AGENDA
MARQUETTE CITY PLANNING COMMISSION
Tuesday, November 12, 2019 at 6:00 p.m.
Engineering Conference Room at the Municipal Service Center, 1100 Wright Street

MEETING CALLED TO ORDER
1) ROLL CALL
2) APPROVE AGENDA
3) APPROVE MINUTES
   - Minutes of 10/01/19
4) CONFLICT of INTEREST

1. PUBLIC HEARINGS
   A. 05-REZ-11-19 – Rezoning for a portion of 204 S. Fifth St (PIN: 0240010)

2. CITIZENS WISHING TO ADDRESS THE COMMISSION ON AGENDA ITEMS

3. OLD BUSINESS

4. NEW BUSINESS
   A. 02-SKT-11-19 – Sketch Plan review for 125 Dobson Place (PIN:0471170)
   B. 2020 Planning Commission Meeting Dates

5. CITIZENS WISHING TO ADDRESS THE COMMISSION ON NON-AGENDA ITEMS

6. CORRESPONDENCE, REPORTS, MINUTES OF OTHER BOARDS/COMMITTEES
   A. Bi-weekly Community Development Dept., Planning-Zoning Division reports

7. WORK SESSION ON REPORTS/PLANS/ORDINANCES
   A. Land Development Code

8. COMMISSION AND STAFF COMMENTS

9. ADJOURNMENT

--------------------------------------------------------------------------------------------

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 should state any ex-parte contact, if it occurred, prior to entering into discussion or voting on a case).

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.
A regular meeting of the Marquette City Planning Commission was duly called and held at 6:00 p.m. on Tuesday, October 1st, 2019 in the Engineering Conference Room at Municipal Service Center, 1100 Wright St.

ROLL CALL
Present: M. Larson, E. Brooks, W. Premeau, Vice-Chair A. Andres Chair J. Cardillo
Absent: A. Ruiz, S. Mittlefehldt (both excused)

AGENDA
It was moved by M. Larson, seconded by A. Andres, and carried 5-0 to approve the agenda as presented.

MINUTES
The minutes of 10-01-19 were approved by consensus.

CORRESPONDENCE
A. Bi-weekly Community Development Report

City Planner and Zoning Administrator D. Stensaas stated that this report is the last of the fiscal year and it therefore shows the aggregate number for all of the things tallied in the chart. He stated that staff is also preparing an annual report that uses this data and other this information, and one interesting thing that is in the annual report is a comparison of this year’s figures to last years and there was a fairly significant increase in the number of permit applications that staff handled this year, as well as in increase in site plans. He also stated that its too early to say they are correlated, but the number of variances was down quite a bit, and that was something that zoning standards incorporated into the new the Land Development Code were intended to accomplish.

M. Larson stated that the Board of Zoning Appeals made some denials this past year and maybe the word got around that the BZA was getting tough. He also asked if there are still applications coming in for short-term rentals. E. Brooks stated that Andrea told him last week that she still had a stack to review. J. Cardillo asked if there was a waiting list. D. Stensaas stated no, there is not. M. Larson asked if the permit runs with the land. D. Stensaas stated that it did not, and that it is approved for an owner of the property and it can’t be transferred, but if someone buying a house took their closing documents and application to the Fire Department right away the application could potentially get in at the right time, but that there is a total number and if there was another opening that day that was filled by another application first then the person who just bought the home could lose out if the total of 250 was reached by the other application.

WORK SESSION
A. Land Development Code

City Planner and Zoning Administrator D. Stensaas stated that he had assembled a list of a dozen items that staff believes should be considered in the next set of amendments to the the Land Development Code (LDC), and he handed copies of the list out. He also stated that it isn’t a complete list, but that the items all are important enough to consider working on for the next set of amendments and that the final list will include other items, and that there is quite a bit to discuss just with the list presented. He read from the list and explained the notes regarding each issue, starting with Recreational Marijuana. He stated that the minutes from the last meeting covered this issue extensively and if anyone wanted a refresher those minutes will help.

