


## ∞ AGENDA ∞

**MARQUETTE CITY PLANNING COMMISSION**  
**Tuesday, April 16th, 2024, at 6:00 p.m.**  
**Commission Chambers at City Hall – 300 W. Baraga Ave.**

### MEETING CALLED TO ORDER

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- The seal of Marquette, Michigan, is circular. It features a central illustration of a ship on a body of water, with trees and a lighthouse in the background. The word "MARQUETTE" is arched across the top, and "MICHIGAN" is arched across the bottom. Below the ship, it says "FOUNDED 1843".
- 1) ROLL CALL
  - 2) APPROVE AGENDA
  - 3) APPROVE MINUTES: **Minutes of 04-16-24**
  - 4) CONFLICT of INTEREST
  1. PUBLIC HEARINGS
  2. CITIZENS WISHING TO ADDRESS THE COMMISSION ON AGENDA ITEMS
  3. OLD BUSINESS
  4. NEW BUSINESS
  5. CITIZENS WISHING TO ADDRESS THE COMMISSION ON NON-AGENDA ITEMS
  6. CORRESPONDENCE, REPORTS, MINUTES OF OTHER BOARDS/COMMITTEES
  7. TRAINING
  8. WORK SESSION ON REPORTS/PLANS/ORDINANCES
    - A. Land Development Code 2024 Amendments**
  9. COMMISSION AND STAFF COMMENTS
  10. ADJOURNMENT

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### 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  
April 2nd, 2024**

A regular meeting of the Marquette City Planning Commission was duly called and held at 6:00p.m. on Tuesday, April 2nd, 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, C. Gottlieb, S. Lawry, D. Fetter  
PC Members absent: Vice Chair K. Clegg, Chair S. Mittlefehldt  
Staff present: Zoning Official A. Landers, City Planner & Zoning Administrator D. Stensaas

**AGENDA**

*It was moved by C. Gottlieb, seconded by M. Rayner, and carried 5-0 to approve the agenda as presented.*

**MINUTES**

The minutes of 03-19-24 were approved as presented by consent.

**CONFLICT OF INTEREST**

There were no conflicts of interest stated.

D. Stensaas stated that the Planning Commission now needs to appoint an Acting Chair to conduct the rest of the meeting.

*It was moved by C. Gottlieb, seconded by D. Fetter, and carried 5-0 to have S. Lawry serve as Acting Chair for the rest of this meeting.*

**1. PUBLIC HEARINGS**

A. 02-REZ-04-24 – 600 W. Spring St. (PIN: 0240012)

S. Lawry introduced the hearing and asked staff to proceed.

A. Landers stated:

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 for Humanity 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.

She also said that attached to the agenda is the Staff Report and referenced the report contents as she showed the report on-screen, including the existing zoning requirements, the Land Development Code zoning items for consideration, the current zoning district and its standards, the proposed zoning district and its standards, the zoning ordinance and map amendment procedures information, information about spot zoning, the attachments of the application submitted by the applicant, the area map, block map, and existing zoning map – all with the parcel outlined in blue; photos of the site; and proof of publication of this hearing as a legal advertisement. She also referenced in the staff report an excerpt from the Future Land Use Map that and the Proposed Zoning Map from the Community Master Plan (CMP) showing the parcel as Civic on the Future Land Use Map and Municipal on the FLUM. She also said that no correspondence was received, and asked if there were any questions.

S. Lawry asked if anyone had questions for staff. He then asked if anyone would like to speak on behalf of the applicant.

Ms. Deanna Johnson, Executive Director of Habitat for Humanity in Marquette, said that she just wanted to add that we hope to get your support tonight.

S. Lawry opened the public hearing and asked if anyone wanted to comment on the rezoning request. Nobody spoke to the request and S. Lawry closed the hearing without comments.

S. Lawry asked if any of the Planning Commission members had questions or comments.

D. Fetter asked if this is rezoned to Medium Density Residential and the sale fell through, would this revert back to Municipal or would it stay Residential?

A. Landers stated that it would stay Residential and have to be rezoned again if the City wanted to change it back.

D. Fetter asked if it would be possible for the zoning change to be contingent on the sale.

D. Stensaas said that the Planning Commission can put conditions on any decision that it makes, and it would be reasonable to recommend a condition for the approval of the rezoning contingent on the sale of the property.

S. Lawry asked if that would constitute Conditional Rezoning.

D. Stensaas stated that Conditional Rezoning is a different thing, which is proposed by the applicant, and it provides for specific land uses to be allowed and might remove others from the lists of permitted and special uses for the requested zoning district, whereas this could just be a normal approval contingent on the sale of the property.

S. Lawry said that he would like to remind the Commissioners that the Planning Commission is not rezoning the property, but are making a recommendation to the City Commission.

C. Gottlieb asked if the City had a purchase agreement.

A. Landers said that per the information we have the City Manager opened negotiations, but she doesn't know the status of a purchase agreement.

Ms. Johnson offered that there is a signed purchase agreement and that the final thing to complete is the zoning change.

C. Gottlieb said that he went by the property and in my mind this a good use of the property as a place for Habitat to build housing and it would be a step forward for the city.

S. Lawry said that the City had considered this site for a consolidated fire station, when it was a much larger parcel. This parcel is what's remaining after the sale of the property to build the hospital, and then later the PUD was amended to allow the Beacon House to be built in what was primarily the footprint for the proposed Fire Station. So, what's left there is no longer a viable site for that alternative municipal use for this property and I agree with Commissioner Gottlieb that the use of it for affordable housing would be an excellent improvement to the property and in my mind it does agree with the goals of the current [Community] Master Plan to try to create more affordable housing, especially in that area of the city.

The Planning Commission then discussed the four characteristics of *spot zoning*, with the aid of the materials regarding spot zoning that were included in the agenda packet, and determined that only one of the four criteria – the lot size – was the only possible characteristic of the parcel/proposal that could be considered as possibly not met, whereas all four criteria have to be met for a spot zone to be created

from the rezoning process. Thus, the Planning Commission determined there will not be a spot zone created by the proposed rezoning.

S. Lawry asked if anyone was ready to make a motion.

*It was moved by C. Gottlieb, seconded by D. Fetter, and carried 5-0 that 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 inconsistent with the Future Land Use Map but consistent with the Recommendations for Land Use of Chapter 3 of the Community Master Plan. and meets the requirements of the Land Development Code Section 54.1405 and hereby recommends that the City Commission approve 02-REZ-04-24 with the condition that the rezoning be conditioned on the sale to Habitat for Humanity by the City*

## **PUBLIC COMMENT ON AGENDA ITEMS**

No comments were provided.

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

Ms. Sally Davis, Mayor of the City of Marquette, stated:

I've been on the City Commission for four and a half years and when I was fortunate enough to be elected as Mayor one of the things that I set out to do is attend at least one of the meetings of each of the various City commissions. So, I'm here just to say hello and thank you for your time. I know that this committee in particular has to study more and have a higher level of knowledge than the others, and I so appreciate that. During the years I've been on the City Commission I'll occasionally hear from other committees that the Commission doesn't listen to them or doesn't get to hear them, and I just want you to know that we read all of your minutes and they are often more intense and more interesting than other minutes, but we do read the other minutes, but still some of that information doesn't get passed along. I think this commission is sort of an exception to that because you are much more formal and your recommendations are usually always there, versus some of what happens with other committees. But, again – thank you for your time and your interest in this committee and I just wanted to say hi.

## **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. S. Lawry recommended possibly referencing SARA Title III to help with the distinction between different levels of manufacturing.
- Amending Section 54.307 to allow duplex, triplex and quadplex dwellings as a permitted use in the Medium Density Residential (MDR) zoning districts.
- Amending Section 54.308 to allow duplex dwellings as a Permitted Use in the Low Density Residential (LDR) zoning districts, and to allow triplex and quadplex dwellings as a Special Land Use in the LDR districts.
- Amending Section 54.308 to expand where Light Manufacturing and Heavy Manufacturing are Permitted Uses.
- Amending Figure 8 in Article 3, to change *Gasoline and Service Station* uses to *Fuel Dispensing Uses, including Service Stations*, and adding to the zoning districts where these could be Permitted Uses – the Civic, Municipal, and BLD districts, and proposing this as a Special Land Use in Mixed-Use zoning districts.

- Possibly amending Section 54.803 to add a section for spill protection/containment measures where fuel-dispensing uses are proposed.
- Verifying the adequacy of a new graphic created for Section 54.905 to clarify maneuvering lanes for angle parking of 75-90 degrees applies to both one-way and two-way lanes.
- Amendments of Section 54.1402 to add a section of voluntary considerations to Figure 52, the Site Plan review checklist.
- Amendment of the definition of Mural in Section 54.1103, to clarify that a portion of a mural that displays commercial speech or content will not be treated as a sign in whole, but instead regulated as wall signs are per Section 54.1103(C)(26).

