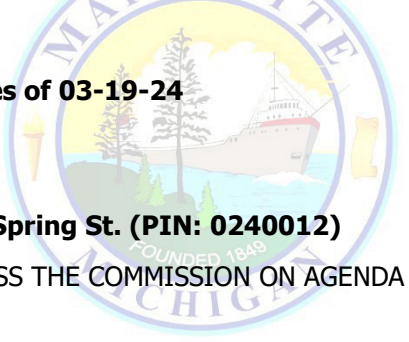


## ∞ AGENDA ∞

**MARQUETTE CITY PLANNING COMMISSION**  
**Tuesday, April 2nd, 2024, at 6:00 p.m.**  
**Commission Chambers at City Hall – 300 W. Baraga Ave.**

### MEETING CALLED TO ORDER

- 
- 1) ROLL CALL
  - 2) APPROVE AGENDA
  - 3) APPROVE MINUTES: **Minutes of 03-19-24**
  - 4) CONFLICT of INTEREST
  1. PUBLIC HEARINGS
    - A. 02-REZ-04-24 – 600 W. Spring St. (PIN: 0240012)**
  2. CITIZENS WISHING TO ADDRESS THE COMMISSION ON AGENDA ITEMS
  3. OLD BUSINESS
  4. NEW BUSINESS
  5. CITIZENS WISHING TO ADDRESS THE COMMISSION ON NON-AGENDA ITEMS
  6. CORRESPONDENCE, REPORTS, MINUTES OF OTHER BOARDS/COMMITTEES
  7. TRAINING
  8. WORK SESSION ON REPORTS/PLANS/ORDINANCES
    - A. Land Development Code 2024 Amendments**
  9. COMMISSION AND STAFF COMMENTS
  10. ADJOURNMENT

---

### PUBLIC COMMENT

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

### PUBLIC HEARINGS

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

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

**OFFICIAL PROCEEDINGS OF THE  
MARQUETTE CITY PLANNING  
COMMISSION  
March 19th, 2024**

A regular meeting of the Marquette City Planning Commission was duly called and held at 6:00p.m. on Tuesday, March 19, 2024, in the Commission Chambers at City Hall. An audio/video recording of this meeting is available online [here](#).

**ROLL CALL**

Planning Commission (PC) members present: W. Premeau, M. Rayner, K. Clegg, S. Lawry, D. Fetter, Chair S. Mittlefehldt.

PC Members absent: C. Gottlieb

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

**AGENDA**

*It was moved by M. Rayner, seconded by K. Clegg, and carried 6-0 to approve the agenda as presented.*

**MINUTES**

The minutes of 02-06-24 were approved as presented.

**CONFLICT OF INTEREST**

There were no conflicts of interest stated.

**NEW BUSINESS**

**A. Election of Officers**

M. Rayner stated that she would like to nominate S. Mittlefehldt to continue to be Chair.

*It was moved by M. Rayner, seconded by S. Lawry and approved 6-0 for S. Mittlefehldt to serve as Chair until the next elections, in 2025.*

*It was moved by S. Mittlefehldt, seconded by D. Fetter and approved 6-0 for K. Clegg to serve as Vice-Chair until the next elections, in 2025.*

**B. Presentation – Cultural Trail Project**

Tiina Morin, City of Marquette Arts and Culture Division Manager, provided a slideshow presentation and spoke to it for about 40 minutes. The presentation covered the genesis of the Cultural Trail Project at the Karl Zuger overlook at Father Marquette/Lakeside Park, the purpose of the project in honoring and preserving Marquette's diverse history and cultural heritage, the scope of the seven-mile ADA accessible multi-use pathway project that will connect twelve selected sites on the waterfront between the mouth of the Carp River and Presque Isle Park, grants acquired and the consulting team that has been engaging stakeholders and preparing development plans for the project, and the Seven Grandfathers statuary project that will be placed adjacent to the new boat launch/pier in the lower harbor.

Planning Commission members asked questions about connectivity via City streets to and from the Cultural Trail, intentions of planning and budgeting for long-term maintenance of all planned facilities, and phasing of the project.

## **PUBLIC COMMENT ON AGENDA ITEMS**

No comments were provided.

## **PUBLIC COMMENT ON NON-AGENDA ITEMS**

No comments were provided.

## **WORK SESSION**

### **A. Land Development code 2024 Amendments**

The Planning commission and staff continued work on a comprehensive update to the Land Development Code (LDC) by discussing several items from the LDC that staff has annotated and prepared for amendments. The items discussed were:

- Definitions, both amended and new.
- Amending Section 54.905 to clarify maneuvering lanes for angle parking of 75-90 degrees applies to both one-way and two-way lanes. Staff will also update the graphic used in the document.
- Amending Sections 54.403 and 54.616 to eliminate the requirement for a specific separation distance between multi-family buildings, and replacing that with the requirement for the applicant to submit preliminary or final site plans that comply with the separation distance that is required by the Michigan Building Code and Fire Safety regulations, as it applies to the specific proposal.
- New Section 54.647 - Specific Use standards for Solar Energy Systems (SES) of 20kW to 2MW of generating capacity.
- Amendment of Section 54.708 - Accessory Structure and General standards for Solar Energy Systems (SES) of less than 20 kW of generating capacity.
- Amendment of Section 54.710 to clarify regulations that apply to recreational vehicles stored in a rear yard area.
- Amendments of Section 54.1402 to clarify some development review procedures, and to address how the movement of buildings will be reviewed for approval after a site plan has been approved.

A consensus was reached on some of these issues and others will require more research and/or study.

## **COMMISSION AND STAFF COMMENTS**

A. Landers provide information on the status of cases that are on the docket for the next two meetings.

## **ADJOURNMENT**

The meeting was adjourned by Chair S. Mittlefehldt at 8:15 p.m.



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

## **MEMORANDUM**

**TO:** Planning Commission  
**FROM:** Andrea Landers, Zoning Official  
**DATE:** March 26, 2024  
**SUBJECT:** 02-REZ-04-24 – 600 W. Spring St. (PIN: 0240012)

---

The Planning Commission is being asked to make a recommendation to the City Commission regarding a request to rezone the property located at 600 W. Spring Street which is zoned **Municipal (M)** to be zoned **Medium Density Residential (MDR)**.

The City Commission approved a resolution of intent to sell this property at their December 12, 2022, regular meeting for residential units. Following this meeting, the City Manager opened negotiations with Habitat and approved a right of entry permit to allow access to the property to conduct an environmental review. Upon completion of this review with minimal findings, and an appraisal, the City Manager has negotiated a purchase price.

Please see the attached Staff Report for more specific information regarding the application.

### **RECOMMENDED ACTION:**

The Planning Commission should review the application and support information provided in this packet, conduct a public hearing, and determine whether or not the proposed rezoning of the above property would be in harmony with considerations required by the Community Master Plan (CMP) and that the request is in accordance with Section 54.1405 of the Land Development Code - Zoning Ordinance Amendment Procedures, and make a recommendation to the City Commission.

It is also highly recommended that any motion regarding the request include the following or similar language:

*After conducting a public hearing and review of the application and Staff Report for 02-REZ-04-24, the Planning Commission finds that the proposed rezoning is ([consistent / not consistent](#)) with the Community Master Plan and ([meets / does not meet](#)) the requirements of the Land Development Code Section 54.1405 and hereby recommends that the City Commission ([approve / deny](#)) 02-REZ-04-24 ([as presented / for the following reasons / with the following conditions](#)).*

In cases in which the Planning Commission finds that the proposed rezoning is not consistent with the Future Land Use Map of the CMP due to a possible oversight or an apparent lack of attention to the features of the parcel in question, but that is consistent with most of the recommendations of the Plan, the Planning Commission may wish to recommend approval of the rezoning request as *[inconsistent with the Future Land Use Map but consistent with the Recommendations for Land Use of Chapter 3 of the Community Master Plan](#)*.



## STAFF FILE REVIEW/ANALYSIS

Completed by Andrea Landers – Zoning Official  
and David Stensaas – City Planner and Zoning Administrator

<b><u>Case #:</u></b>	02-REZ-04-24
<b><u>Date:</u></b>	March 26, 2024
<b><u>Project/Application:</u></b>	Rezoning request from <b>Municipal (M)</b> to be zoned <b>Medium Density Residential (MDR)</b> .
<b><u>Location:</u></b>	600 W. Spring Street
<b><u>Parcel ID:</u></b>	0240012
<b><u>Available Utilities:</u></b>	Natural Gas, Electricity, City Water, City Sewer, and Garbage Collection.
<b><u>Current Zoning:</u></b>	M – Municipal
<b><u>Surrounding Zoning:</u></b>	North: PUD – Planned Unit Development South: MDR – Medium Density Residential East: MFR – Multiple Family Residential West: PUD – Planned Unit Development

### **Zoning Districts and Standards:**

## Current Zoning

### Section 54.315 M, Municipal District

<b>(A) Intent</b>	
The intent of the Municipal district is to permit flexible development and approval standards for properties used by the City of Marquette. Because this district applies to City-owned properties, the permitted uses are specific to City use or use generally permitted on City property.	
<b>(B) Permitted Principal Uses</b>	<b>(C) Special Land Uses</b>
<ul style="list-style-type: none"> <li>• Accessory Building or Structure</li> <li>• Agriculture-Like Operation, including Forestry</li> <li>• Cemetery</li> <li>• Farmers' Markets</li> <li>• Food Production, Minor</li> <li>• Indoor Recreation</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>• Storage, Open</li> <li>• Wireless Telecommunications Facilities</li> </ul>	<ul style="list-style-type: none"> <li>• Accessory Use, Non-Single Family Residential Lots</li> <li>• Port Facilities and Docks</li> <li>• Recycling Collection and Transfer Stations</li> <li>• Structures between the shoreline of Lake Superior and the pavement of the nearest public street or highway.</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.	

(D) Dimensional Regulations			
<b>Lot, Coverage, and Building Height Standards</b>		<b>Minimum Setbacks</b>	
Min. Lot Area (sq. ft.)	None	Front Yard (ft.)	None
Min. Lot Width (ft.)	24	Side Yard (one) (ft.)	None
Max. Impervious Surface Coverage (%)	<a href="#">(T)</a>	Side Yard (total of 2) (ft.)	None
Max. Building Height of Primary Building (ft.) <a href="#">(Q)</a>	None	Rear Yard (ft.)	None
Max. Building Height of Accessory Building <a href="#">(L)</a>	24		
Max. Building Height (stories)	-		

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

## 54.403 Footnotes to Schedule of Regulations

**(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](#).

**(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.

**(T) Storm Water Management.** For all uses except Single-family and Two-family dwelling units, please refer to Section 54.803 Storm Water Management. For Single-family and Two-family dwelling units, please refer to item Q above.

