreation use and/or the resource protection values of the project area.
17. If the DEPARTMENT determines that, based on contamination, the project area will not be made safe for the planned recreation use within the project period, or another date established by the DEPARTMENT in writing, or if the DEPARTMENT determines that the presence of contamination will reduce the overall usefulness of the property for public recreation and resource protection, the grant may be cancelled by the DEPARTMENT with no reimbursement made to the GRANTEE.
18. The GRANTEE shall acquire and maintain insurance which will protect the GRANTEE from claims which may arise out of or result from the GRANTEE'S operations under this Agreement, whether performed by the GRANTEE, a subcontractor or anyone directly or indirectly employed by the GRANTEE, or anyone for whose acts may hold them liable. Such insurance shall be with companies authorized to do business in the State of Michigan in such amounts and against such risks as are ordinarily carried by similar entities, including but not limited to public liability insurance, worker's compensation insurance or a program of self-insurance complying with the requirements of Michigan law. The GRANTEE shall provide evidence of such insurance to the DEPARTMENT at its request.
19. Nothing in this Agreement shall be construed to impose any obligation upon the DEPARTMENT to operate, maintain or provide funding for the operation and/or maintenance of any recreational facilities in the project area.
20. The GRANTEE hereby represents that it will defend any suit brought against either party which involves title, ownership, or any other rights, whether specific or general rights, including appurtenant riparian rights, to and in the project area of any lands connected with or affected by this project.
21. The GRANTEE is responsible for the use and occupancy of the premises, the project area and the facilities thereon. The GRANTEE is responsible for the safety of all individuals who are invitees or licensees of the premises. The GRANTEE will defend all claims resulting from the use and occupancy of the premises, the project area and the facilities thereon. The DEPARTMENT is not responsible for the use and occupancy of the premises, the project area and the facilities thereon.
22. Failure by the GRANTEE to comply with any of the provisions of this Agreement shall constitute a material breach of this Agreement. Once a non-compliance issue(s) has been documented, the DEPARTMENT shall notify the GRANTEE. The GRANTEE shall respond to the non-compliance within forty-five (45) calendar days. The GRANTEE shall collaborate with the DEPARTMENT to develop an acceptable plan to remedy non-compliance issue(s).
23. Upon breach of the Agreement by the GRANTEE, the DEPARTMENT may, in addition to any other remedy provided by law:
  - a. Terminate this Agreement; and/or
  - b. Withhold and/or cancel future payments to the GRANTEE on any or all current waterway grant projects until the violation is resolved to the satisfaction of the DEPARTMENT; and/or
  - c. Withhold action on all pending and future grant applications submitted by the GRANTEE on all DEPARTMENT administered grant programs until the breach is corrected; and/or
  - d. Require repayment of grant funds already paid to GRANTEE.
  - e. Require specific performance of the Agreement.
  - f. To purchase the facilities and the right of access over GRANTEE property to the facilities at the existing value of the facilities, less any financial contribution made by the DEPARTMENT. The value of the

facilities shall be determined by three competent appraisers; one to be selected by the GRANTEE, one to be selected by the DEPARTMENT, and the third to be selected by the first two appraisers. The DEPARTMENT and the GRANTEE shall equally share the total fees of these appraisers, including expenses. The appraisal shall be limited to the value of the facilities for the construction, repair, or rehabilitation in which the facilities are located. No value shall be assigned to the right of access to the facilities over GRANTEE property. The DEPARTMENT shall have ninety (90) days from the date of receipt of the appraisals within which to exercise its option. If the DEPARTMENT does not exercise the option within that period, the GRANTEE shall pay to the DEPARTMENT a sum equal to the total financial contribution made by the DEPARTMENT towards the construction or maintenance of the facilities.