D. Stensaas explained the notes on the handout about the problematic portions of the repealed Woodland Protection and Tree Mitigation section and said a lot of this could have been avoided if the former City Arborist had done the analysis that was requested. He also stated that aside from the size and number of replacement trees, which needs some study before new options are recommended, he stated that the site plan review requirements were too complex and detailed and he recommends simplifying this section to
stating the number of protected trees and showing the general location of where they are, as well as the
general location of where the replacement trees would go. He stated the current requirements essentially
call for a full-blown forestry survey, as getting the tree size and health involves a lot of factors. He also said
the protection standards during construction are well-intended best-practices but should probably be
simplified and brought down to enforceable items that can accomplish general the intent of protection.

M. Larson stated that during the discussion of this it was said that it would be hard to enforce tree counts.
D. Stensaas stated that is right, but with site plan review the document is stamped by someone with a
professional license that is verifying the information is correct and so we don’t necessarily need to concern
ourselves with those details. M. Larson stated that would it be an option to change the standard for a
protected tree to be a larger DBH size to an 8 or 10-inch diameter tree. D. Stensaas stated that issued was
discussed quite a lot and it did become the problem it was feared it could be when a property owner found
that to do a planned project the replacement of the number of trees they would remove would cost more
than the land itself, and in that context the regulation could be considered a “taking”, and so changing to an
larger tree diameter makes sense in that it could make a big difference in the number of replacement trees
required. He stated that a fixed DBH number is a general standard and conifers and deciduous trees grow
at generally different rates and that is another issue to address.

He stated that the next issue is about solar panels in front yards. He said the main issue is that they are
similar to fences and fence panels since they can form a barrier like a fence and that as sheet material,
they could become like a screening fence if they are more than 4 ft. high. He stated that S. Mittlefehldt had
sent out some information on the issue, and that its up to the members to decide how much detail they
want to go into on any of these topics, but that he was just going to go through the list to review the more
complex issues and the next thing is marijuana. J. Cardillo stated that this is really helpful, and she would
like to do some research first and not make any big decisions tonight. She stated that it might be helpful to
look at what other cities are doing. W. Prempeau stated that why do we need to look at other cities, this is
our city, why should we do what other cities do. D. Stensaas stated that one value of looking at the codes of
other cities is that if standards have been in their codes for some time, they have at least had the
opportunity to evaluate and amend the code and remove things that are not workable. He stated that is
always up to you to decide what works for Marquette, you always have the option of changing a code that
we find in another community to fit our needs.

W. Prempeau stated that we should go back to letting the neighbors get together and decide what to allow in
their neighborhood, that all the subdivisions were set up like that but they didn’t carry it forward. He stated
we have done a lot of things for individuals. D. Stensaas stated the Master Plan recommends neighborhood
associations, but the Planning Commission is deciding for all the neighborhoods in a zoning district. He
stated the up at Middle Island Point they still meet and have all kinds of rules. He also stated that people
aren’t allowed to live how they should be able to live, and you have to do what this board says and what
that board says. E. Brooks stated that he disagrees and that the Land Development Code has made it
better and that its less boilerplate, and people can do more than they could before like have chickens and
bees. W. Prempeau stated there are still too many little rules that are selectively enforced, and if you are
going to enforce rules you should hire a big force of guys and go through every neighborhood. D. Stensaas
stated that is as unrealistic as the police stopping every speeder at the same time and we can only enforce
the code one property at a time.

D. Stensaas stated that for front yard solar panels, maybe M. Larson would be willing to research it and
bring back some recommendations. M. Larson stated that he would look into it, and that a lot of the
examples that Sarah sent are the same ones he would send, and that what is happening in a lot of places
is that they will allow it on the condition that there are no other places for the solar resources that would
work. He also stated he was reading about that recently and read that Ann Arbor recently disallowed solar
panels in front yards. J. Cardillo stated that it is allowed on the front of the house, but a panel is not allowed
in the front yard. M. Larson stated that he thought that panels were allowed as an accessory structure in a
front yard. D. Stensaas stated that they are not allowed in front yards and that is why we are coming back
to the issue. J. Cardillo stated that there has to be a balance with placement and setbacks, to make it as
do-able as possible, but we don’t want to create any problems that would create nuisances.
M. Larson stated that hoop houses were allowed to be in front yards. D. Stensaas stated that one
difference is that hoop houses are intended to be temporary structures. D. Stensaas stated the provision to
allow them if there isn’t another area that makes sense on the lot to place the panel is a good approach if
nothing else. M. Larson stated that he would work on it and discuss it with S. Mittlefehldt some more as well.