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

## **COMMISSION AND STAFF COMMENTS**

C. Gottlieb thanked S. Lawry for running the meeting. There were no other commissioner comments.

A. Landers and D. Stensaas provided information on the status of business for the next two meetings.

## **ADJOURNMENT**

The meeting was adjourned by Chair S. Mittlefehldt at 7:45 p.m.

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Prepared by D. Stensaas, City Planner and Zoning Administrator, Planning Commission Staff Liaison



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## **MEMORANDUM**

**TO:** Planning Commission  
**FROM:** Dave Stensaas, City Planner and Zoning Administrator  
**DATE:** April 12, 2024  
**SUBJECT: Work Session – Land Development Code Amendments for 2024**

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Staff and the Planning Commission (PC) will continue to work on amendments to the Land Development Code (LDC). This will be the last meeting at which staff intends to introduce any new content for discussion. 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 likely continue to work on LDC amendments up to the day of the meeting, thus more content may be presented at the meeting.

# Land Development Code language for Discussion at the April 16, 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.

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## ADDING/CHANGING LANGUAGE

### Article 2 Definitions

#### Section 54.202 Specific Terms

**Alteration:** ~~Any change, addition or modification to a structure or type of occupancy or use of structure or land or any~~ dimensional or locational change in the structural members of a building, such as walls or partitions, columns, beams or girders, door and window openings/frames; 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".

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

**Building Frontage:** The area adjacent to 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, which may be 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.

**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.

**Dwelling, Multiple Family:** A building or portion thereof designed or modified to contain ~~three (3)~~ **five (5)** or more separate dwelling units, without interior access to the other dwelling units; designed for or occupied exclusively by ~~three (3)~~ **five (5)** or more families living independently of each other.

**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, and home-brewing 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*. **This activity does not require permits in any zoning district if it is in compliance with all relevant laws.**

**Manufacturing, Light:** Light manufacturing refers to industrial, **manufacturing, or fabrication** commercial activity that **typically** 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 manufacturing activities are generally more consumer-focused than heavy manufacturing, which involves capital and energy-intensive machinery to produce large and/or complex products that are generally used by other businesses rather than directly by consumers. Light manufacturing activities are typically more like and compatible with commercial land uses, some having a high degree of interaction with the public. Low-impact Light Manufacturing may be compatible in residential areas.** 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, artisan manufacturing, 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. **There are two levels of Light Manufacturing that are considered, differentiated by the expected impact level of the activity, as follows:**

**Manufacturing, Light - Low Impact:** Light Manufacturing operations that are completely enclosed (having no outdoor storage or operations, other than vehicular parking and loading and unloading of vehicles that is accomplished without the use of motorized loading equipment), and which do not have offsite impacts or utilize hazardous materials (cite standard from the Light Man. Definition). In outward appearance, this type of business resembles a retail business or an office. This is a business that may be adjacent to residential uses in an urban area without creating nuisances for residential neighbors.



**Manufacturing, Light - Medium Impact:** Light Manufacturing or fabrication operations with outdoor operations and offsite production impacts that may include noise, unpleasant odors, smoke, dust, vibrations, glare, visible storage and warehousing, and increase traffic on adjacent streets.

**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.

**Remodel:** To alter a structure.

## Adding /Changing for Dwelling Units

### 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+ dwelling 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	P	P		P	P								<a href="#">Section 54.613</a>
Dwelling, Triplex and Quadplex	S	P	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

(A) Intent
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) 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</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>• <del>Dwelling, Two-Family (Duplex)</del></li> <li>• <b>Dwelling, Quadplex</b></li> <li>• <b>Dwelling, Triplex</b></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>
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 for <b>1-2 Dwelling Units</b> and other uses identified in <b>Section 54.307</b>			
Lot, Coverage, and Building Height Standards		Minimum Setbacks	
Min. Lot Area (sq. ft.)	8,100	Front Yard (ft.)	20 <a href="#">(B)</a>
Min. Lot Width (ft.)	60	Side Yard (one) (ft.)	10 <a href="#">(L)</a>
Max. Impervious Surface Coverage (%)	<a href="#">(S)</a>	Side Yard (total of 2) (ft.)	20 <a href="#">(L)</a>
Max. Building Height of Primary Building (ft.) <a href="#">(Q)</a>	31.5	Rear Yard (ft.)	30 <a href="#">(L)</a>
Max. Building Height of Accessory Building	<a href="#">(L)</a>		
Max. Building Height (stories)	-		
Where there is a discrepancy between <a href="#">Article 4</a> and this table, <a href="#">Article 4</a> shall prevail.			

(E) Dimensional Regulations for <b>3-4 Dwelling Units</b>			
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>		
Max. Building Height (stories)	-		
<b>Max. Lot Coverage/ Ground Coverage</b>	<b>0.20</b>		
Where there is a discrepancy between <a href="#">Article 4</a> and this table, <a href="#">Article 4</a> 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>• Dwelling, Duplex</li> <li>• Dwelling, Quadplex</li> <li>• Dwelling, Triplex</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 for 1 Dwelling unit and other uses identified in Section 54.308			
Lot, Coverage, and Building Height Standards		Minimum Setbacks	
Min. Lot Area (sq. ft.)	4,500 <a href="#">(C)</a>	Front Yard (ft.)	15 <a href="#">(A)</a> , <a href="#">(B)</a>
Min. Lot Width (ft.)	37.5 <a href="#">(D)</a>	Side Yard (one) (ft.)	5 <a href="#">(L)</a>
Max. Impervious Surface Coverage (%)	<a href="#">(S)</a>	Side Yard (total of 2) (ft.)	13 <a href="#">(L)</a>
Max. Building Height of Primary Building (ft.) <a href="#">(Q)</a>	31.5	Rear Yard (ft.)	20 <a href="#">(L)</a>
Max. Building Height of Accessory Building	<a href="#">(L)</a>		
Max. Building Height (stories)	-		
Where there is a discrepancy between <a href="#">Article 4</a> and this table, <a href="#">Article 4</a> shall prevail.			

(E) Dimensional Regulations for 2 Dwelling Units			
Lot, Coverage, and Building Height Standards		Minimum Setbacks	
Min. Lot Area (sq. ft.)	6,000	Front Yard (ft.)	15 <a href="#">(B)</a>
Min. Lot Width (ft.)	50	Side Yard (one) (ft.)	10 <a href="#">(L)</a>
Max. Impervious Surface Coverage (%)	<a href="#">(S)</a>	Side Yard (total of 2) (ft.)	20 <a href="#">(L)</a>
Max. Building Height of Primary Building (ft.) <a href="#">(Q)</a>	31.5	Rear Yard (ft.)	20 <a href="#">(L)</a>
Max. Building Height of Accessory Building	<a href="#">(L)</a>		
Max. Building Height (stories)	-		
Where there is a discrepancy between <a href="#">Article 4</a> and this table, <a href="#">Article 4</a> shall prevail.			

<b>(F) Dimensional Regulations for 3-4 Dwelling Units</b>			
<b>Lot, Coverage, and Building Height Standards</b>		<b>Minimum Setbacks</b>	
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>		
Max. Building Height (stories)	-		
Max. Lot Coverage/ Ground Coverage	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

<b>(D) Dimensional Regulations</b>			
<b>Lot, Coverage, and Building Height Standards</b>		<b>Minimum Setbacks</b>	
Min. Lot Area (sq. ft.)	None	Front Yard (ft.)	0
Min. Lot Width (ft.)	24	<b>Front Yard (ft.) Maximum Setback</b>	<b>10</b>
Max. Impervious Surface Coverage (%)	<a href="#">(S or T)</a>	Side Yard (one) (ft.)	5 <a href="#">(I)</a>
Max. Building Height of Primary Building (ft.) <a href="#">(Q)</a>	74	Side Yard (total of 2) (ft.)	10 <a href="#">(I)</a>
Max. Building Height of Accessory Building <a href="#">(L)</a>	18	Rear Yard (ft.)	10 <a href="#">(J)</a>
Max. Building Height (stories)	-	Required Buffer & Greenbelt	<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.			