## Section 54.1003 Landscaping Design Requirements

(D) Buffer and Greenbelt Requirements.

- (1) Intent. It is the intent of this section to provide suitable transitional yards for the purpose of reducing the impact of and conflicts between incompatible land uses abutting district boundaries.
- (2) Buffer and Greenbelt Schedule. On any lot abutting a zoning district boundary, no structure, building or part thereof shall hereafter be erected, constructed, altered or maintained closer to the district boundary line than specified (in feet) in the following schedule (*Figure 50*). Where indicated, landscape planting is required.

### Figure 50 - Required Buffer and Greenbelt Specifications:

[illegible]

## Proposed Zoning

### Section 54.308 MDR, Medium Density Residential District

(A) Intent
The MDR district is intended to establish and preserve medium density residential neighborhoods that present an environment acceptable to a range of users, including families of all types. Some additional non-residential compatible uses may be allowed. It is important to the community to preserve and enhance the pedestrian-friendly, compact neighborhood types where homes and buildings are of similar scale and character.

(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 or Day Care, Family Home</li> <li>• Dwelling, Accessory Unit</li> <li>• Dwelling, Single-Family Detached</li> <li>• Food Production, Minor</li> <li>• Foster Family Home</li> <li>• Home Occupation</li> <li>• Home Office</li> <li>• Homestays and Vacation Home</li> <li>• Outdoor Entertainment and Community Events (Temporary)</li> <li>• Residential Limited Animal Keeping</li> </ul>	<ul style="list-style-type: none"> <li>• Cemetery</li> <li>• Child Care Center or Day Care Center</li> <li>• Child or Day Care, Group Home</li> <li>• Dwelling, Intentional Community</li> <li>• Dwelling, Two-Family (Duplex)</li> <li>• Foster Family Group Home</li> <li>• Hospital Hospitality House</li> <li>• Public or Governmental Building</li> <li>• Recreational Use, Public</li> <li>• Religious Institution</li> <li>• School, Primary or Secondary</li> <li>• School, University</li> <li>• Supportive Housing Facility, Transitional and/or Permanent</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.	

(D) Dimensional Regulations			
<i>Lot, Coverage, and Building Height Standards</i>		<i>Minimum Setbacks</i>	
<i>Min. Lot Area (sq. ft.)</i>	4,500 <a href="#">(C)</a>	<i>Front Yard (ft.)</i>	15 <a href="#">(A), (B)</a>
<i>Min. Lot Width (ft.)</i>	37.5 <a href="#">(D)</a>	<i>Side Yard (one) (ft.)</i>	5 <a href="#">(L)</a>
<i>Max. Impervious Surface Coverage (%)</i>	<a href="#">(S)</a>	<i>Side Yard (total of 2) (ft.)</i>	13 <a href="#">(L)</a>
<i>Max. Building Height of Primary Building (ft.) <a href="#">(Q)</a></i>	31.5	<i>Rear Yard (ft.)</i>	20 <a href="#">(L)</a>
<i>Max. Building Height of Accessory Building</i>	<a href="#">(L)</a>		
<i>Max. Building Height (stories)</i>	-		
Where there is a discrepancy between <a href="#">Article 4</a> and this table, <a href="#">Article 4</a> shall prevail.			

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

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

## Section 54.1003 Landscaping Design Requirements

### (D) Buffer and Greenbelt Requirements.

- (1) Intent. It is the intent of this section to provide suitable transitional yards for the purpose of reducing the impact of and conflicts between incompatible land uses abutting district boundaries.
- (2) Buffer and Greenbelt Schedule. On any lot abutting a zoning district boundary, no structure, building or part thereof shall hereafter be erected, constructed, altered or maintained closer to the district boundary line than specified (in feet) in the following schedule (*Figure 50*). Where indicated, landscape planting is required.



**Figure 50 - Required Buffer and Greenbelt Specifications:**

DISTRICT IN WHICH BUFFER & GREENBELT IS REQUIRED	ABUTTING DISTRICT							
	LDR & MDR	MFR	MHP	M-U	CBD	GC & RC	C, M, & CR	I-M & BLP
LDR and MDR	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.

**Relationship to Applicable Land Development Code Standards (staff comments in bold text):**

### **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.

(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.

**Application accepted.**

#### **(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.

**The public hearing before the Planning Commission is scheduled for 6:00 p.m. on Tuesday, April 2, 2024.**

- (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.

**The Planning Commission is being asked to make a recommendation at their meeting on April 2, 2024.**

- (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.

**TBD.**

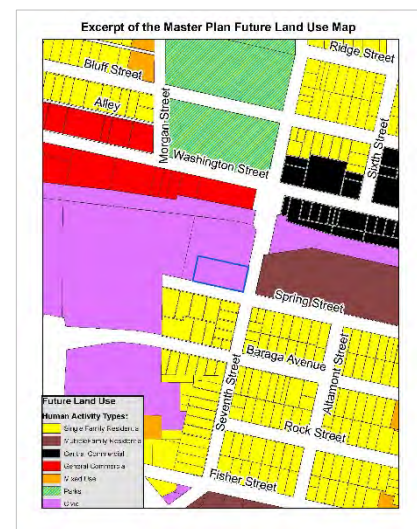
- (D) Standards of Review for Amendments. In considering any petition for an amendment to the text of this Ordinance or to the Official Zoning Map, the Planning Commission and City Commission shall consider the following criteria that apply to the application in making findings, recommendations, and a decision. The Planning Commission and City Commission may also take into account other factors or considerations that are applicable to the application but are not listed below.

- (1) 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.

**This property is designated for *Civic* on the *Future Land Use Map* of the Community Master Plan (CMP) and is designated as a *Municipal zoning* district on the *Proposed Zoning Map*. These designations were adopted with the 2015 amendments to the CMP.**

**Conditions have changed since the Master Plan was adopted. The City of Marquette is *tentatively* selling this property to Marquette County Habitat for Humanity, and if the parcel will no longer be owned by the City of Marquette, it cannot retain the Municipal zoning.**

**Please see p.3-31 and p.3-32 of the Community Master Plan (CMP), regarding Rezoning Requests. The Planning Commission must review all supporting information, this report in particular, and the attachment titled *Rezoning Considerations for Planning Commissions*, and hold a public hearing for community input prior to making a determination of whether to recommend approval or the request as presented or not.**



- (2) Intent and Purpose of the Zoning Ordinance. Consistency with the basic intent and purpose of this Zoning Ordinance.

**Please see above - "Zoning District and Standards".**

- (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.

**This portion of Seventh Street is classified as an “urban major collector” per the Community Master Plan (see p.6-6), therefore vehicular traffic volumes are moderate. This portion of Spring Street is classified as an “urban local street” per the Community Master Plan), therefore vehicular traffic volumes are low.**

- (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.

**There are no problems anticipated.**

- (5) Changed Conditions Since the Zoning Ordinance Was Adopted or Errors to the Zoning Ordinance. That conditions have changed since the Zoning Ordinance was adopted or there was an error in the Zoning Ordinance that justifies the amendment.

**The City of Marquette is *tentatively* selling this property to Marquette County Habitat for Humanity, and if the parcel will no longer be owned by the City of Marquette, it cannot retain the Municipal zoning.**

- (6) No Exclusionary Zoning. That the amendment will not be expected to result in exclusionary zoning.

**The proposal will not result in any substantial changes that would make exclusionary zoning more likely.**

- (7) Environmental Features. If a rezoning is requested, compatibility of the site’s physical, geological, hydrological and other environmental features with the uses permitted in the proposed zoning district.

**The proposed zoning is compatible with 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, 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 environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values.

**The proposed zoning is compatible with surrounding uses and zoning.**

- (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 construction on the site will be able to meet the dimensional regulations for the requested zoning district.

**The proposed zoning is the same as the surrounding zoning to the south of the site.**

- (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.

**The adjacent uses to the west and north are commercial, and zoning is PUD. The uses to the south are residential, and the zoning is MDR. The use to the east is Multiple Family Residential and the zoning is MFR.**

- (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.

**A text amendment to add residential uses to the M zoning district would not be appropriate due to the ownership of the property changing.**

- (12) Isolated or Incompatible Zone Prohibited. If a rezoning is requested, the requested rezoning will not create an isolated or incompatible zone in the neighborhood.

**The Planning Commission must determine if the proposed zoning would create an isolated or incompatible zone (see item #8 above).**

- (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.

**If the proposed zoning amendment is adopted by the City Commission, the requirements of this section will be met.**

**Additional Comments:**

The Planning Commission should consider the request, and the information provided in this analysis, and provide a recommendation to the City Commission.

**Attachments:**

1. Application
2. Area Map
3. Block Map
4. Area Zoning Map
5. Photos
6. Publication Notice
7. Future Land Use and Proposed Zoning Map from the Master Plan
8. *Rezoning Information for Planning Commissions* document

## CITY OF MARQUETTE REZONING APPLICATION



### CITY STAFF USE

Parcel ID#: 0240012 File #: 02-REZ-04-24 Date: 3-1-24  
Hearing Date: 4-2-24 Application Deadline (including all support material): 3-5-24  
Receipt #: 830512 Check #: 22498 Received by and date: AM 3-1-24

**FEE \$1,295** (We can only accept Cash or Check (written to the City of Marquette))

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

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

- Planning Commission page for filing deadline and meeting schedule
- Section 54.1405 Zoning Ordinance Amendment Procedures from the Land Development Code

Please review the attached excerpt from the Land Development Code.

### APPLICANT CONTACT INFORMATION

#### PROPERTY OWNER

Name: City of Marquette  
Address: 300 W. Baraga Ave  
City, State, Zip: Marquette, MI 49855  
Phone #: 906-228-0425  
Email: shobbins@marquettemi.gov

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

#### APPLICANT/OWNERS REPRESENTATIVE

Name: Marquette County Habitat for Humanity  
Address: 2354 US Hwy 41 S  
City, State, Zip: Marquette, MI 49855  
Phone #: 906-228-3578  
Email: director@mqthabitat.org

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

### PRE-APPLICATION CONFERENCE

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

### PHASING OF APPLICATION

Public hearings before the Planning Commission are held on the first meeting of the month only. Applications and support materials must be submitted twenty (20) business days prior to the public hearing date.

The Marquette City Commission is also required to hold a public hearing and take final action on a rezoning request. This usually takes two City Commission meetings, one to schedule the public hearing and one to hold the public hearing.