J. Cardillo asked if there was any need to discuss the marijuana issues. D. Stensaas stated that we should wait to find out what the City Commission approves for Recreational Marijuana to discuss that any further, and staff hasn’t prepared anything new on that due to the hearing that is taking place tonight on marijuana regulation in the City Code.

D. Stensaas stated that the Vehicle Repair and Maintenance was discussed at the last meeting and staff will work on those standards considering that it seems that the Planning Commission is favorable to approving special use standards for the use in the Mixed Use districts with some protections for residential neighbors. He also stated the issue with outdoor storage is one place where the standards for Vehicle Repair is different from those for Light Industrial/Manufacturing, which is required to be conducted completely indoors. He also showed the districts that currently allow Light Industrial and Vehicle Repair, and the Planning Commission discussed details the issue. M. Larson stated that the Special Land Use application with ensure the immediate neighbors have a voice, and he asked A. Andres what he thought. A. Andres stated that he is in favor of allowing it, but he wants to make sure it doesn’t corrupt any residential properties. J. Cardillo stated that it would be good to take the draft standards and apply them to some lots as a test drive of the standards.

D. Stensaas explained the reasons the encroachments text for structures needed to be amended to uphold the intent of that code, and he explained there are a number of other issues that staff was working on that they would write up and bring to the board to discuss at near-future meetings.

COMMISSION AND STAFF COMMENTS

D. Stensaas stated that the City has been working to comply with as many of the Redevelopment Ready Communities (RRC) program that the state is supporting and he explained the program, and he stated that he went to a training on this last week in Negaunee that dealt with development review standards. He said that the RRC program has evaluated the City on a variety of issues, and examined all of our planning and zoning documents and practices He stated that he learned that a good practice that is used in some communities for training boards is to include an agenda item regularly to address an issue that will help board members better understand something relevant to their roles. He stated that he would like to begin doing that, maybe at every other PC meeting. M. Larson stated that staff has done that to some extent and it has been helpful, and making it more regular would be good.

D. Stensaas stated that he and J. Cardillo, S. Mittlefehldt, and BZA member Jill Malin went to training in Hancock a couple of months ago, which was two sessions - for “Site Plan Review” and “Managing Risk: Making Sound Planning and Zoning Decisions”. He shared some of the recommendations from the meeting that he thought would be beneficial for our board, including to have separate e-mail addresses for PC business, to have an agenda item to declare any conflict of interest issues, and how to handle ex-parte contact - which is basically to tell anyone that wants to meet with you about a case that will be coming before the board that you can’t meet with them and they have to discuss it at a public meeting. E. Brooks stated that someone called him today to ask about the marijuana issue, and that he told them it was at the City Commission tonight.

ADJOURNMENT
The meeting was adjourned by Chair J. Cardillo at 8:05 p.m.

Prepared by:
David Stensaas, City Planner and Zoning Administrator
Planning Commission Secretary
Imedat/smc
MEMORANDUM

TO: Planning Commission
FROM: Andrea Landers, Zoning Official
DATE: November 7, 2019
SUBJECT: 05-REZ-11-19 – A portion of 204 S. Fifth St (PIN: A portion of 0240010)

The Planning Commission is being asked to make a recommendation to the City Commission regarding a request to rezone a +/- 0.10 Acre portion of 204 S. Fifth Street that is zoned Municipal (M) to be zoned Central Business District (CBD).

The rezoning of this parcel is being requested due to the City receiving a request to purchase the +/-0.10 Acre portion of this land, as the existing building at 200 S. Fifth Street (which is located to the north of this site) is partially located on this portion of the property. On September 30, 2019, the City Commission had approved a purchase request for this portion of 204 S. Fifth Street.

Please see the attached STAFF FILE REVIEW/ANALYSIS for more specific information regarding the application.

RECOMMENDED ACTION:

The Planning Commission should review the application and support information provided in this packet and determine whether or not the proposed rezoning of the above property is appropriate and meets Section 54.1405 Zoning Ordinance Amendment Procedures, and make a recommendation to the City Commission.

It is also highly recommended that any motion approving the amended plan include the following language:

After conducting a public hearing and review of the application and STAFF FILE REVIEW/ANALYSIS for 05-REZ-11-19, the Planning Commission finds that the proposed rezoning is (consistent/ not consistent) with the Community Master Plan and (meets/does not meet) the requirements of the Land Development Code Section 54.1405 and hereby recommends that the City Commission (approve/deny) 05-REZ-11-19 (as presented/for the following reasons).
Case #: 05-REZ-11-19

Date: November 7, 2019

Project/Application: Rezoning request from Municipal (M) to Central Business District (CBD).