24. This Agreement may be canceled by the DEPARTMENT, upon 30 days written notice, due to Executive Order, budgetary reduction, other lack of funding; upon request by the GRANTEE; or upon mutual Agreement by the DEPARTMENT and GRANTEE. The DEPARTMENT may honor requests for just and equitable compensation to the GRANTEE for all satisfactory and eligible work completed under this Agreement up until 30 days after written notice, upon which time all outstanding reports and documents are due to the DEPARTMENT and the DEPARTMENT will no longer be liable to pay the GRANTEE for any further charges to the grant.
25. The GRANTEE agrees that the benefit to be derived by the State of Michigan from the full compliance by the GRANTEE with the terms of this Agreement is the preservation, protection and the net increase in the quality of public recreation facilities and resources which are available to the people of the State and of the United States and such benefit exceeds to an immeasurable and unascertainable extent the amount of money furnished by the State of Michigan by way of assistance under the terms of this Agreement. The GRANTEE agrees that after final reimbursement has been made to the GRANTEE, repayment by the GRANTEE of grant funds received would be inadequate compensation to the State for any breach of this Agreement. The GRANTEE further agrees therefore, that the appropriate remedy in the event of a breach by the GRANTEE of this Agreement after final reimbursement has been made shall be the specific performance of this Agreement.
26. Prior to the completion of the project facilities, the GRANTEE shall return all grant money if the project area or project facilities are not constructed, operated or used in accordance with this Agreement.
27. The DEPARTMENT shall terminate and recover grant funds paid if the GRANTEE or any subcontractor, manufacturer, or supplier of the GRANTEE appears in the register compiled by the Michigan DEPARTMENT of Labor and Economic Growth pursuant to Public Act No. 278 of 1980.
28. The GRANTEE may not assign or transfer any interest in this Agreement without prior written authorization of the DEPARTMENT.
29. The rights of the DEPARTMENT under this Agreement shall continue for the anticipated life of the project facilities as stated in Section 3(d).
30. Commercial operations of any type shall not be permitted at any of the facilities or located on the facilities without a permit executed by both the GRANTEE and the DEPARTMENT consistent with State Land Use Rule 299.922(dd).
31. Provide, upon the DEPARTMENT's request, one seasonal boat slip at no cost for DEPARTMENT-owned vessels.
32. GRANTEE has the option to participate in the State Harbor Reservation System
33. Failure of either party to insist on the strict performance of this Agreement shall not constitute waiver of any breach of the Agreement.
34. This Agreement supersedes all Grant in Aid Harbor Waterways Program agreements for this project area between the parties.

If this Agreement is approved by Resolution, a true copy must be attached to this Agreement. A sample Resolution is on the next page.

## RESOLUTION

Upon motion made by \_\_\_\_\_, seconded by \_\_\_\_\_  
the following Resolution was adopted:

"RESOLVED, that the City of Marquette, Michigan, accepts the terms of the Agreement as received from the Michigan Department of Natural Resources, and that the City agrees, but not by way of limitation, as follows:

1. To appropriate the sum of one million, six hundred ninety-four thousand dollars (\$1,694,000) to match the one million, six hundred ninety-four thousand dollars (\$1,694,000) State grant authorized by the Department.

2. To maintain satisfactory financial accounts, documents, and records, and to make them available to the Department for auditing at reasonable times.

3. To construct the facilities and provide the funds, services, and materials as may be necessary to satisfy the terms of the Agreement.

4. To ensure that all premises, buildings, and equipment related procedures comply with all applicable State and Federal regulations.

5. To appoint the Community Services Department to regulate the use of the facilities constructed under this Agreement to assure the use thereof by the public on equal and reasonable terms.

6. To enforce all State statutes and local ordinances pertaining to marine safety and to enforce statutes of the State of Michigan within the confines of the City pertaining to the licensing of watercraft. Watercraft not fully complying with the laws of the State of Michigan relative to licensing shall not be permitted to use the facility until full compliance with those laws has been made.

7. To comply with all terms of the Agreement, including all terms not specifically set forth in the foregoing portions of this Resolution."

The following aye votes were recorded: \_\_\_\_\_

The following nay votes were recorded: \_\_\_\_\_

STATE OF MICHIGAN        )  
                                          )  
COUNTY OF MARQUETTE )

I, Kyle Whitney, Clerk of the City of Marquette, Michigan, certify that the above is a true and correct copy of the Resolution relative to the Agreement with the Michigan Department of Natural Resources, which was adopted by the City Commission at a meeting held July 13, 2026.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date