**PROPERTY INFORMATION**

Property Address: 600 W Spring St. Property Identification Number: 0240012  
Size of property (frontage / depth / sq. ft. or acres): .837 Acres  
Surrounding Zoning Districts: North PUD East MFR South MDR West PUD  
Legal Description: Attached

**PROPOSAL**

Current Zoning District: Municipal Proposed Zoning District: MDR

**Please note: If proposing a Rezoning with Conditions, please attach a separate sheet(s) with your proposed Conditional Rezoning Agreement that meets the Land Development Code Section 54.1405(H)(1).**

**SIGNATURE**

I hereby certify the following:

1. I am the legal owner of the property for which this application is being submitted, or I have submitted a written statement by the property owner that allows me to apply on their behalf.
2. I desire to apply for a rezoning of the property indicated in this application with the attachments and the information contained herein is true and accurate to the best of my knowledge.
3. The requested rezoning would not violate any deed restrictions attached the property involved in the request.
4. I have read the attached excerpt and recommended sections of the Land Development Code and understand the necessary requirements that must be completed.
5. I understand that the payment of the application fee is nonrefundable and is to cover the costs associated with processing this application, and that it does not assure approval of the plan.
6. I acknowledge that this application is not considered filed and complete until all of the required information has been submitted and all required fees have been paid in full. Once my application is deemed complete, I will be assigned a date for a public hearing before the Planning Commission that may not necessarily be the next scheduled meeting due to notification requirements and Planning Commission Bylaws.
7. I acknowledge that this form is not in itself a rezoning but only an application for a rezoning and is valid only with procurement of applicable approvals.
8. I authorize City Staff, and the Planning Commission and City Commission members to inspect the site.

Property Owner Signature:  Date: 2-29-24

A parcel of land being part of the Southwest Quarter (SW 1 /4) of the Northwest Quarter (NW 1 /4 ), Section 23, T48N-R25W, City of Marquette, Marquette County, Michigan described as: Commencing at the West 1/4 corner of Section 23; thence N00°52'22"E, 526.58 feet along the West line of Section 23 to the North right of way line of West Spring Street; thence S77°34'00"E, 161.41 feet along the North right of way line of West Spring Street to the Point of Beginning; thence N12°14'59"E, 134.93 feet; thence S77°31'25"E, 270.06 feet to the West right of way line of South 7th Street Street; thence S12°13'24"W, 135.04 feet along the West right of way line of South 7th Street Street to the North right of way line of West Spring Street; thence N77°30'02"W, 270.12 feet along the North right of way line of West Spring Street to the Point of Beginning, containing 0.837 acres and subject to restrictions, reservations, rights of way and easements of record.



# 02-REZ-04-24 Area Map



## LEGEND

- Easements\_Update
- Building FootPrints
- Parcels\_Address Number Labels
- Street Labels
- Streets
- Contours2FT\_From\_2002

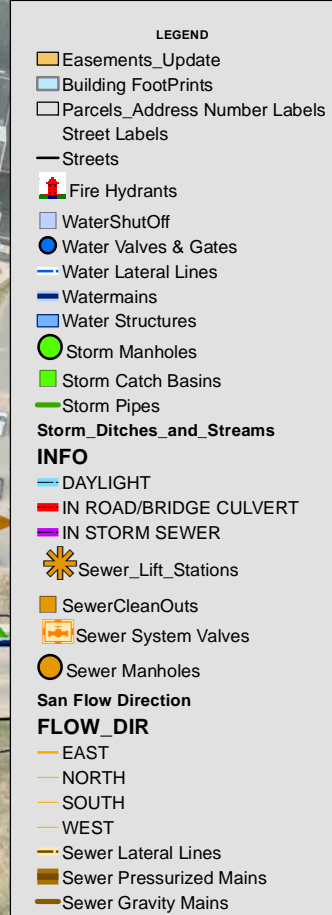
1 inch = 250 feet



City of Marquette  
Geographic Information Systems (GIS)



# 02-REZ-04-24 Block Map

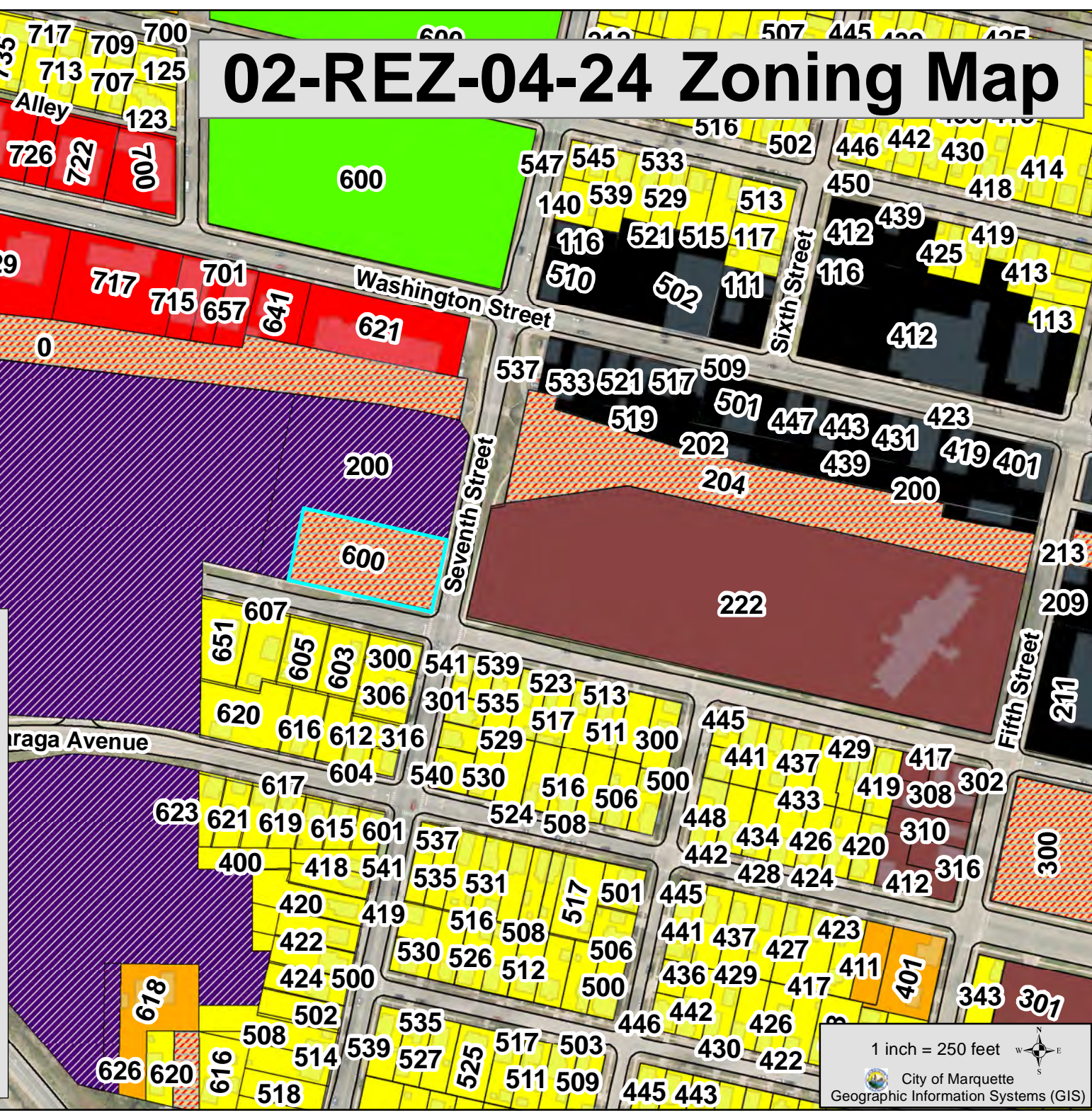




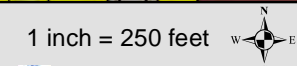
# 02-REZ-04-24 Zoning Map

**LEGEND**

- Building Footprints
- Parcels\_Address Number Labels
- Zoning\_9\_7\_2023\_a.m.I\_REZ\_Update\_For\_Web
- Zoning Districts**
- Low Density Residential
- Low Density Residential with Conditional Rezoning
- Medium Density Residential
- Multiple Family Residential
- Mobile Home Park
- Central Business District
- General Commercial
- General Commercial with Conditional Rezoning
- Regional Commercial
- Third Street Corridor (FBC\*)
- Downtown Marquette Waterfront (FBC\*)
- Mixed-Use
- Mixed Use with Conditional Rezoning
- Planned Unit Development
- Industrial/Manufacturing
- Municipal
- Conservation and Recreation
- Civic
- Board of Light & Power
- Street Labels
- Streets



1 inch = 250 feet



City of Marquette  
Geographic Information Systems (GIS)





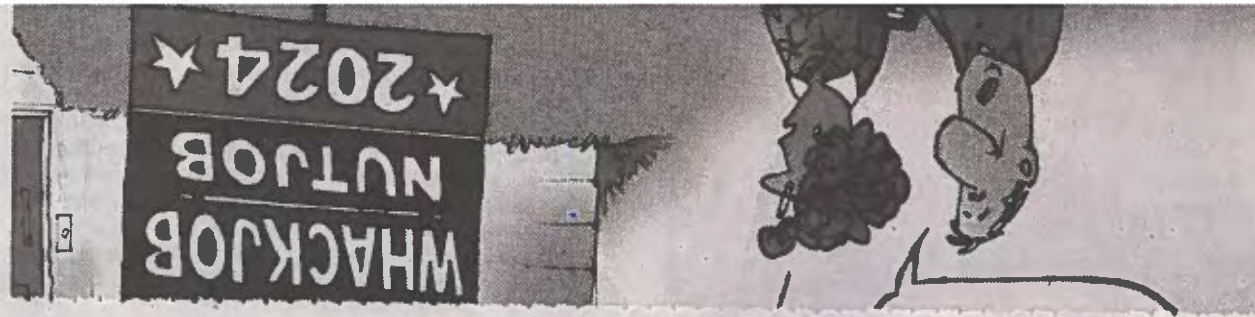












atroutman@miningjournal.net  
 BUD SARGENT, managing editor  
 bsargent@miningjournal.net  
 JUSTIN MARIETTI, news editor  
 jmarietti@miningjournal.net  
 RANDY CROUCH, city editor  
 rcrouch@miningjournal.net

Friday, March 15, 2024

The Mining Journal **3A**

# Local

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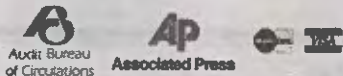
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 Randy Crouch, City Editor  
 (rcrouch@miningjournal.net).....Ext. 570  
 David Bond, Graphics Manager  
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Office Hours: Mon.-Fri.: 8:00 a.m.-5:00 p.m.  
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### PUBLIC HEARING NOTICE MARQUETTE CITY PLANNING COMMISSION

Notice is hereby given that the Marquette City Planning Commission will hold a public hearing for the following - **02-REZ-04-24 - 600 W. Spring St. (PIN: 0240012):** City of Marquette and Marquette County Habitat for Humanity are requesting to rezone the property located at 600 W. Spring Street which is zoned **Municipal (M)** to be zoned **Medium Density Residential (MDR)**.