Location: A portion of 204 S. Fifth Street

Parcel ID: A portion of 0240010

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

Current Zoning: M – Municipal

Surrounding Zoning: North: CBD – Central Business District
South: M – Municipal
MFR – Multiple Family Residential
East: CBD – Central Business District
M – Municipal
West: M – Municipal

Zoning Districts and Standards:

Current Zoning

Section 54.315 M, Municipal District

<table>
<thead>
<tr>
<th>(A) Intent</th>
</tr>
</thead>
<tbody>
<tr>
<td>The intent of the Municipal district is to permit flexible development and approval standards for properties used by the City of Marquette. Because this district applies to City-owned properties, the permitted uses are specific to City use or use generally permitted on City property.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>(B) Permitted Principal Uses</th>
<th>(C) Special Land Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Accessory Building or Structure</td>
<td>• Accessory Use, Non-Single Family Residential Lots</td>
</tr>
<tr>
<td>• Agriculture-Like Operation, including Forestry</td>
<td>• Port Facilities and Docks</td>
</tr>
<tr>
<td>• Cemetery</td>
<td>• Recycling Collection and Transfer Stations</td>
</tr>
<tr>
<td>• Farmers’ Markets</td>
<td>• Structures between the shoreline of Lake Superior and the pavement of the nearest public street or highway.</td>
</tr>
<tr>
<td>• Food Production, Minor</td>
<td>• Wireless Telecommunications Facilities</td>
</tr>
<tr>
<td>• Indoor Recreation</td>
<td></td>
</tr>
<tr>
<td>• Office, Professional</td>
<td></td>
</tr>
<tr>
<td>• Outdoor Entertainment and Community Events (Principal or Accessory Use)</td>
<td></td>
</tr>
<tr>
<td>• Public or Governmental Building</td>
<td></td>
</tr>
<tr>
<td>• Recreational Use, Public</td>
<td></td>
</tr>
<tr>
<td>• School, Primary or Secondary</td>
<td></td>
</tr>
<tr>
<td>• School, University</td>
<td></td>
</tr>
<tr>
<td>• Storage, Open</td>
<td></td>
</tr>
</tbody>
</table>

Where there is a discrepancy between Section 54.306 and this table, Section 54.306 shall prevail.
### (D) Dimensional Regulations

<table>
<thead>
<tr>
<th>Lot, Coverage, and Building Height Standards</th>
<th>Minimum Setbacks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Min. Lot Area (sq. ft.)</td>
<td>None</td>
</tr>
<tr>
<td>Min. Lot Width (ft.)</td>
<td>None</td>
</tr>
<tr>
<td>Max. Impervious Surface Coverage (%)</td>
<td>(R) Side Yard (total of 2) (ft.) None</td>
</tr>
<tr>
<td>Max. Building Height of Primary Building (ft.)</td>
<td>(O) None Rear Yard (ft.) None</td>
</tr>
<tr>
<td>Max. Building Height of Accessory Building</td>
<td>None</td>
</tr>
<tr>
<td>Max. Building Height (stories)</td>
<td>-</td>
</tr>
</tbody>
</table>

Where there is a discrepancy between Article 4 and this table, Article 4 shall prevail.

#### 54.403 Footnotes to Schedule of Regulations

**(O) Height Exemptions.** There shall be no height restriction on chimneys, flagpoles, public monuments, and wireless telecommunications facilities except when they are part of a special land use.

**(R) City of Marquette Design and Construction Standards.** Refer to the City of Marquette Design and Construction Standards for limits on impervious surfaces.

### Section 54.1003 Landscaping Design Requirements

**(D) Buffer and Greenbelt Requirements.**

**Intent.** It is the intent of this section to provide suitable transitional yards for the purpose of reducing the impact of and conflicts between incompatible land uses abutting district boundaries.

**Buffer and Greenbelt Schedule.** On any lot abutting a zoning district boundary, no structure, building or part thereof shall hereafter be erected, constructed, altered or maintained closer to the district boundary line than specified (in feet) in the following schedule (Figure 50). Where indicated, landscape planting is required.