## Article 6 (the duplex requirements need to stay in for M-U and TSC zoning and Language changes)

### Section 54.613 Dwelling, Duplex

- (A) **Lot Area and Lot Width.** The minimum lot area and lot width for lots with a duplex must meet the requirements of [Article 4](#).
- (B) **Side Yard Setback.** The minimum required side yard setback for a duplex is 10 feet on each side unless a larger side yard setback is required by the zoning district in [Article 4](#).
- (C) **Parking.** Two (2) parking spaces for each dwelling unit, shall be provided unless otherwise exempted by this Code.
- (D) **Outdoor Livability Space.** On each lot containing a duplex, at least 20 percent of the lot must be used for outdoor livability space such as lawns, gardens, and/or outdoor patios.

## Section 54.616 Dwelling, Multiple Family and Apartments

- (A) **Separation Distances in the MFR District.** Multiple Family Dwellings and Apartment Buildings in the MFR District must meet the separation distance requirements of [Section 54.403\(H\)](#).
- (B) **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) **Accessory Structures and Uses in the MFR District:** In the MFR District, the following requirements apply to multiple-family buildings and apartments:
  - (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) **Maximum Lot Coverage and Minimum Outdoor Livability Space in the MFR District.** See [Section 54.403\(K\)](#).
- (E) **Parking.** Parking, other than in structures, shall not occupy more than 40% of the lot area.

**Not adding language for Fuel Spill Protection in 54.803 anymore but still changing below**

### 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	
Indoor Recreation					P	P	P	P	P	P	P				

---

## Adding Language

### Section 54.1402 Site Plan Review

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

Additional Information			
Any other information necessary to establish compliance with this and other ordinances.	•	•	•
<b><u>Voluntary Information/Considerations – callouts/notes and narrative would be appreciated</u></b>			
Infrastructure for Electric Vehicle (EV) charging stations (wiring, conduit, etc.)			
Incorporation of <i>green infrastructure</i> elements such as a bioswale/rain gardens (see Fig. 41), pervious pavers, vegetative/green roof, living retaining wall, French drains, etc.			
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).			
Inclusion of bicycle parking facilities (racks, shelters, lockers, etc.) not required by the LDC.			

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## Adding language

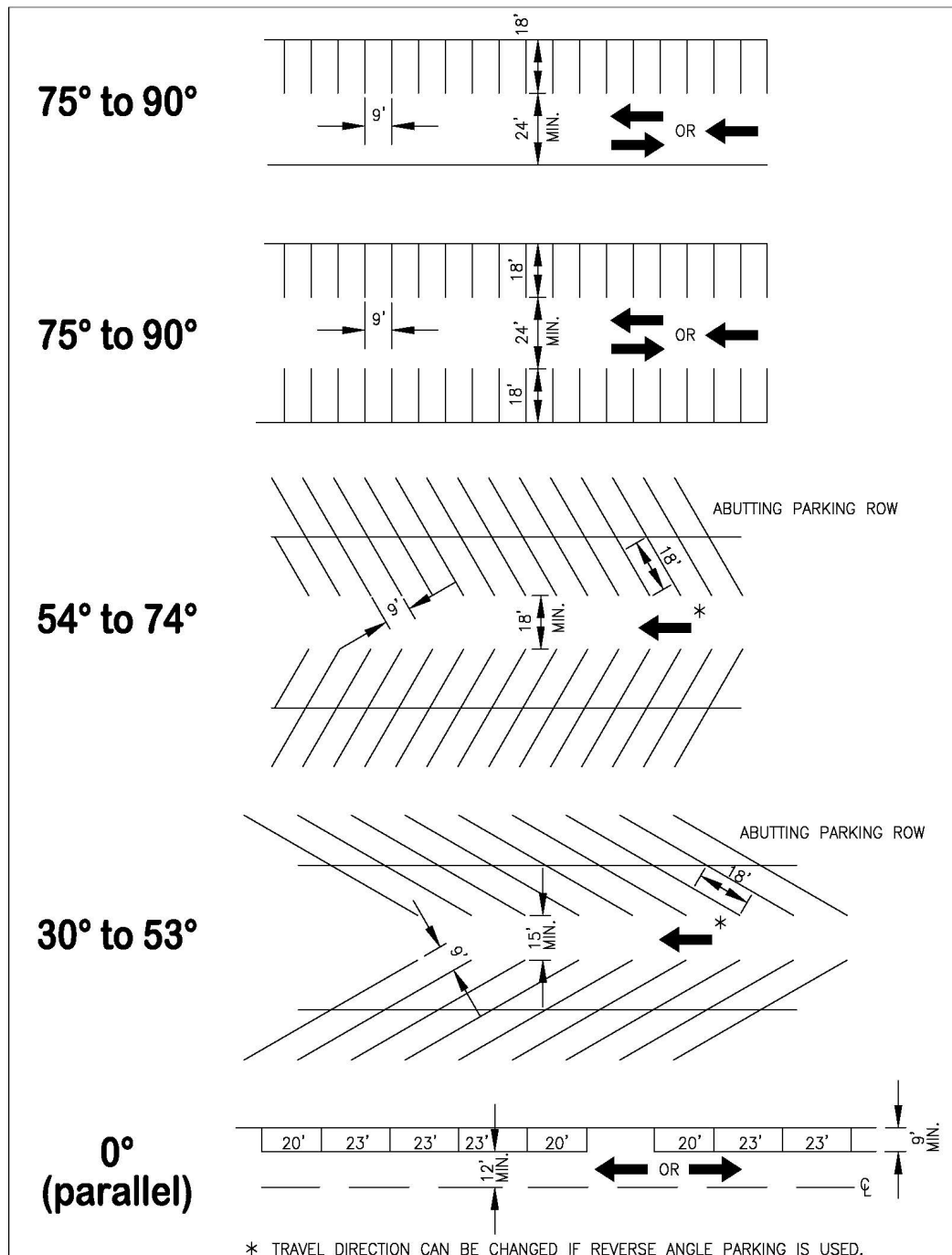
### Section 54.320 RO, Riparian Overlay District

- (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, flood zones defined by the Federal Emergency Management Agency, and 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:
-

Updated entire graphic

## Section 54.905 Parking Layout, Design, Construction, and Maintenance

Figure 46. Minimum Parking Layout Dimension Requirements (Graphic)



**Changing language** The Third-Street Corridor has a requirement for T4 and T5 for “Façade building at setback”. T4 requires 60% and T5 requires 75%.

**(d)** *Façades* shall be built parallel to a rectilinear *principal frontage line* or to the tangent of a curved *principal frontage line*, and along a minimum percentage of the frontage width at the setback, as specified as *frontage buildout* on [Figure 14](#) and [Figure 15](#).