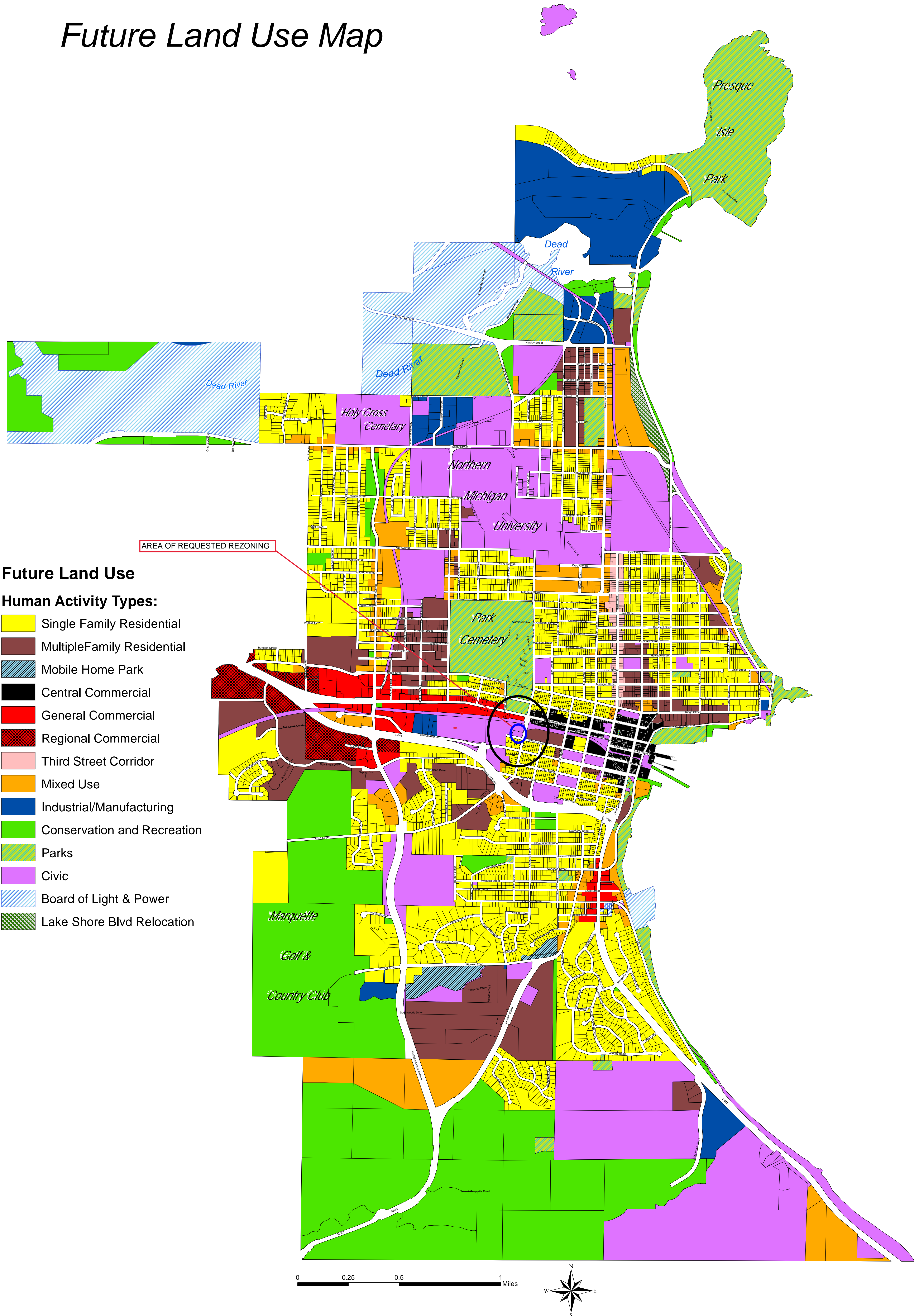
The public hearing for this request will be at 6:00 P.M. on Tuesday, April 2, 2024, in the Commission Chambers at City Hall, 300 W. Baraga Ave. If you wish to comment on this matter you may do so at that time. Written comments may also be submitted to the Community Development Department located at 1100 Wright Street, Marquette, Michigan 49855 or e-mail [alanders@marquettemi.gov](mailto:alanders@marquettemi.gov). Written submissions will be accepted until 12:00 p.m. on April 2, 2024.

Materials pertaining to the request is available for review at the Community Development Department's office at the Municipal Service Center during 7:30 a.m. to 4:30 p.m., Monday through Friday. Otherwise, you can request to have the materials e-mailed to you by e-mailing [alanders@marquettemi.gov](mailto:alanders@marquettemi.gov). You can also view the Land Development Code on our website at [www.marquettemi.gov](http://www.marquettemi.gov). If you have a disability and require assistance to participate, please provide advance notice.  
 Andrea Landers, Zoning Official, 225-8383