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

<table>
<thead>
<tr>
<th>DISTRICT IN WHICH BUFFER &amp; GREENBELT IS REQUIRED</th>
<th>ABUTTING DISTRICT</th>
</tr>
</thead>
<tbody>
<tr>
<td>LDR &amp; MDR</td>
<td>MFR</td>
</tr>
<tr>
<td>M</td>
<td>N.A.</td>
</tr>
</tbody>
</table>

### Proposed Zoning

#### Section 54.312 CBD, Central Business District

**(A) Intent**

The CBD is the historic hub of city commerce and intended to provide suitable regulations for the business-oriented core area of the city which serves both local and regional markets such as offices, retail or wholesale sales or service, light manufacturing, and mixed uses that include residential.
### (B) Permitted Principal Uses
- Accessory Building or Structure
- Adult Foster Care, Family Home
- Bar
- Child or Day Care, Family Home
- Dwelling, Live/Work
- Dwelling, Two-Family (Duplex)
- Emergency Services
- Farmers’ Markets
- Food Production, Minor
- Foster Family Home
- Health Services
- Home Occupation
- Home Office
- Homestays and Vacation Home
- Hospice
- Indoor Recreation
- Medical Hospital Related Accessory Uses
- Medical Hospital Related Office
- Medical Hospital Related Uses
- Office, Medical
- Office, Professional
- Outdoor Entertainment and Community Events (Principal or Accessory Use)
- Public or Governmental Building
- Restaurant, Indoor Service
- Retail Business, Indoor
- Retail Sales, Outdoor Temporary
- Service Establishment
- Veterinary Clinic (Domestic Animals Only)

### (C) Special Land Uses
- Accessory Use, Non-Single Family Residential Lots
- Accessory Use, Single-Family Residential Lots
- Bed and Breakfast
- Bed and Breakfast Inn
- Child Care Center or Day Care Center
- Domestic Violence Abuse Shelter
- Drive-Through Uses
- Dwelling, Accessory Unit
- Dwelling, Intentional Community
- Dwelling, Multiple-Family
- Dwelling, Single-Family Attached
- Dwelling, Single-Family Detached
- Foster Family Group Home
- Fraternity or Sorority House
- Gasoline Service Stations
- Homeless Shelter
- Hospital
- Hospital Hospitality House
- Hotel or Motel
- Manufacturing, Light
- Nursing Home, Convalescent Home, Extended Care Facility, Assisted Living Facility
- Outdoor Food and Beverage Service
- Recreational Use, Public
- Religious Institution
- Rooming House
- School, Primary or Secondary
- School, University
- Vehicle Repair and Service
- Wireless Telecommunications Facilities

Where there is a discrepancy between Section 54.306 and this table, Section 54.306 shall prevail.

### (D) Dimensional Regulations

<table>
<thead>
<tr>
<th>Lot, Coverage, and Building Height Standards</th>
<th>Minimum Setbacks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Min. Lot Area (sq. ft.)</td>
<td>None</td>
</tr>
<tr>
<td>Min. Lot Width (ft.)</td>
<td>None</td>
</tr>
<tr>
<td>Max. Impervious Surface Coverage (%)</td>
<td>(R)</td>
</tr>
<tr>
<td>Max. Building Height of Primary Building (ft.)</td>
<td>60</td>
</tr>
<tr>
<td>Max. Building Height of Accessory Building</td>
<td>18</td>
</tr>
<tr>
<td>Max. Building Height (stories)</td>
<td>-</td>
</tr>
</tbody>
</table>

Where there is a discrepancy between Article 4 and this table, Article 4 shall prevail.

54.403 Footnotes to Schedule of Regulations

**Reduced Side Yard Setbacks in the M-U, CBD, and GC Districts.** In the M-U, CBD, and GC districts the side yards may be eliminated under the following conditions:

1. The side walls are of fireproof construction and are wholly without opening.
2. The zoning of the adjacent property is M-U, CBD, GC, Marquette Downtown Waterfront District, or Third Street Corridor District.
(I) Modified Rear Yard Setbacks in the M-U and CBD Districts. In the M-U and CBD districts the required rear yard may be measured from the center of an alley abutting the rear lot line, provided the structure is not located in the alley.

(O) Height Exemptions. There shall be no height restriction on chimneys, flagpoles, public monuments, and wireless telecommunications facilities except when they are part of a special land use.