## Section 54.322 Third Street Corridor District Form-Based Code

### Third Street Corridor Form-Based Code Parcel Standards.

Figure 14. T4 Standards


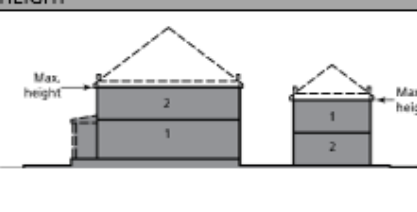
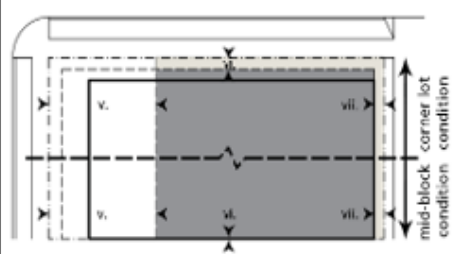
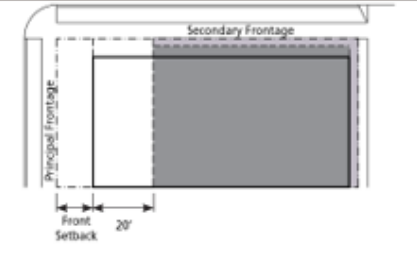
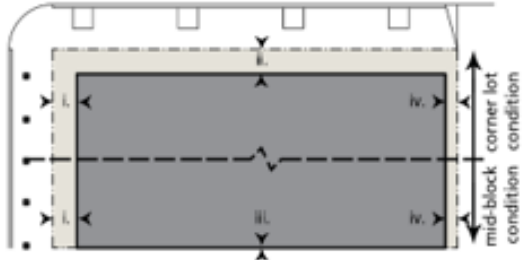
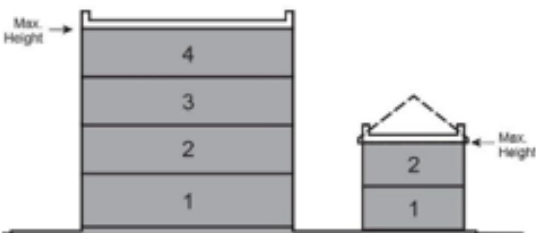
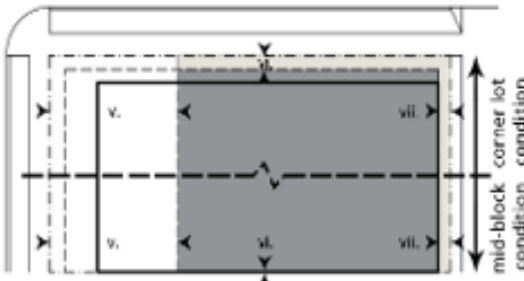
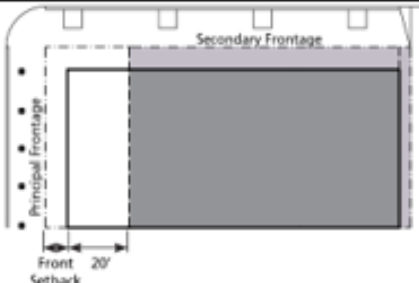
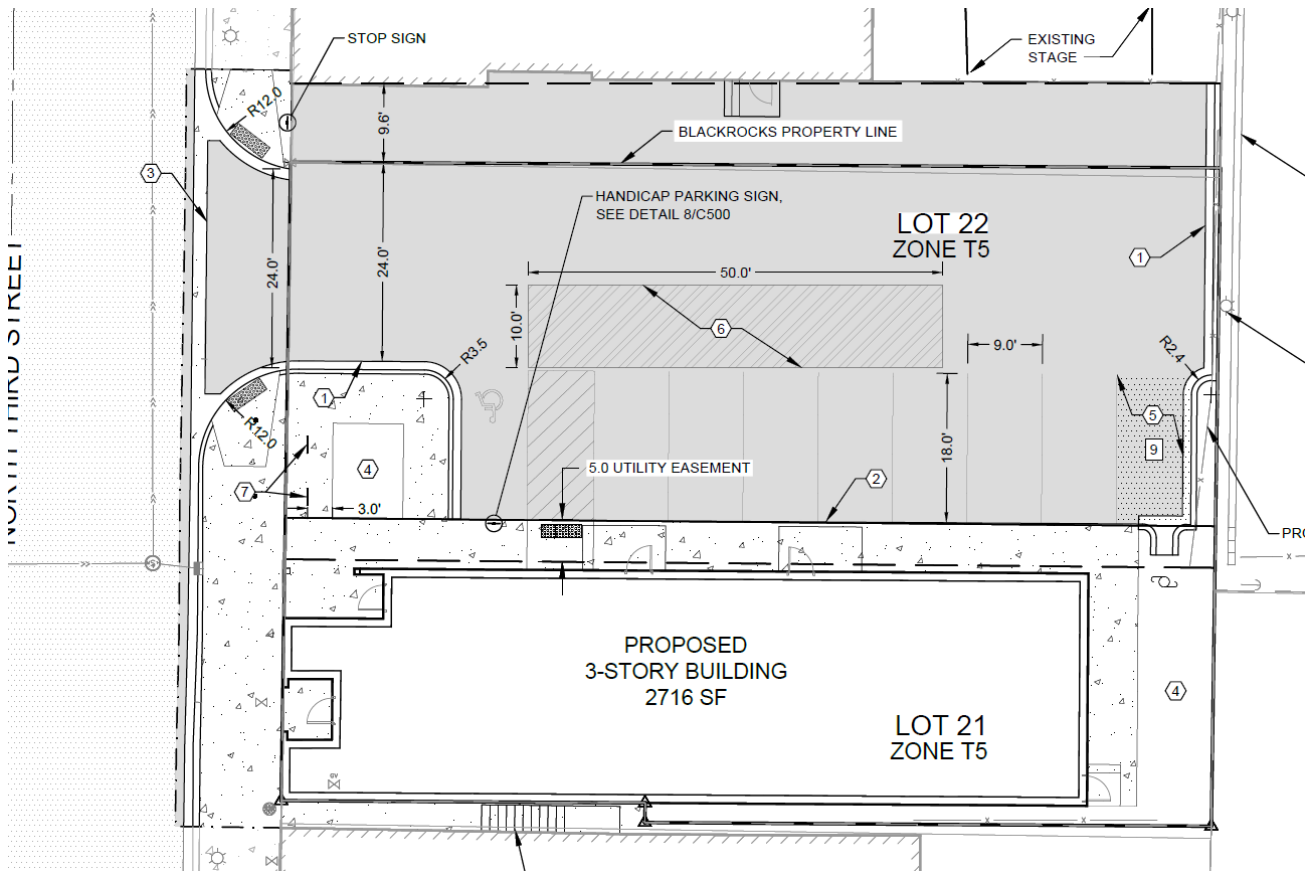
A. BUILDING PLACEMENT		B. BUILDING FORM	
<b>PRINCIPAL BUILDING</b>		<b>HEIGHT</b>	
			
i. Front Setback (Principal)	5 ft. – 18 ft.	<b>PRINCIPAL BUILDING</b>	
ii. Front Setback (Secondary)	5 ft. – 10 ft.	Stories	2
iii. Side Setback	0 ft. if attached to a neighboring structure; otherwise 3 ft.	To eave / parapet	30 ft. max.
iv. Rear Setback	3 ft. min.	<b>OUTBUILDING</b>	
Abutting MDR Zoning District property line	10 ft.	Stories	2
<b>OUTBUILDING</b>		To eave / parapet	30 ft. max.
		<b>MASS</b>	
v. Front Setback (Principal)	20 ft. min.	Lot width	14 ft. min. ( <a href="#">Sec 54.403(D) &amp; (E)</a> )
vi. Side Setback	0 ft. if attached to a neighboring structure; otherwise 3 ft.	Lot coverage	70% max.
vii. Rear Setback	3 ft. min.	Façade buildout at setback	60 <del>30</del> % min.
Abutting MDR Outbuilding	10 ft. min.	<b>PARKING AND STORAGE LOCATION</b>	
		<b>PARKING</b>	
<b>ENCROACHMENTS</b>		Principal Frontage setback	Not permitted
i. Setback encroachments		20 ft. behind front setback	Not permitted
Open porch	May encroach to within no more than 5 feet of the front lot line	Rear of lot	Permitted
Balcony and/or bay window	80% max. (distance between façade and front lot line)	<b>TRASH &amp; STORAGE* LOCATION</b>	
Stoop, Terrace	80% max. (distance between façade and front lot line)	Front setback	Not permitted
ii. Sidewalk encroachments		20 ft. behind front setback	Not permitted
Awning	Determined by City process for use of right-of-way		
Rooftop Patio	To the property line but not over a public sidewalk	Rear of lot	Permitted
		* Storage includes boats and recreational vehicles.	



Figure 15. T5 Standards

A. BUILDING PLACEMENT		B. BUILDING FORM	
PRINCIPAL BUILDING		HEIGHT	
			
i. Front Setback (Principal)	0 ft. – 18 ft.	PRINCIPAL BUILDING	
ii. Front Setback (Secondary)	0 ft. – 12 ft.	Stories	4 max.
iii. Side Setback	0 ft. – 6 ft.	To eave / parapet	48 ft. max.
iv. Rear Setback	3 ft. min.	OUTBUILDING	
Abutting MDR Zoning District property line	10 ft.	Stories	2
OUTBUILDING		To eave / parapet	30 ft. max.
		MASS	
v. Front Setback (Principal)	20 ft. min.	Lot width	20 ft. min. ( <a href="#">Sec 54.403(D) &amp; (E)</a> )
vi. Side Setback	0 ft. if attached to a neighboring structure; otherwise 3 ft.	Lot coverage	90% max.
vii. Rear Setback	3 ft. min.	Façade buildout at setback	75 <del>40</del> % min.
Abutting MDR Outbuilding	10 ft. min.	PARKING AND STORAGE LOCATION	
		PARKING	
ENCROACHMENTS		Principal Frontage setback	Not permitted
i. Setback encroachments		20 ft. behind front setback	Not permitted
Balcony and/or bay window	80% max. (distance between façade and front lot line)	Rear of lot	Permitted
ii. Sidewalk encroachments		TRASH & STORAGE* LOCATION	
Awning	Determined by City process for use of right-of-way	Front setback	Not permitted
		20 ft. behind front setback	Not permitted
		Rear of lot	Permitted
Rooftop Patio	To the property line but not over a public sidewalk.	* Storage includes boats and recreational vehicles.	

Here is an example of a proposed new build that has residential uses which requires parking. This lot has 80-ft of lot width. 75% would require a building façade to be built for 60-ft of the lot width. They would not have room for the maneuvering lane and stall length to add the parking.