MARQUETTE COMMUNITY MASTER PLAN

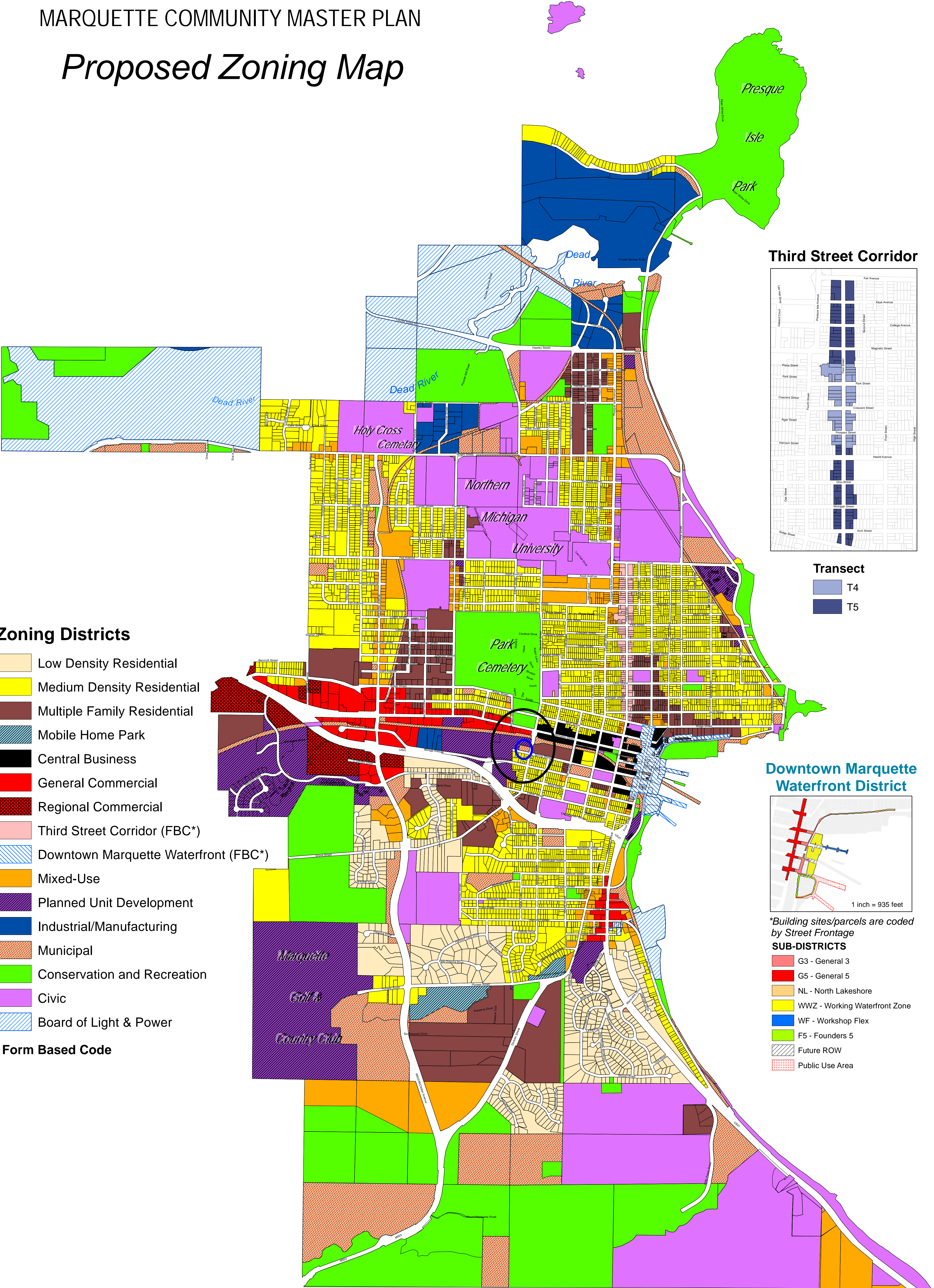
Future Land Use Map





MARQUETTE COMMUNITY MASTER PLAN

Proposed Zoning Map

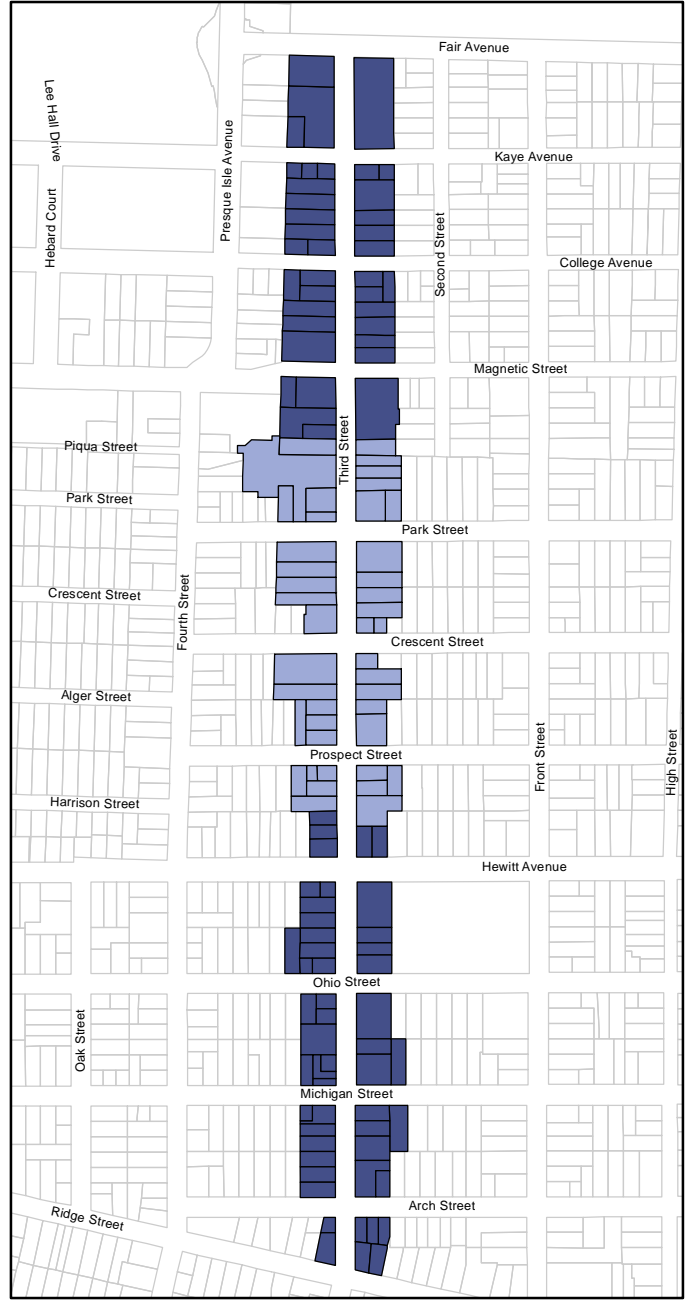


Zoning Districts

- Low Density Residential
- Medium Density Residential
- Multiple Family Residential
- Mobile Home Park
- Central Business
- General Commercial
- Regional Commercial
- Third Street Corridor (FBC\*)
- Downtown Marquette Waterfront (FBC\*)
- Mixed-Use
- Planned Unit Development
- Industrial/Manufacturing
- Municipal
- Conservation and Recreation
- Civic
- Board of Light & Power

\* Form Based Code

Third Street Corridor

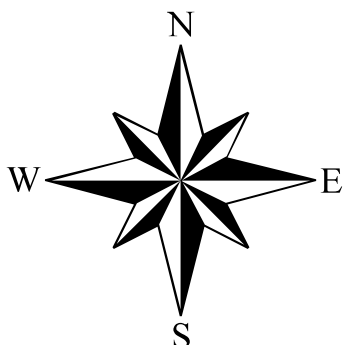
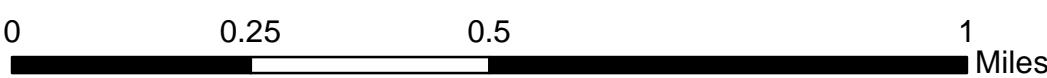


- Transect
- T4
  - T5

Downtown Marquette Waterfront District



- \*Building sites/parcels are coded by Street Frontage
- SUB-DISTRICTS
- G3 - General 3
  - G5 - General 5
  - NL - North Lakeshore
  - WWZ - Working Waterfront Zone
  - WF - Workshop Flex
  - F5 - Founders 5
  - Future ROW
  - Public Use Area





## Rezoning

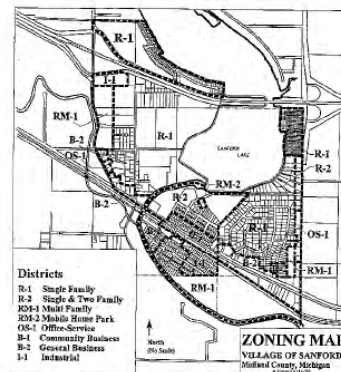
- The main question that must be answered when considering a rezoning is: *“Is that an appropriate location for that zone?”*
- The proposed use of land is not as important as is the fact that if the land is rezoned, any of the uses permitted in that zone may be established on that land.
- If a specific land use is proposed then an additional question must also be answered: *“Are the uses permitted in the existing zone reasonable?”*
- Failing to follow notice requirements may result in a Court invalidating the amendment.

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## Rezoning Factors to Consider

RE: Question One (previous page)

- Would rezoning be consistent with other zones and land uses in the area?
- Is the proposed rezoning consistent with the trend of development in that area?
- Are uses in the proposed zone equally or better suited to the area than the current uses?
- Is the proposed rezoning consistent with both the policies and uses proposed for that area in the master plan?



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## Rezoning Factors to Consider

RE: Question Two (previous page)

- Is the proposed use compatible with uses in the existing district? If so, would it be more appropriate to amend the text of the ordinance to add the proposed use to the existing district as a use permitted by right, or by special permit, or by planned unit development than to rezone?
- Is another district, different than the one requested, more appropriate in this location?

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## SPOT ZONING



### Characteristics

- Typically a single parcel zoned for uses that are quite dissimilar from the zoning of lands around it.
- Typically small in area.
- Typically grants a right to use land that is not enjoyed by similarly situated adjacent parcels.
- Most important, it is typically inconsistent with the future land use plan and the policies of the master plan.

### Result

- Typically ruled invalid if challenged in court.

23



## SPOT ZONING CONSIDERATIONS

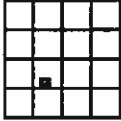
The following is an excerpt from a Planning Commissioner training/resource manual that summarizes the four characteristics of a "spot zone" - and explains that all four must be found in the subject rezoning request to constitute an "unjustified spot zone". The Planning Commission needs to address each of the four characteristics and determine if there is a spot zone.

**SPOT ZONING**

**Characteristics**

- \* **Small in Size**
- \* **Inconsistent Uses**
- \* **Special Benefit**
- \* **Contrary to Master Plan**

MSPO Basic Program: \_\_\_\_\_



### What is a Spot Zone?

Public hearings for rezonings are often filled with comments about the creation of a "spot zone," and the dire results of such an approval. But spot zoning is a derogatory and often misused term.

Spot zoning has some specific characteristics. It is not simply the appearance of a "spot" on a zoning map. Many acceptable zone districts may be "islands," surrounded by other zone

districts. But while some may disagree on whether or not a specific case is a spot zone, nearly everyone agrees that it is a poor zoning practice. A unjustified spot zone is, therefore, likely to be viewed by the courts as unlawful.

In order to qualify as a spot zone the property will meet each of four characteristics.

### *Small in Size*

As the term "spot" implies, the location of a spot zone will be a relatively small parcel, particularly with respect to the sizes of the parcels in the vicinity. While there are no firm rules on what size a spot needs to be, the larger the area, the less likely it will be considered a "spot." If the property was large enough to accommodate buffers or transition areas, landscaping or open space could be used to soften the impact on surrounding properties or uses.

### *Inconsistent Uses*

The second quality is that the spot zone will permit uses that are inconsistent with the uses already established or allowed in the vicinity. The inconsistent nature of the spot zone's uses should be clear, i.e. the uses should be very different. These uses, either by virtue of building design, traffic, or intensity will be incompatible with uses allowed in surrounding districts. For example, a proposed two-family district rezoning in a single family zoned area would not be an inconsistent use. A sporting goods store in the midst of a residential area, however, would be an entirely different use of land.

## Special Benefit

Spot zoning also confers a "special benefit" on a single property owner which is not available to others in the area. Since the uses allowed by the spot zone are inconsistent with, and often more intense than, those allowed in surrounding districts, a special benefit is given to the holder of the spot zone, to the detriment of nearby properties.

## Contrary to the Master Plan

The final characteristic of a spot zone is the one that most distinguishes it as a poor zoning practice. If the Master Plan designates a small parcel in a rural or agricultural area for commercial use to serve residents in the general area, it may have the look of a classic spot zone. In fact, it may even meet the first three characteristics. But it is not a spot zone since the Master Plan planned for its creation. As a result, labeling a rezoning a "spot zone" simply because it is on a small parcel and the uses allowed are different from the other uses around it is not always correct.

### REZONING CASE STUDY



**Willis Township - Proposed Rezoning  
A-1 to C-2**

**Use proposed - Shopping Center**  
**Permitted in C-2, Special Use in C-1**  
**10-Year Master Plan - Residential**  
**No opposition**  
**Major arterial road**

**WHAT ARE THE APPROPRIATE  
FACTORS TO CONSIDER?**

MSPO Basic Program

### Rezoning Case Study

*Willis Township - Proposed Rezoning A-1 to C-2*

The application states that two existing barns and an old farmhouse on a ten acre parcel are to be razed and a shopping center constructed on the property. The C-1 District requires that shopping centers be reviewed as a special land use; the C-2 District allows shopping centers as a Permitted Use. The applicant is requesting the

C-2 District. A variance may also be required for a side yard setback.

### WILLIS TOWNSHIP Zone Districts

#### **C-1 Neighborhood Commercial**

##### **Permitted Uses**

1. Grocery stores
2. Drug stores

##### **Special Land Uses**

1. Shopping centers

#### **C-2 Community Commercial**

##### **Permitted Uses**

1. Automobile services
2. Shopping centers

##### **Special Land Uses**

1. Auto body shops

MSPO Basic Program

- The 10-year old Master Plan designates the property and the surrounding area for Residential use.
- No neighborhood opposition is apparent.
- The road which serves the property is a major arterial, but no public sewer or water is available.

**WHAT ARE THE APPROPRIATE FACTORS TO CONSIDER?**



CITY OF MARQUETTE  
**PLANNING AND ZONING**  
1100 Wright Street  
MARQUETTE, MI 49855  
(906) 228-0425  
[www.marquettetmi.gov](http://www.marquettetmi.gov)

## **MEMORANDUM**

**TO:** Planning Commission  
**FROM:** Dave Stensaas, City Planner and Zoning Administrator  
**DATE:** March 28, 2024  
**SUBJECT: Work Session – Land Development Code Amendments for 2024**

---

Staff and the Planning Commission (PC) will continue to work on amendments to the Land Development Code (LDC). This effort will continue until the April 16<sup>th</sup> PC meeting, with the intent of holding a public hearing at the May 7<sup>th</sup> PC meeting. A joint meeting with the City Commission will be scheduled to discuss the completed work and then a date will be set for a City Commission public hearing on the proposed changes. A document containing some of the items to be discussed follows, but staff will continue to work on LDC amendments up to the day of the meeting, thus more content will be presented at the meeting.

# Land Development Code language for Discussion at the April 2, 2024, Planning Commission meeting

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

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

Example) H. Light Manufacturing

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

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

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

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

---

## ADD LANGUAGE

### Article 2 Definitions

#### Section 54.202 Specific Terms

**Agriculture:** A land use which includes all of the following: (1) a farm operation, (2) producing a farm product, and (3) commercial activity. ~~The land use also includes accessory uses for housing and dwellings for the farmer and farm employees.~~ Agricultural operations in which the production of a farm product is conducted completely within an enclosed building are not considered a farm operation and are regulated instead as a manufacturing activity (light or heavy manufacturing).

**(13) Alterations:** Any change, addition or modification to a structure or type of occupancy or use of structure or land or any change in the structural members of a building, such as walls or partitions, columns, beams or girders; in doors and/or windows; the enlargement or diminution of a building; the moving of a building or structure, the consummated act of which may be referred to herein as "altered" or "reconstructed" or "changed".

**Appeal:** A procedure by which a decision or enforcement action from a body or individual authorized to make administrative decisions under the provisions of this Chapter is disputed and submitted to the Board of Zoning Appeals for determination.

**Applicant:** The owner of a property or their authorized representative, who is applying for development approval.

**Approval:** A formal action by a designated approving authority approving a plan, use, design, or an application in whole or in part, or for work approved by a permit, as authorized by this Chapter.

**Awning:** A retractable or fixed shelter projecting from and supported by the exterior wall of a building (i.e. cantilevered) and constructed with non-rigid materials on a supporting framework.

**Bicycle Parking Space:** An area and facility used for the securing of bicycles. This term shall include enclosed bicycle storage, covered bicycle racks, or fixed bicycle racks.

**Building Frontage:** The length of any side of a building which fronts on a public street, a public or private parking area, or a pedestrian walk where customer access to the building is available.

**Business:** Any legal use of a building by a person other than for a residence, child care or day care family or group home, home occupation, transitional housing facility, school, or religious/faith assembly. A land use that is physically separated, uses different personnel, and provides different products and/or services from another in the same building may be treated as a unique business for purposes of complying with any provisions of this Chapter.

**Canopy:** A rigid multi-sided structure covered with fabric, metal or other material and supported in whole or in part by posts embedded in the ground, and often a projection from an exterior wall of a building. A canopy that is attached to a building may also be called a "Marquee". Compare to "Awning" and see Section 54.1103 for definitions in that Article for signs, if the canopy is to support a sign.

**Development:** The construction, reconstruction, remodeling, conversion, structural alteration, relocation, enlargement, or demolition of any structure, proportion of a structure, or sign; any change in use in land, building, or structure, or material change in the appearance of any structure; any increase in the number of dwelling units, businesses, manufacturing establishments, or offices; any mining, excavation, filling, grading, paving, or land disturbance; and any division of land.

**Duplex:** A two-family house, with each dwelling unit physically separated from the other by a floor (a multi-story or up-down duplex) or by a wall (a side-by-side duplex) or both.

**Manufacturing, Artisan:** Manufacturing, Artisan means production of goods by the use of hand tools or small-scale, light mechanical equipment. Typical uses include apparel and jewelry making, production of small amounts of alcohol or food products. Home-based woodworking and cabinet shops, arts and/or crafts studios are examples. Artisan manufacturing is usually not of a scale to support employees and is often a hobby that supplements a person's income, and is typically not a primary source of income and not a standalone, brick and mortar business. The Zoning Administrator shall consider the material, process, quantities, relation to any applicable laws such as the Michigan Cottage Food Law, revenue generated or forecast, and/or other similar factors to differentiate *artisan manufacturing* from *light manufacturing*.

**Manufacturing, Light:** Light manufacturing refers to industrial or commercial activity that uses small or moderate amounts of raw, partially processed, or processed materials to produce items of relatively high value per unit weight or of higher value. Light manufacture is most often associated with batches or discrete production runs that require multiple workers to produce. Normally absent from light manufacturing facilities are any type of heavy machinery, welding operations, cranes, large farm implements, or most hazardous materials as defined by NFPA codes. The manufacturing of clothes, furniture, consumer electronics, household items, jewelry, pottery, food, and beverages for sale in quantities that support a business operation are some examples of light manufacturing. In determining whether a use is classified as light manufacturing or some other classification of use (e.g., heavy



manufacturing, commercial, accessory use, home occupation, etc.), the Zoning Administrator shall consider the material, process, quantities, relation to any applicable laws such as the Michigan Cottage Food Law, revenue generated or forecast, and/or other similar factors.

**Quadplex:** A four-family house/building, with each dwelling unit physically separated from the other by a floor, a wall, or both.

**Triplex:** A three-family house/building, with each dwelling unit physically separated from the other by a floor, a wall, or both.

## Article 3 Zoning Districts and Map

**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	S	S	S		S									<a href="#">Section 54.608</a>
Dwelling, Accessory Unit	P	P	P		P	P								<a href="#">Section 54.612</a>
Dwelling, Intentional Community	S	S	S		S	S								<a href="#">Section 54.614</a>
Dwelling, Live/Work					P	P								<a href="#">Section 54.615</a>
Dwelling, Multiple-Family, 5+ dwell units			P		P	P								<a href="#">Section 54.616</a>
Dwelling, Single-Family Attached			P		P	S								
Dwelling, Single-Family Detached	P	P	P		P	S								<a href="#">Section 54.617</a>
Dwelling, Two-Family (Duplex)	P*/S	P*/S	P		P	P								<a href="#">Section 54.613</a>
Dwelling, Triplex and Quadplex	S	P*/S	P		P	P								
Foster Family Group Home	S	S	S		S	S								
Foster Family Home	P	P	P		P	P								

### Section 54.307 LDR, Low Density Residential District

<b>(A) Intent</b>	
The LDR district is intended to establish and preserve quiet, attractive neighborhoods of detached single-family dwellings with a low to medium density and compatible residential land uses. Some additional non-commercial, compatible uses may be allowed. It is also intended that developments in this district will be designed to preserve significant natural features, including woodlands, steep slopes, wetlands, and floodplains.	
<b>(B) Permitted Principal Uses</b>	<b>(C) Special Land Uses</b>
<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> </ul>	<ul style="list-style-type: none"> <li>Cemetery</li> <li>Child Care Center or Day Care Center</li> <li>Child or Day Care, Group Home</li> </ul>

<ul style="list-style-type: none"> <li>• Adult Foster Care, Family Home</li> <li>• Adult Foster Care, Small Group Home</li> <li>• Child or Day Care, Family Home</li> <li>• Dwelling, Accessory Unit</li> <li>• Dwelling, Duplex – corner lots only/lots with two frontages that are not parallel (not a through lot)</li> <li>• Dwelling, Single-Family Detached</li> <li>• Food Production, Minor</li> <li>• Foster Family Home</li> <li>• Home Occupation</li> <li>• Home Office</li> <li>• Homestays and Vacation Home</li> <li>• Outdoor Entertainment and Community Events (Temporary)</li> <li>• Residential Limited Animal Keeping</li> </ul>	<ul style="list-style-type: none"> <li>• Dwelling, Intentional Community</li> <li>• Dwelling, Two-Family (Duplex) – Other than corner lots with 2 non-parallel frontages</li> <li>• Dwelling, Quadplex</li> <li>• Dwelling, Triplex</li> <li>• Foster Family Group Home</li> <li>• Public or Governmental Building</li> <li>• Recreational Use, Public</li> <li>• Religious Institution</li> <li>• School, Primary or Secondary</li> <li>• Supportive Housing Facility, Transitional and/or Permanent</li> </ul>
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Where there is a discrepancy between [Section 54.306](#) and this table, [Section 54.306](#) shall prevail.

We can add regulations for greater lot size or setbacks like we do in the MFR zoning district, please see example below:

(E) Dimensional Regulations for 3-4 Dwelling Units and other uses identified in Section 54.309			
Lot, Coverage, and Building Height Standards		Minimum Setbacks	
Min. Lot Area (sq. ft.)	9,000 <a href="#">(E)</a>	Front Yard (ft.)	15 <a href="#">(A)</a>
Min. Lot Width (ft.)	75 <a href="#">(E)</a>	Side Yard (one) (ft.)	10 <a href="#">(H)</a> , <a href="#">(L)</a> , <a href="#">(M)</a>
Max. Impervious Surface Coverage (%)	<a href="#">(S or T)</a>	Side Yard (total of 2) (ft.)	20 <a href="#">(H)</a> , <a href="#">(L)</a> , <a href="#">(M)</a>
Max. Building Height of Primary Building (ft.) <a href="#">(Q)</a>	36.5 <a href="#">(M)</a> , <a href="#">(N)</a>	Rear Yard (ft.)	30 <a href="#">(H)</a> , <a href="#">(L)</a> , <a href="#">(M)</a>
Max. Building Height of Accessory Building	<a href="#">(L)</a> & <a href="#">Sec 64.616(C)</a>	Required Buffer & Greenbelt	<a href="#">(U)</a>
Max. Building Height (stories)	-		
Max. Lot Coverage/ Ground Coverage	0.20		

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

## Section 54.308 MDR, Medium Density Residential District

(A) Intent		
The MDR district is intended to establish and preserve medium density residential neighborhoods that present an environment acceptable to a range of users, including families of all types. Some additional non-residential compatible uses may be allowed. It is important to the community to preserve and enhance the pedestrian-friendly, compact neighborhood types where homes and buildings are of similar scale and character.		
(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 or Day Care, Family Home</li> <li>• Dwelling, Accessory Unit</li> <li>• <b>Dwelling, Duplex – corner lots only/lots with two frontages that are not parallel (not a through lot)</b></li> <li>• <b>Dwelling, Quadplex</b></li> <li>• <b>Dwelling, Triplex</b></li> <li>• Dwelling, Single-Family Detached</li> <li>• Food Production, Minor</li> <li>• Foster Family Home</li> <li>• Home Occupation</li> <li>• Home Office</li> <li>• Homestays and Vacation Home</li> <li>• Outdoor Entertainment and Community Events (Temporary)</li> <li>• Residential Limited Animal Keeping</li> </ul>	<ul style="list-style-type: none"> <li>• Cemetery</li> <li>• Child Care Center or Day Care Center</li> <li>• Child or Day Care, Group Home</li> <li>• Dwelling, Intentional Community</li> <li>• Dwelling, Two-Family (Duplex)</li> <li>• Foster Family Group Home</li> <li>• Hospital Hospitality House</li> <li>• Public or Governmental Building</li> <li>• Recreational Use, Public</li> <li>• Religious Institution</li> <li>• School, Primary or Secondary</li> <li>• School, University</li> <li>• Supportive Housing Facility, Transitional and/or Permanent</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.	