## SOLAR POWER

Figure 8 in Article 3

Land Use	LDR	MDR	MFR	MHP	MU	CBD	GC	RC	M	C	I-M	CR	BLP	Use Standards
Other Uses														
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		PS	PS	PS	PS	PS	PS	PS	PS	PS	
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 54.619</a>
Recycling Collection and Transfer Stations									S					
Small Wind Energy Systems, Roof-Mounted	P	P	P	P	P	P	P	P	P	P	P	P	P	<a href="#">Section 54.648</a>
Small Wind Energy Systems, Tower-Mounted							S		S	S	S	S	S	<a href="#">Section 54.648</a>
Solar Energy Systems <20kw – Accessory Use	P	P	P	P	P	P	P	P	P	P	P	P	P	<a href="#">Section 54.647</a>
Solar Energy Systems ≥20kw to 2 MW – Accessory Use	S	S	S	S	S	S	S	S	P	P	P	P	P	<a href="#">Section 54.647</a>
Solar Energy Systems ≥20kw to 2 MW – Principal Use (Non-residential)					S	S	S	P	P	P	P	S	P	<a href="#">Section 54.647</a>
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 54.648</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> )														

Figure 24 in Third Street Corridor Form-Based Code

J. OTHER USES – Add **Solar Energy Systems <20kw – Accessory Use** as a Permitted use in the T4 and T5.

Figure 10 in Downtown Marquette Waterfront Form-Based Code

F. OTHER USES – Add **Solar Energy Systems <20kw – Accessory Use** as a Permitted use in G3, G5, NL, WWZ, WF, and F5.

Figure 51 in Article 14

Development Activity	Site Plan Review Required by P.C. Minor/Admin Site Plan	Exempt From Site Plan Review
Additions, alterations, <b>non-residential and multi-family accessory structures</b> , <b>Solar Energy Systems ≥20kw to 2 MW – Accessory Use</b> , <b>Solar Energy Systems ≥20kw to 2 MW – Principal Use</b> , and renovations that are <b>more than 10 percent less than 20%</b> of the size of the original commercial or multi-family residential building footprint or <b>less than 2,500 more than 500</b> square feet, unless otherwise exempt.		•
<b>Relocation of a building approved via Site Plan Review, with associated utilities</b>		•
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, <b>mixed-use</b> or multi-family land use is occurring or intended.		•
MULTIFAMILY DWELLINGS AND THEIR ACCESSORY UTILITIES ON INDIVIDUAL PARCELS		
Multi-family residential units that contain or will contain three (3) or four (4) dwelling units.		•
Additions, alterations, <b>non-residential and multi-family accessory structures</b> , <b>Solar Energy Systems &lt;20kw – Accessory Use</b> , and renovations that are <b>less than up to 10%</b> of the size of the original industrial, commercial or multi-family residential building footprint or <b>less than up to 500</b> square feet.		•
<b>Relocation of a building approved via a site or plot plan, no corresponding utilities</b>		•

## **Outline for Ease of Review**

- (A) Purpose.
- (B) Definitions
- (C) General Standards
- (D) Systems (SES) <20 kW (0.02 MW) – Accessory Use
  - (1) Roof-Mounted, Wall-mounted, and Building-integrated SES.
  - (2) Ground-Mounted SES
- (E) Systems (SES) ≥20 kW (0.02 MW) to < 2MW - Accessory Use
  - (1) Roof-mounted, Wall-mounted, and Building-integrated SES – Permitted Use and Special Land Use
  - (2) Ground-mounted SES - Permitted Use and Special Land Use.
- (F) Systems (SES) ≥20 kW (0.02 MW) to < 2MW - Principal Use
  - (1) Roof-mounted, Wall-mounted, and Building-integrated SES – Permitted Use and Special Land Use
  - (2) Ground-mounted SES - Permitted Use and Special Land Use.

## **Section 54.647 Solar Energy Systems**

- (A) Purpose.** The purpose of this section is to reasonably allow Solar Energy Systems (SES) as either the principal use, accessory use, or special land use of the property where allowable per [Section 54.306](#).
- (B) Definitions.**
  - (1) Accessory Ground-Mounted Solar Energy System:** A ground-mounted solar energy system with the purpose primarily of generating electricity for the principal use on the site.
  - (2) Building-Integrated Solar Energy System:** A solar energy system that is an integral part of a primary or accessory building or structure (rather than a separate mechanical device), replacing or substituting for an architectural or structural component of the building or structure. Building-integrated systems include, but are not limited to, photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.
  - (3) Ground-Mounted Solar Energy System:** A solar energy system mounted on support posts, like a rack or pole, that are attached to or rest on the ground.
  - (4) Maximum Tilt:** The maximum angle of a solar array (i.e., most vertical position) for capturing solar radiation as compared to the horizon line.
  - (5) Minimum Tilt:** The minimal angle of a solar array (i.e., most horizontal position) for capturing solar radiation as compared to the horizon line.
  - (6) Non-Participating Lot(s):** One or more lots for which there is not a signed lease or easement for development of a principal-use SES associated with the applicant project.
  - (7) Participating Lot(s):** One or more lots under a signed lease or easement for development of a principal-use SES associated with the applicant project.
  - (8) Principal-Use Solar Energy System:** A commercial or industrial, ground-mounted solar energy system that converts sunlight into electricity for the primary purpose of off-site use through the electrical grid or export to the wholesale market.

- (9) **Repowering:** Reconfiguring, renovating, or replacing an SES to maintain or increase the power rating of the SES within the existing project footprint.
- (10) **Roof-Mounted Solar Energy System:** A solar energy system mounted on racking that is attached to or ballasted on the roof of a building or structure.
- (11) **Solar Array:** A photovoltaic panel, solar thermal collector, or collection of panels or collectors in a solar energy system that collects solar radiation.
- (12) **Solar Carport:** A solar energy system of any size that is installed on a structure that is accessory to a parking area, and which may include electric vehicle supply equipment or energy storage facilities. Solar panels affixed on the roof of an existing carport structure are considered a Roof-Mounted SES.
- (13) **Solar Energy System (SES):** A photovoltaic system or solar thermal system for generating and/or storing electricity or heat, including all above and below ground equipment or components required for the system to operate properly and to be secured to a roof surface or the ground. This includes any necessary operations and maintenance building(s), but does not include any temporary construction offices, substation(s) or other transmission facilities between the SES and the point of interconnection to the electric grid.

(C) **General Standards.** The following requirements are applicable to all roof-mounted, wall-mounted, ground-mounted, or building-integrated solar energy systems.

- (1) **Batteries.** If solar storage batteries are included as part of the solar collector system, they must be placed installed according to all requirements set forth in the National Electric Code and State Fire Code when in operation. When no longer in operation, the batteries shall be disposed of in accordance with the laws and regulations of the City and any other applicable laws and regulations relating to hazardous waste disposal. If located in an accessory building, the accessory building must meet the requirements of [Section 54.705](#).
- (2) **Electrical Emissions.** The design and construction of solar energy systems shall not produce electrical emissions that would interfere with aircraft communications systems or navigation equipment.
- (3) **Light Emissions and Reflection.** The design and construction of solar energy systems shall not produce light emissions, either direct or indirect (reflective), that would interfere with pilot vision and/or air traffic control operations. Light fixtures shall be shielded and downcast and otherwise comply with Article 8. The solar panels shall be composed of anti-reflective material and/or treated with anti-reflective coating.
- (4) **Removal.** If a solar energy system that is not subject to a decommissioning plan ceases to perform its intended function (generating electricity) for more than eighteen (18) consecutive months, the operator shall remove the collectors, mounts, and associated equipment and facilities. Where the removal has not been lawfully completed as required above, and after at least thirty (30) days written notice, 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.
- (5) **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 solar energy generator and that such connection has been approved. Off-grid systems shall be exempt from this requirement.

- (6) Non-conformities:** A Roof-mounted, Ground-mounted, or Building-integrated SES installed on a non-conforming building shall not be considered an expansion of the structural or use nonconformity.
- (7) Area.** Ground-mounted solar energy systems are not classified as lot coverage and are therefore not subject to the maximum lot coverage standards of the zoning district. They are also not subject to the accessory structure maximum rear yard coverage standards of the zoning district.
- (8) Power Lines.** All power lines between solar panels and inverters must be placed underground. This requirement may be waived by the Zoning Administrator or Planning Commission (depending on level of review per [Figure 51](#)) if the wiring cannot be buried.