We can add regulations for greater lot size or setbacks like we do in the MFR zoning district, please see example below:

(E) Dimensional Regulations for 3-4 Dwelling Units and other uses identified in Section 54.309			
<i>Lot, Coverage, and Building Height Standards</i>		<i>Minimum Setbacks</i>	
<i>Min. Lot Area (sq. ft.)</i>	9,000 <a href="#">(E)</a>	<i>Front Yard (ft.)</i>	15 <a href="#">(A)</a>
<i>Min. Lot Width (ft.)</i>	75 <a href="#">(E)</a>	<i>Side Yard (one) (ft.)</i>	10 <a href="#">(H)</a> , <a href="#">(L)</a> , <a href="#">(M)</a>
<i>Max. Impervious Surface Coverage (%)</i>	<a href="#">(S or T)</a>	<i>Side Yard (total of 2) (ft.)</i>	20 <a href="#">(H)</a> , <a href="#">(L)</a> , <a href="#">(M)</a>
<i>Max. Building Height of Primary Building (ft.)</i> <a href="#">(Q)</a>	36.5 <a href="#">(M)</a> , <a href="#">(N)</a>	<i>Rear Yard (ft.)</i>	30 <a href="#">(H)</a> , <a href="#">(L)</a> , <a href="#">(M)</a>
<i>Max. Building Height of Accessory Building</i>	<a href="#">(L) &amp; Sec 64.616(C)</a>	<i>Required Buffer &amp; Greenbelt</i>	<a href="#">(U)</a>
<i>Max. Building Height (stories)</i>	-		
<i>Max. Lot Coverage/ Ground Coverage</i>	0.20		
Where there is a discrepancy between <a href="#">Article 4</a> and this table, <a href="#">Article 4</a> shall prevail.			

## Section 54.312 CBD, Central Business District

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

## Adding language for Fuel Spill Protection

Figure 8 in Article 3

Commercial and Retail Uses													
Adult Entertainment Uses											S		<a href="#">Section 54.601</a>
Bar					S	P	P	P					
Child Care Center or Day Care Center	S	S			P	S	P	P					<a href="#">Section 54.609</a>
Drive-Through Uses					P	P	P	P					<a href="#">Section 54.611</a>
Farmers' Markets					P	P	P	P	P	P			<a href="#">Section 54.618</a>
Gasoline Service Stations Fuel Dispensing Uses, including Service Stations					S	S	P	P	P	P	P	P	<a href="#">Section 54.803</a>
Indoor Recreation					P	P	P	P	P	P	P		

### Section 54.803 Storm Water Management

**(A) Approved Runoff and On-Site Detention.** All plans for redevelopment or new construction must include provisions for proper management of storm water. Unless permitted to discharge into a City storm sewer or approved detention or retention pond in accordance with City Ordinances, all lots shall retain storm water runoff on-site or detain it so as to allow discharge at a rate that is equal to or less than what left the site prior to redevelopment or new construction. Because the melting of snow will create storm water, snow may be pushed into and stored in a detention or retention pond, subject to approval by the City. No development shall be permitted which will increase the rate of runoff discharge from a lot or parcel onto an abutting property including a surface water body. No land uses shall be permitted which will reduce the level of service currently being provided by existing storm water management infrastructure or existing drainage patterns. Direct discharging of untreated storm water to a water body is prohibited.

**(B) Fuel Spill Protection.** For fuel spill protection, all new fuel dispensing facilities shall be required to provide an open-air retention or detention basin. The basin shall be designed to hold the runoff volume from a 24-hour 2-year storm. At a minimum, the area around the fuel dispensing pumps and the tank storage areas shall be used in the runoff calculations. To the fullest extent possible runoff from the areas around the fuel dispensing pumps and tank storage areas shall be directed to the detention/retention basin. A controlled overflow for the basin shall be designed to leave the site following all City stormwater requirements.

**(B) (C) Design and Installation.** The proposed development must utilize a means to control discharge in accordance with the City of Marquette Engineering Design Standards. That site must have an on-site storm water management system that properly lowers peak discharge from a 24- hour 10-year event as described in [Section 54.803\(A\)](#) above. For the added benefit of water quality, the City also encourages the use of underground infiltration trenches (a.k.a., French drains), rain gardens (see example in [Figure 41](#)), cisterns, swales, green roofs, pervious pavers, and rain barrels. A vegetated yard area may be used when, in the opinion of the City approving authority, the slope, underlying soil conditions, and vegetation will allow for rapid infiltration.

## Adding Language

### Section 54.1402 Site Plan Review

**Figure 52. Site Plan Information Required in the Site Plan Set**

Site Plan Information Required	Sketch Plan	Preliminary Site Plan	Final Site Plan
<b>Identification of Project</b>			
The applicant's name.	•	•	•
Name of the development.	•	•	•
The preparer's name and professional seal of architect, engineer, or landscape architect indicating license in the State of Michigan.		•	•
Small scale location sketch of sufficient size and scale.	•		
A survey of the property, sealed by a surveyor licensed in the State of Michigan.		•	•
Date of preparation and any revisions.	•	•	•
North arrow.	•	•	•
Complete and current legal description and size of property in acres.	•	•	•
<b>Existing Features</b>			
Property lines and dimensions drawn to scale.	•	•	•
Zoning and current land use of applicant's property and all abutting properties and of properties across any public or private street from the site.	•	•	•
Lot lines and all structures on the property and within 100 feet of the site's property lines.		•	•
Locations of all significant natural features – streams, wetlands and floodplains (see Section 54.805), steep slopes (see Section 54.806), woodlands and protected trees (see Section 54.807).	•	•	•
Boundary of any Riparian Overlay Districts, per <a href="#">Section 54.320(E)</a> . Applicable where streams and/or steep slopes, wetlands, and surface water bodies may be impacted by proposed development. Location of steep slopes (>12 percent), per <a href="#">Section 54.806</a>		•	•
Any existing private or public easements		•	•
Location of any access points on both sides of the street within 100 feet of the site along streets where access to the site is proposed.	•	•	•
Locations of existing utilities.	•	•	•
Existing topography at a minimum of two (2) foot contour intervals.		•	•
<b>Proposed Construction</b>			
Building footprints, setbacks, and elevations showing height for all proposed structures with the acreage allotted to each use. See <a href="#">Article 3</a> , <a href="#">Article 4</a> , and <a href="#">Article 7</a> .	•	•	•
Floor area and ground coverage ratios. See <a href="#">Article 3</a> and <a href="#">Article 4</a> .	•	•	•
Schematic storm water management plan, including elements stated below for Final		•	

Site Plan requirements, as needed to show intended compliance with the requirements of the Land Development Code.			
Proposed topography with a site grading plan with topography at a minimum of two (2) foot contour intervals.		•	•
Boundary of any Riparian Overlay Districts, per <a href="#">Section 54.320(E)</a> . Applicable where streams and/or steep slopes, wetlands, and surface water bodies may be impacted by proposed development. Location of steep slopes (>12 percent), per <a href="#">Section 54.806</a>		•	•

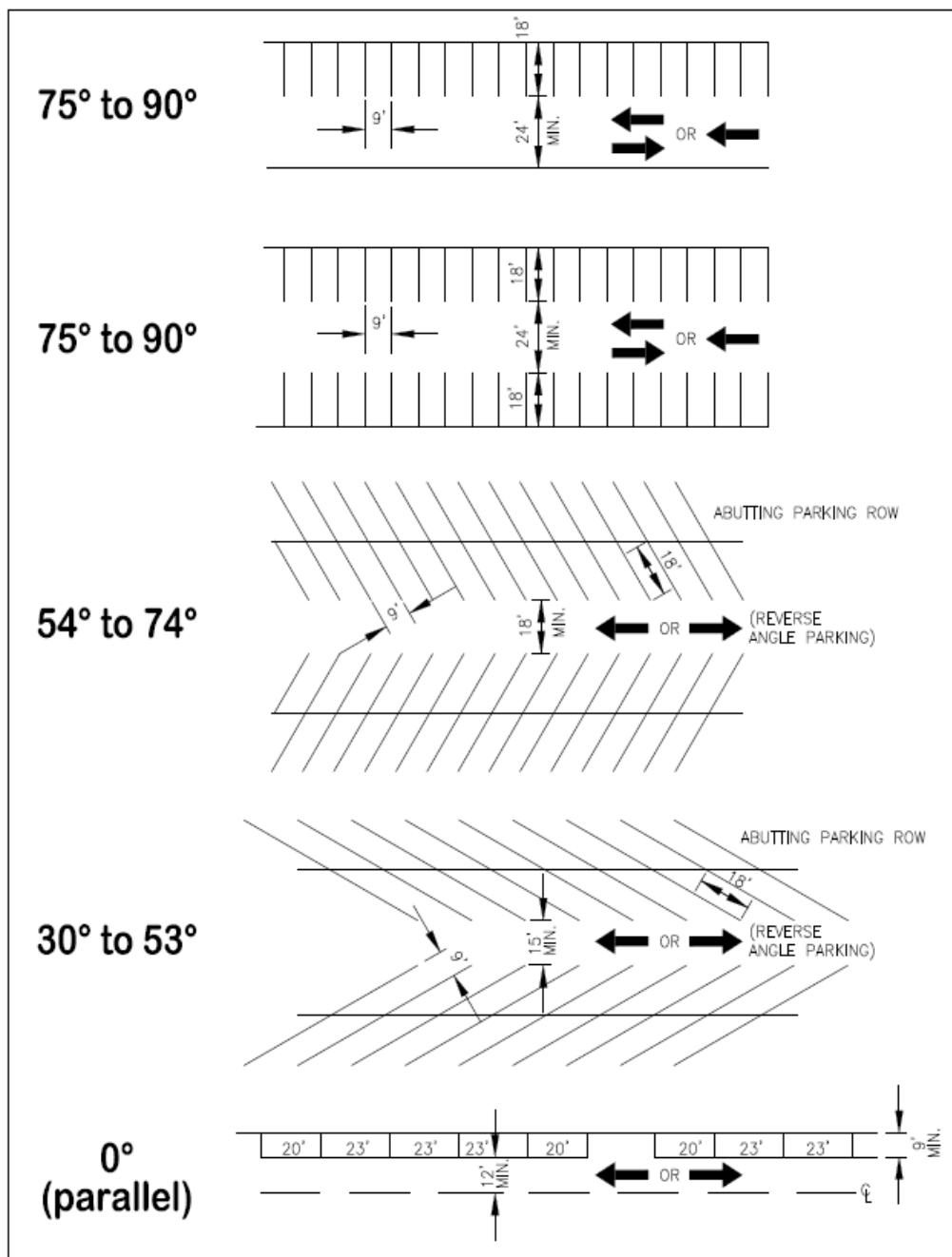
Site Plan Information Required	Sketch Plan	Preliminary Site Plan	Final Site Plan
Location and method of screening for all waste dumpsters. See <a href="#">Section 54.1003(F)</a> .		•	•
Location and dimensions of parking spaces. See <a href="#">Article 9</a> .	•	•	•
General landscaping design concept acceptable to the Zoning Administrator.	•		
A landscaping plan indicating proposed plant locations with common plant name, number, and size at installation. Berms, retaining walls or fences shall be shown with elevations from the surrounding average grade. See <a href="#">Article 10</a> .		•	•
Details of exterior lighting including fixture and pole locations, height, and method of shielding. See <a href="#">Section 54.802</a> .		•	•
The location of all permanent or temporary signs, existing or proposed, including their area, size, height, illumination, and the type of construction. See <a href="#">Article 11</a> .	•	•	•
Locations of utility services (with sizes) and storm water management elements, including, storm drainage, retention or detention ponds and/or swales, rain gardens, riparian buffer vegetative strips, per <a href="#">Section 54.803</a> . Any proposed public or private easements.			•
Fire hydrant number and placement or other water supply, and standpipe connection type; Fire dept. connection location; Alarm panel location; Fire dept. access details.			•
If the application is related to property scheduled for phased development, the proposed layout for the total projected development shall be indicated, and the projected scope and time period shall be estimated for each additional phase. The phasing plan must be acceptable to the City staff to ensure that each phase can function independently and is not reliant on future phases if they are not constructed.	•	•	•
<b>Site Circulation Details and Access Design</b>			
General site circulation and access including: indication of street right-of-way and pavement widths; access points; and location of pedestrian paths. See <a href="#">Section 54.907</a> .	•		
Street horizontal and vertical dimensions, including curve radii.		•	•
Dimensions of access points including distance from adjacent driveways or intersecting streets, including those across a street. See <a href="#">Section 54.907</a> .		•	•
Schematic location and names of abutting public streets and other right-of-ways, and schematic location of proposed streets/roads, driveways, parking areas, pedestrian and bicycle paths.		•	

Schematic of access points, including from adjacent driveways on intersecting streets, including those across a street. See <a href="#">Section 54.907</a> .		•	
Locations, dimensions, and names of abutting public streets and other right-of-ways, and of proposed streets/roads, driveways, parking areas, pedestrian and bicycle paths.			•
Pavement widths and pavement types for all streets/roads, pedestrian and bicycle paths.			•
Written verification of access easements or agreements, if applicable.		•	•
<b>Additional Information</b>			
Any other information necessary to establish compliance with this and other ordinances.	•	•	•
<b>Voluntary Information/Considerations – callouts/notes and narrative would be appreciated</b>			
Infrastructure for Electric Vehicle (EV) charging stations (wiring, conduit, etc.)			
Incorporation of <i>green infrastructure</i> elements such as a bioswale/rain garden (see Fig. 41), pervious pavers, vegetative/green roof, living retaining wall, French drains.			
Public art elements such as sculpture, murals, interactive installations.			
Affordable housing (including of explanation of how affordability is calculated).			
Colorful cladding materials (black, white, grey materials should be limited to <50 percent of total exterior cladding and trim colors).			
Anything else?			

Updated entire graphic and added the arrows for reverse in parking, and fixed one-way parking

Section 54.905 Parking Layout, Design, Construction, and Maintenance

Figure 46. Minimum Parking Layout Dimension Requirements (Graphic)





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**Moved Small Wind Energy from Article 7 General Provisions, Section 54.709 to Article 6 Standards Applicable to Special Land Uses, and added to Figure 8 use table (see solar power section above)**

**Section 54.648 Small Wind Energy Systems**

- (A) Purpose.** It is the purpose of this section to promote the safe, effective, and efficient use of wind energy systems to generate electricity and thereby reduce or replace on-site consumption of utility-supplied electricity. Further, it is the purpose of this subsection to standardize and streamline the review and permitting process for wind energy system.
- (B) Findings.** The City has found that wind energy is an abundant, renewable, and nonpolluting energy resource that some residents and businesses of the City would like to use. Generation of electricity by these facilities will reduce dependence on non-renewable energy resources and decrease air and water pollution that results from the use of conventional fossil fuels. Wind energy systems will also enhance the reliability and power quality of the power grid, reduce peak power demands, and help diversity the City's energy supply.
- (C) Small Wind Energy Systems.**
- (1) Where Permitted.**
- (a)** Roof-Mounted Small Wind Energy Systems are permitted by right in all zoning districts, provided that all of the applicable requirements of this Ordinance are met.
  - (b)** Tower-Mounted Small Wind Energy Systems may be permitted as a special land use in the GC, RC, M, C, IM, CR, and BLP districts, provided that all of the applicable requirements of this Ordinance are met.
- (2) Minimum Lot Area.**
- (a)** Roof-Mounted Small Wind Energy Systems shall have no minimum lot area.
  - (b)** Tower-Mounted Small Wind Energy Systems shall be located on a lot with a minimum area of one (1) acre.
- (3) Maximum Wind Turbine Height.**
- (a)** Roof-Mounted Small Wind Energy Systems shall have a maximum height of ten (10) feet above the highest point of the roof or ten (10) feet above the maximum height of the zoning district, whichever is lower.

- (b) Tower-Mounted Small Wind Energy Systems shall have a maximum height of twenty (20) meters (65.617 feet).

**(4) Minimum Setbacks.**

- (a) Roof-Mounted Small Wind Energy Systems shall adhere to the minimum setbacks of the zoning district.
- (b) Tower-Mounted Small Wind Energy Systems shall be set back from all property lines, overhead utility rights-of-way and easements, and other towers a distance equal to or greater than the height of the wind turbine or tower.

**(5) General Standards.** The following requirements are applicable to all wind energy systems.

- (a) **Noise.** A noise from a wind energy system shall not exceed 40 dB at the property line and shall comply with the noise standards set forth in the City's Ordinances.
- (b) **Shadow Flicker.** The application for a wind energy system shall include a shadow flicker analysis demonstrating impact on adjacent and nearby residential properties. Wind energy systems shall be constructed in locations that minimize the impacts of shadow flicker on residences.
- (c) **Lighting.** No wind energy system shall be artificially lighted unless required by the Federal Aviation Administration (FAA).
- (d) **Appearance, Color, and Finish.** The wind energy system shall be maintained in the color or finish that was originally applied by the manufacturer, unless otherwise approved in the zoning compliance permit. All wind energy systems shall be a single non-reflective, non-obtrusive, matte finished color (e.g. white or gray).
- (e) **Signs.** The manufacturer or installer's identification sign, appropriate warnings signs, and an owner identification sign, are permitted. All other signs are prohibited.
- (f) **Electrical Wires.** All electrical wires associated with a wind energy system, other than wires necessary to connect the wind generator to the tower wiring, the tower wiring to the disconnect junction box, and grounding wires, shall be located underground.
- (g) **Compliance with Electrical Code.** Permit applications for wind energy systems shall be accompanied by line drawings of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code.

- (h) **Construction Codes, Towers, and Interconnection Standards.** Wind energy systems, including towers, shall comply with all applicable state construction and electrical codes and local building permit requirements. Wind energy systems including towers, shall comply with the FAA requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950 as amended), and other applicable local and state regulations. A wind energy system connected to the public utility electrical grid shall comply with the Michigan Public Service Commission and Federal Energy Regulatory Commission standards.
- (i) **System Access.** Small wind energy systems shall be designed and installed such that step bolts, ladders, or other means of access readily accessible to the public are located at least eight (8) feet above grade level.
- (j) **Safety.** A wind energy system shall have an automatic braking, governing, or feathering system to prevent uncontrolled rotation or over speeding. All wind towers shall have lightning protection. If a tower is supported by guy wires, the wires shall be clearly visible to a height of at least six (6) feet above the guy wire anchors.
- (k) **Minimum Ground Clearance.** The lowest extension of any blade or other exposed moving component of a wind energy system shall be at least twenty (20) feet above the surrounding grade at its highest point within twenty (20) feet of the base of the tower and at least twenty (20) feet above any outdoor surface intended for human use, such as balconies or roof gardens, that are located below the wind energy system.
- (l) **Roof-Mounted Small Wind Energy Systems.** Roof-mounted small wind energy systems shall be limited to roof mounting and shall not be mounted on any other building wall or surface.
- (m) **Removal Provisions.** As a condition of approval, the City may require that the property owner enter into an agreement with the City for the removal of the wind energy system upon disuse or abandonment of the system as described in [Section 54.709\(C\)\(5\)\(n\)](#). The agreement shall be in recordable form, provide the necessary authority for the City to enter the property to remove the unit when a property owner fails to do so as required in [Section 54.709\(C\)\(5\)\(n\)](#), and also provide that the City may have a lien for costs if it becomes necessary for the City to exercise its rights under the agreement. This agreement shall be recorded with the Marquette County Register of Deeds.
- (n) **Removal.** If a small wind energy system ceases to perform its intended function (generating electricity) for more than six (6) consecutive months or has been abandoned, the property owner shall remove the wind energy system, electrical components, and all other associated facilities no later than ninety (90) days after the end of the six (6) month period. Where the removal has not been lawfully completed as required above, and after at

least thirty (30) days written notice, the City may remove or secure the removal of the wind energy facility or portion thereof only if there is a recorded agreement authorizing the City to do so pursuant to [Section 54.709\(C\)\(5\)\(m\)](#). If there is a recorded agreement authorizing the City to remove the solar energy system or portion thereof pursuant to [Section 54.709\(C\)\(5\)\(m\)](#), the City's actual cost and reasonable administrative charges may be placed as a lien on the property and the lien on the property shall be superior to all other liens except taxes. If there is no recorded agreement authorizing the City to remove the wind energy system or portion thereof, the City may issue Civil Infraction tickets to the owner and/or operator and seek an order to remove the system in the Marquette County Circuit Court.

- (o) **Performance Guarantee.** All applications for a small wind energy system shall be accompanied by a performance guarantee in an amount sufficient to ensure the decommissioning and removal of the system when it is abandoned or no longer needed.
- (p) **Insurance.** The applicant shall submit proof of sufficient property damage and liability insurance.
- (q) **Utility Connection.** The applicant shall submit evidence that the utility company has been informed of the customer's intent to install an interconnected, customer- owned wind energy generator and that such connection has been approved. Off-grid systems shall be exempt from this requirement.

**Update to Manufacturing**, considering the new Agriculture definition and existing uses in M (municipal workshops), C (county workshops), BLP – heavy industry, and allowance for “Indoor Ag.” and other light industrial in commercial districts should maybe be permitted and no longer a special land use.

## Section 54.308 Permitted Uses by Zoning District

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>Industrial Uses</b>														
Major Repair and Maintenance Operations											S		P	<a href="#">Section 54.627</a>
<b>Manufacturing, Heavy</b>											S		P	<a href="#">Section 54.627</a>
<b>Manufacturing, Light</b>					S	S	S	S	P	P	P		P	<a href="#">Section 54.627</a>