**(D) Systems (SES) <20 kW (0.02 MW) – Accessory Use**

**(1) Roof-Mounted, Wall-mounted, and Building-integrated SES.**

- (a) Permit.** A zoning compliance permit shall be required for any roof-mounted, wall-mounted solar energy accessory use system. Applications for roof-mounted and wall-mounted SES must include horizontal and vertical elevation drawings that show the location and height of the SES on the building and dimensions of the SES. A building permit may be required for these facilities. Building integrated systems will only require permitting when alterations to the structure require site plan review or a zoning compliance permit.
- (b) Height.** Roof-mounted systems shall not extend more than three (3) feet above the surface of the roof. Wall-mounted systems shall not exceed the height of the wall.
- (c) Location and setbacks.** Roof-mounted solar energy systems may be located anywhere on a roof of a principal or accessory structure, and may project into required yard setback areas to a maximum of two and one-half (2.5) feet from the property line per [Section 54.702\(B\)](#), but shall not protrude beyond the edge of the roof. Wall-mounted solar energy systems may be located anywhere on the wall of a principal or accessory structure, but shall not be located within a required setback area.
- (d) Building-integrated SES.** Building-integrated SES, such as solar collectors/panels that are built into roof shingles, are subject only to Land Development Code regulations applicable to the structure or building and not to accessory ground-mounted or roof-mounted SES permits, provided there are no roof or ground-mounted solar panels/arrays as part of the building-integrated SES.
  - (i) Exemption:** If a solar panel functions as a roof element, such as shingles that incorporate solar panels on an awning or carport, which do not require brackets and thus do not protrude from the roof, then a permit or site plan review is not required.

**(2) Ground-Mounted SES.**

- (a) Permit.** A zoning compliance permit shall be required for any ground-mounted solar energy accessory use system. A building permit may be required for these facilities. Applications for Ground-Mounted SES must include drawings that show the location of the system on the property, height, tilt features (if applicable), the primary structure, accessory structures, and setbacks to property lines.
  - (i) Exemption.** A SES used to power a single device or specific piece of equipment such as lights, a weather station, a vehicle charger, thermometer, well pump, or other

similar device may qualify as a structural amenity and be administratively exempted from the requirements above, but shall meet all standards of [Section 54.702 \(H\)](#).

**(b) Height.** Ground-Mounted SES systems shall meet the following:

**(ii) Residential use, residential or mixed-use zoning district.** If the SES is within ten (10) feet of a residential lot line or residential use, then the SES and any mounts shall not exceed ten (10) feet when oriented at maximum tilt. The maximum height of the SES and any mounts when oriented at maximum tilt is sixteen (16) feet.

**(iii) Commercial and industrial uses.** If the SES is within ten (10) feet of a residential lot line or residential use, then the SES and any mounts shall not exceed ten (10) feet when oriented at maximum tilt. If the SES is within twenty (20) feet of a residential lot line or residential use, then the SES and any mounts shall not exceed ten (16) feet when oriented at maximum tilt. The maximum height of the SES and any mounts when oriented at maximum tilt is twenty (20) feet.

**(c) Location and Setbacks.** Ground-mounted solar energy systems shall be located to the side or rear of the principal building. Solar energy systems shall be located at least five (5) feet from a side lot line and/or rear lot line. Solar panels shall not be installed in Riparian Overlay areas or locations that are subject to annual flooding.

**(i) Exception.** The SES may be placed in a front yard with administrative approval by the Zoning Administrator, where the applicant can demonstrate that placement of the SES in the rear or side yard will:

- a. Substantially decrease the efficiency of the SES to the point of making the investment unreasonable, due to topography, accessory structures, or vegetative shading from the subject lot or adjoining lots, or for other demonstrable reasons;
- b. Interfere with underground utilities, accessory uses; or
- c. Require the SES to be placed on a waterfront side of the building housing the primary use (where applicable).
- d. If nuisance and/or safety concerns (such as glare) can be adequately mitigated.

**(E) Systems (SES)  $\geq 20$  kW (0.02 MW) to  $< 2$  MW – Accessory Use**

**(1) Roof-mounted, Wall-mounted, and Building-integrated SES (SES  $\geq 20$  kW (0.02 MW) to  $< 2$  MW) – Permitted Use and Special Land Use.**

**(a) Application.** Application proposals must include a site plan in accordance with [Figure 51](#) and applications for roof-mounted or wall-mounted SES must include horizontal and vertical elevation drawings that show the location and height of the SES on the building and dimensions of the SES. Please also refer to [Section 54.1403](#) for Special Land Use if your zoning district requires it. A building permit may be required for these facilities. Building integrated systems will only require permitting when alterations to the structure require site plan review or a zoning compliance permit.

**(i) Exemption:** If a solar panel functions as a roof element, such as shingles that incorporate solar panels on an awning or carport, which do not require brackets and thus do not protrude from the roof, then a permit and site plan review is not required.



- (b) Height.** Roof-mounted SES shall not exceed 5 feet above the finished roof and are exempt from any rooftop equipment or mechanical system screening requirements and shall be allowed to exceed building height requirements provided that the building itself conforms with height standards.
- (c) Location and Setbacks.** Roof-mounted solar energy systems may be located anywhere on a roof of a principal or accessory structure, and may project into required yard setback areas to a maximum of two and one-half (2.5) feet from the property line per Section 54.702(B), but shall not protrude beyond the edge of the roof. Wall-mounted solar energy systems may be located anywhere on the wall of a principal or accessory structure, but shall not be located within a required setback area.
- (d) Building-integrated SES.** Building-integrated SES, such as solar collectors/panels that are built into roof shingles, are subject only to Land Development Code regulations applicable to the structure or building provided there are no roof or ground-mounted solar panels/arrays as part of the building-integrated SES.

**(2) Ground-mounted SES (SES ≥20 kW (0.02 MW) to < 2MW) - Permitted Use and Special Land Use.**

- (a) Application.** Application proposals must include a site plan in accordance with [Figure 51](#) and must include drawings that show the location of the system on the property, height, tilt features (if applicable), the primary structure, accessory structures, and setbacks to property lines. Please also refer to [Section 54.1403](#) for Special Land Use if your zoning district requires it. A building permit may be required for these facilities.
- (b) Height.** A Ground-mounted SES shall not exceed 20 feet measured from the average grade across the supports to the top of the system when oriented at maximum tilt (tallest, most vertical position of a solar array).
- (c) Location and Setbacks.** In commercial, industrial, or mixed-use zoning districts the ground-mounted SES shall be located to the side or rear of the principal building. In residential districts the ground-mounted SES shall be located in the side or rear yard. Solar energy systems shall be located at least five (5) feet from a side lot line and/or rear lot line. Solar panels shall not be installed in Riparian Overlay areas or locations that are subject to annual flooding.
- (i) Exception.** The SES may be placed in a front yard with administrative approval by the Zoning Administrator, where the applicant can demonstrate that placement of the SES in the rear or side yard will:
  - a.** Substantially decrease the efficiency of the SES to the point of making the investment unreasonable, due to topography, accessory structures, or vegetative shading from the subject lot or adjoining lots, or for other demonstrable reasons;
  - b.** Interfere with underground utilities, accessory uses; or
  - c.** Require the SES to be placed on a waterfront side of the building housing the primary use (where applicable).
  - d.** If nuisance and/or safety concerns (such as glare) can be adequately mitigated.



**(d) Fencing.** The SES may be secured with perimeter fencing to restrict unauthorized access. If installed, perimeter fencing shall meet the Zoning District requirements per [Section 54.706](#) and require a fence permit. Wildlife-friendly fencing materials and with openings to allow passage for small animals should be used where appropriate. Barbed wire is prohibited. Fencing is not subject to setbacks but shall not encroach past the property lines.

**(e) Landscaping/Screening.**

**(i) Residential Uses.** Shall be screened to minimize visual impacts from the public right-of-way(s).

- a. Screening of the SES from the view of surrounding streets shall be accomplished to the maximum extent feasible without compromising the ability to effectively use solar collectors, by use of vegetation, fences and or walls as permitted in the zoning district.
- b. Landscaping consisting of trees and shrubs as approved in [Section 54.1004](#), and existing vegetation may be used for screening. Berms of natural material, up to three (3) feet above grade may be used in addition to vegetation, provided runoff does not create ponding or flow to adjacent properties.
- c. Screening shall achieve an opacity of approximately 80 percent of the SES up to either six (6) feet above grade or 60 percent of the maximum tilt (vertical) height of the solar array(s), whichever is more.

**(ii) Commercial, Industrial, and Mixed Uses.** Any required screening and landscaping shall be placed outside the perimeter fencing. The following landscaping/screening standards shall apply:

- a. Screening of the SES from the view of surrounding streets shall be accomplished to the maximum extent feasible without compromising the ability to effectively use solar collectors, by use of vegetation, fences and or walls as permitted in the zoning district per [Section 54.706](#).
  - i. Landscaping consisting of trees and shrubs as approved in [Section 54.1004](#), and existing vegetation may be used for screening. Berms of natural material, up to three (3) feet above grade may be used in addition to vegetation, provided runoff does not create ponding or flow to adjacent properties.
  - ii. Screening shall achieve an opacity of approximately 80 percent of the SES up to either six (6) feet above grade or 60 percent of the maximum tilt (vertical) height of the solar array(s), whichever is more.
- b. Where buffer/greenbelt screening is required along the side and rear yard property lines, per [Section 54.1003\(D\)](#), these shall only be required where an adjoining, non-participating lot has an existing residential or public use.
  - i. Landscaping consisting of trees and shrubs as approved in [Section 54.1004](#), and existing vegetation may be used for screening. Berms of natural material, up to three (3) feet above grade may be used in addition to vegetation, provided runoff does not create ponding or flow to adjacent properties.

- ii. Screening shall achieve an opacity of approximately 80 percent of the SES up to either six (6) feet above grade or 60 percent of the maximum tilt (vertical) height of the solar array(s), whichever is more.
- c. The Planning Commission (PC) or Zoning Administrator (ZA), whichever has authority for application approval, may waive some screening and/or landscaping requirements if such an adjustment is in keeping with intent of the Land Development Code and rationale for the decision is appropriately documented. Likewise, the PC or ZA may require substitute screening consisting of native deciduous trees planted  $\geq 30$  feet on center and native conifer trees planted  $\geq 15$  feet on center along existing, non-participating residential uses.
- (f) **Ground Cover.** An SES shall include the installation of perennial ground cover vegetation maintained for the duration of operation until the site is decommissioned. The applicant shall include a ground cover vegetation establishment and management plan as part of the site plan.
- (g) **Land Clearing.** Land disturbance or clearing shall be limited to what is minimally necessary for the installation and operation of the SES and to ensure all-season access. Topsoil disturbed during site preparation (grading) on the property shall be retained on site unless a higher authority requires removal due to contamination.
- (h) **Access Drives.** New access drives with the SES shall be designed to minimize the extent of soil disturbance, water runoff, and soil compaction on the premises.
- (i) **Signage.** Signage must comply with zoning district standards per [Article 11](#).
- (j) **Sound.** The site plan shall include modeled sound isolines extending from the sound source to the property lines to demonstrate that sound pressure levels are acceptable for neighboring properties, and a narrative explaining the anticipated sound level effects in simple language must be provided.
- (k) **Repowering.** In addition to repairing or replacing SES components to maintain the system, this type of principal-use SES may at any time be repowered by reconfiguring, renovating, or replacing the SES to increase the power rating within the existing project footprint.
  - (i) A proposal to change the project footprint of an existing SES shall be considered a new application, subject to the Land Development Code standards in effect at the time of the application.
- (l) **Decommissioning.** Upon application, a decommissioning plan that indicates the anticipated manner in which the project will be decommissioned shall be submitted. This plan must include a description of which above-grade and below-grade improvements will be removed (e.g. lights, wiring), retained (e.g. fencing), or restored for viable reuse of the property consistent with the zoning district. Where decommissioning has not been lawfully performed as required by a decommissioning plan, and after at least thirty (30) days written notice, 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.
  - (i) SES owner may at any time:

- a. Proceed with the decommissioning plan approved by the Planning Commission or Zoning Administrator, and remove the system as indicated in the most recent approved plan; or
  - b. Amend the decommissioning plan with Planning Commission or Zoning Administrator approval, and proceed according to the revised plan.
- (ii) Decommissioning an SES must commence when the soil is dry to prevent soil compaction and be complete within 18 months after abandonment. An SES that has not produced energy for 12 consecutive months will prompt a request for information to determine if the project has been abandoned.
- (iii) An SES found to be abandoned and with no plan for restoration in a reasonable timeframe shall be decommissioned beginning promptly by the property owner, per the decommissioning plan.

**(F) Systems (SES)  $\geq 20$  kW (0.02 MW) to < 2MW - Principal Use**

**(1) Roof-mounted, Wall-mounted, and Building-integrated SES (SES  $\geq 20$  kW (0.02 MW) to < 2MW) – Permitted Use and Special Land Use**

- (a) Application.** Application proposals must include a site plan in accordance with [Figure 51](#) and applications for roof-mounted or wall-mounted SES must include horizontal and vertical elevation drawings that show the location and height of the SES on the building and dimensions of the SES. Please also refer to [Section 54.1403](#) for Special Land Use if your zoning district requires it. A building permit may be required for these facilities. Building integrated systems will only require permitting when alterations to the structure require site plan review or a zoning compliance permit.
- (i) Exemption:** If a solar panel functions as a roof element, such as shingles that incorporate solar panels on an awning or carport, which do not require brackets and thus do not protrude from the roof, then a permit and site plan review is not required.
- (b) Height.** Roof-mounted SES shall not exceed 5 feet above the finished roof and are exempt from any rooftop equipment or mechanical system screening requirements and shall be allowed to exceed building height requirements provided that the building itself conforms with height standards.
- (c) Location and Setbacks.** Roof-mounted solar energy systems may be located anywhere on a roof of a principal or accessory structure, and may project into required yard setback areas to a maximum of two and one-half (2.5) feet from the property line per Section 54.702(B), but shall not protrude beyond the edge of the roof. Wall-mounted solar energy systems may be located anywhere on the wall of a principal or accessory structure, but shall not be located within a required setback area.
- (d) Building-integrated SES.** Building-integrated SES, such as solar collectors/panels that are built into roof shingles, are subject only to Land Development Code regulations applicable to the structure or building provided there are no roof or ground-mounted solar panels/arrays as part of the building-integrated SES.

**(2) Ground-mounted SES (SES  $\geq$ 20 kW (0.02 MW) to < 2MW) - Permitted Use and Special Land Use**

- (a) Application.** Application proposals must include a site plan in accordance with [Figure 51](#) and must include drawings that show the location of the system on the property, height, tilt features (if applicable), the primary structure, accessory structures, and setbacks to property lines. Please also refer to [Section 54.1403](#) for Special Land Use if your zoning district requires it. A building permit may be required for these facilities.
- (b) Height.** A Ground-mounted SES shall not exceed 20 feet measured from the average grade across the supports to the top of the system when oriented at maximum tilt (tallest, most vertical position of a solar array).
- (c) Location and Setbacks.** Solar panels shall not be installed in Riparian Overlay areas or locations that are subject to annual flooding. Setback distance shall be measured from all of the property lines to the closest point of the solar array at minimum tilt (lowest, least vertical position of a solar array) or any SES components as follows:
  - (i)** A Ground-mounted SES shall follow the zoning district setback distance for primary buildings or structures; however, the SES must be at least 10-ft from the front property line.
  - (ii)** A Ground-mounted SES is not subject to the side or rear property line setbacks for common property lines of two or more participating lots; however, the side and rear setbacks will apply to the overall property lines for the site.
- (d) Fencing.** The SES may be secured with perimeter fencing to restrict unauthorized access. If installed, perimeter fencing shall meet the Zoning District requirements per [Section 54.706](#) and require a fence permit. Wildlife-friendly fencing materials and with openings to allow passage for small animals should be used where appropriate. Barbed wire is prohibited. Fencing is not subject to setbacks but shall not encroach past the property lines.
- (e) Landscaping/Screening.** Any required screening and landscaping shall be placed outside the perimeter fencing. The following landscaping/screening standards shall apply:
  - (i)** Screening of the SES from the view of surrounding streets shall be accomplished to the maximum extent feasible without compromising the ability to effectively use solar collectors, by use of vegetation fences and or walls as permitted in the zoning district per [Section 54.706](#).
    - a.** Landscaping consisting of trees and shrubs as approved in [Section 54.1004](#), and existing vegetation may be used for screening. Berms of natural material, up to three (3) feet above grade may be used in addition to vegetation, provided runoff does not create ponding or flow to adjacent properties.
    - b.** Screening shall achieve an opacity of approximately 80 percent of the SES up to either six (6) feet above grade or 60 percent of the maximum tilt (vertical) height of the solar array(s), whichever is more.
  - (ii)** Where buffer/greenbelt screening is required along the side and rear yard property lines, per [Section 54.1003\(D\)](#), these shall only be required where an adjoining, non-participating lot has an existing residential or public use.
    - a.** Landscaping consisting of trees and shrubs as approved in [Section 54.1004](#), and existing vegetation may be used for screening. Berms of natural material, up to

three (3) feet above grade may be used in addition to vegetation, provided runoff does not create ponding or flow to adjacent properties.

- b. Screening shall achieve an opacity of approximately 80 percent of the SES up to either six (6) feet above grade or 60 percent of the maximum tilt (vertical) height of the solar array(s), whichever is more.
- (iii) The Planning Commission (PC) or Zoning Administrator (ZA), whichever has authority for application approval, may waive some screening and/or landscaping requirements if such an adjustment is in keeping with intent of the Land Development Code and rationale for the decision is appropriately documented. Likewise, the PC or ZA may require substitute screening consisting of native deciduous trees planted ≥ 30 feet on center and native conifer trees planted ≥ 15 feet on center along existing, non-participating residential uses.
- (f) **Ground Cover.** An SES shall include the installation of perennial ground cover vegetation maintained for the duration of operation until the site is decommissioned. The applicant shall include a ground cover vegetation establishment and management plan as part of the site plan.
- (g) **Land Clearing.** Land disturbance or clearing shall be limited to what is minimally necessary for the installation and operation of the SES and to ensure all-season access. Topsoil disturbed during site preparation (grading) on the property shall be retained on site unless a higher authority requires removal due to contamination.
- (h) **Access Drives.** New access drives with the SES shall be designed to minimize the extent of soil disturbance, water runoff, and soil compaction on the premises.
- (i) **Signage.** Signage must comply with zoning district standards per [Article 11](#).
- (j) **Sound.** The site plan shall include modeled sound isolines extending from the sound source to the property lines to demonstrate that sound pressure levels are acceptable for neighboring properties, and a narrative explaining the anticipated sound level effects in simple language must be provided.
- (k) **Repowering.** In addition to repairing or replacing SES components to maintain the system, this type of principal-use SES may at any time be repowered by reconfiguring, renovating, or replacing the SES to increase the power rating within the existing project footprint.
  - (i) A proposal to change the project footprint of an existing SES shall be considered a new application, subject to the Land Development Code standards in effect at the time of the application.
- (l) **Decommissioning.** Upon application, a decommissioning plan that indicates the anticipated manner in which the project will be decommissioned shall be submitted. This plan must include a description of which above-grade and below-grade improvements will be removed (e.g. lights, wiring), retained (e.g. fencing), or restored for viable reuse of the property consistent with the zoning district. Where decommissioning has not been lawfully performed as required by a decommissioning plan, and after at least thirty (30) days written notice, 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.

- (i) SES owner may at any time:
  - a. Proceed with the decommissioning plan approved by the Planning Commission or Zoning Administrator, and remove the system as indicated in the most recent approved plan; or
  - b. Amend the decommissioning plan with Planning Commission or Zoning Administrator approval, and proceed according to the revised plan.
- (ii) Decommissioning an SES must commence when the soil is dry to prevent soil compaction and be complete within 18 months after abandonment. An SES that has not produced energy for 12 consecutive months will prompt a request for information to determine if the project has been abandoned.
- (iii) An SES found to be abandoned and with no plan for restoration in a reasonable timeframe shall be decommissioned beginning promptly by the property owner, per the decommissioning plan.

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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 diversify the City's energy supply.
- (C) **Small Wind Energy Systems.**
  - (1) **Where Permitted and Required Permits and Applications.**
    - (a) Roof-Mounded Small Wind Energy Systems are permitted by right in all zoning districts, provided that all of the applicable requirements of this Ordinance are

met. A zoning compliance permit shall be required.

- (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. Please refer to Section 54.1403 for Special Land Use requirements, and Section 54.1402 for Site Plan Review requirements

**(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.
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**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			<a href="#">Section 54.627</a>
<b>Manufacturing, Light – Low Impact</b>					P	P	P	P	P	P	P		P	<a href="#">Section 54.627</a>
<b>Manufacturing, Light – Medium Impact</b>					S	S	S	S	P	S	P		P	<a href="#">Section 54.627</a>

## Additional language

## Article 10 Landscaping and Screening

### Section 54.1002 Scope of Application

- (A) **Uses, Lots, Sites, and Parcels for Which Site Plan Review is Required.** The requirements set forth in this Article shall apply to all uses, lots, sites, and parcels for which Site Plan Review is required and which are developed or expanded following the effective date of this Ordinance. No site plan shall be approved unless that site plan shows landscaping consistent with the provisions of this Article. Furthermore, where landscaping is required, a Zoning Compliance Permit shall not be issued until the required landscape plan is submitted and approved and a Certificate of Occupancy shall not be issued unless provisions set forth in this Article have been met or a performance guarantee has been posted in accordance with the provisions set forth in [Section 54.1402\(H\)](#).
- (B) **Existing Buildings.** Meeting the requirements of this Article are optional, in cases where the use of an existing building changes or an existing building is re-occupied and for building and/or site alterations that do not require Site Plan Review.
- (C) **Additional Requirements for Landscaping.** The requirements of this Article are minimum requirements, and nothing in this Article shall preclude a developer and the City from agreeing to more extensive landscaping.
- (D) **Existing Landscaping.** Existing landscaping that meets the requirements of this Article may be used to comply with the requirements of [Section 54.1003](#).
- (E) **Uses that do not require site plan review.** Uses that are exempt from site plan review, such as single-family residential must meet Section 54.1004 and Section 54.1005 at all times.

### Section 54.1003 Landscaping Design Requirements

(A) **Street Trees.**

- (1) **Intent.** Street trees provide both form (canopy) and comfort (shade) to the street-space.

Native trees and plants contribute to the reduction of air and noise pollution, maintenance of natural habitat, the conservation of water, and rainwater management.

- (2) Where Applicable.** Street trees must be planted within the road right-of-way, provided there is sufficient area within the right-of-way for street trees and the planting is approved by the City Arborist pursuant to Chapter 22, Article 5 of the City of Marquette Code of Ordinances.

**(a)** Street trees shall not be planted directly in front of commercial building entrances or other features of a building that are intended to be seen from a street. A “clear zone” should be established around these entrances and features to prevent them from being obscured by trees and other vegetation.

- (4) Location of Planting.** Street trees may be planted in a tree lawn (the area in between the sidewalk and the curb or edge of pavement) or in tree grates where no tree lawn exists between the curb and the sidewalk. Street trees shall not be planted over public underground utilities without the approval of the City Engineering Department, or in front of commercial building entrances. Street trees must be centered horizontally and meet the following separation requirements:

- (a)** Two (2) feet from walkways, curbing, and other impervious pavements when planted in a tree well or continuous planter;
- (b)** Three (3) feet from walkways, curbing and other impervious pavements when planted in a continuous swale;
- (c)** Five (5) feet from street lights, underground utilities, utility meters and service lines, fences, walls and other ground level obstructions;
- (d)** Six (6) feet from porch eaves, and awnings and similar overhead obstructions associated with the ground level of buildings;
- (e)** Eight (8) feet from balconies, verandas, building eaves and cornices, and similar overhead obstructions associated with the upper stories of buildings.

## Section 54.1004 Standards for Plant Materials

- (A) Lawn Areas and Other Open Space Areas.** Lawn areas and other open space areas that are to remain undeveloped shall be planted in species of grass or other perennials normally grown in the Upper Peninsula to provide suitable groundcover and prevent soil erosion. Lawn areas and other open space areas may be sodded or seeded and mulched, except that City may require solid sod or additional planting requirements in swales or other areas subject to erosion and periodic high-water volumes. Sod or seed shall be clean, free of weeds and noxious pests or disease.

- (1)** Single-family and two-family uses are allowed to have in addition to grass or other perennials gardens, food production, pea stones, rocks, pebbles in the open areas of the site; however, there is a required 5-ft buffer between street's edge/curb where grass is required.

- (a) Landscaping stone can only cover 50% of the front yard area and a 1-ft setback/buffer to the property line or City public sidewalk.

## Section 54.1005 Installation and Maintenance

### (A) Installation.

- (1) **Installation Period.** Wherever in this Ordinance landscaping is required, such landscaping must be installed within six (6) months from the date of issuance of a certificate of occupancy. If the weather does not permit the planting, the required planting shall take place within during the next planting season and the owner shall post a performance guarantee in accordance with the provisions set forth in *Section 54.1402(H)*.
- (2) **Installation Method.** All landscaping shall be installed in a manner consistent with generally accepted and published nursery and landscape standards, the approved landscaping plan, and the following:
- (c) **Mulching.** Trees, shrubs, hedges, vines, perennials, and live groundcovers (except turf grasses) shall be generously mulched at the time of planting with hardwood bark mulch or similar natural material. ~~Because stone, rocks, and pebbles trap heat and do not retain moisture, these materials shall not be permitted as a ground cover or mulch.~~
- (e) **Plant Material Required in All Portions of Landscaped Areas.** Landscaping shall include ground covering material (such as turf grass), of sufficient density to prevent the washing, blowing, or shifting of soil.