(R) City of Marquette Design and Construction Standards. Refer to the City of Marquette Design and Construction Standards for limits on impervious surfaces.

Section 54.1003 Landscaping Design Requirements

(D) Buffer and Greenbelt Requirements.

Intent. It is the intent of this section to provide suitable transitional yards for the purpose of reducing the impact of and conflicts between incompatible land uses abutting district boundaries.

Buffer and Greenbelt Schedule. On any lot abutting a zoning district boundary, no structure, building or part thereof shall hereafter be erected, constructed, altered or maintained closer to the district boundary line than specified (in feet) in the following schedule (Figure 50). Where indicated, landscape planting is required.

Figure 50 - Required Buffer and Greenbelt Specifications:

<table>
<thead>
<tr>
<th>DISTRICT IN WHICH BUFFER &amp; GREENBELT IS REQUIRED</th>
<th>ABUTTING DISTRICT</th>
</tr>
</thead>
<tbody>
<tr>
<td>LDR &amp; MDR</td>
<td>MFR</td>
</tr>
<tr>
<td>CBD</td>
<td>15 (b)</td>
</tr>
</tbody>
</table>

(a) Within this buffer area, one (1) tree per 30 linear feet is required.

(b) Within this buffer area, one (1) tree per 20 linear feet is required, and at least 50% of the trees must be evergreen trees. Where a CBD, GC, or RC district abuts any residential district, a fence at least four (4) feet in height shall be erected within the business district boundary, except where the boundary is a public right-of-way.

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

Section 54.1405 Zoning Ordinance Amendment Procedures

(A) Initiation of Amendments. The City Commission, the Planning Commission, or the property owner (including a designated agent of the property owner) may at any time originate a petition to amend or change the zoning district boundaries pursuant to the authority and procedure established by Act 110 of Public Acts of 2006 as amended. Changes in the text of this Ordinance may be proposed by the City Commission, Planning Commission, or any interested person or organization.
(B) **Application for Amendment.** Each petition by one (1) or more persons for an amendment shall be submitted to the Zoning Administrator. Documents to support the application may be filed with the Zoning Administrator. A fee, as established by the City Commission shall accompany each petition, except those originated by the Planning Commission or City Commission.

**Application accepted.**

(C) **Amendment Review Procedures.**

1. **Public Hearing.** The staff liaison to the Planning Commission shall set a time and date for a public hearing, and the public hearing shall be noticed in accordance with Section 54.1406. The Planning Commission may refuse to schedule a hearing on a petition for rezoning which includes any portion of a site considered for rezoning in the previous six (6) months.

   **The public hearing before the Planning Commission is scheduled for 6:00 p.m. on Tuesday, November 12, 2019.**

2. **Planning Commission Consideration of the Proposed Amendment.** The Planning Commission shall review the proposed amendment, together with any reports and recommendations from staff, consultants, other reviewing agencies, and any public comments. The Planning Commission shall identify and evaluate all factors relevant to the petition, including the appropriate criteria listed in this Section. Following the public hearing, the Planning Commission shall make a recommendation to the City Commission to either approve or deny the petition and report its findings to the City Commission.

   **The Planning Commission is being asked to make a recommendation at their meeting on November 12, 2019.**

3. **City Commission Consideration of the Proposed Amendment.** The City Commission, upon recommendation from the Planning Commission, shall either schedule a public hearing or deny the petition. This hearing shall be advertised in accordance with Section 54.1406. If determined to be necessary, the City Commission may refer the amendment back to the Planning Commission for further consideration. In the case of an amendment to the Official Zoning Map, the City Commission shall approve or deny the amendment, based upon its consideration of the criteria contained in this Ordinance.

   **TBD.**

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

(1) **Master Plan.** Consistency with the recommendations, goals, policies and objectives of the Master Plan and any sub-area plans. If conditions have changed since the Master Plan was adopted, consistency with recent development trends in the area shall be considered.

Please see pp.3-31 and 3-32 of the Community Master Plan, regarding Rezoning Requests.

This property is coded for Civic on the Future Land Use Map of the Community Master Plan and is coded for Municipal zoning on the Proposed Zoning Map. Please refer to the 2018 amendments.

After reviewing all support information please review p.3-32 of the CMP, the attachments titled *Rezoning Considerations for Planning Commissions* and *Primer on Spot Zoning*, and make a determination of whether you think that approving this request is appropriate or not, and if this rezoning complies with the City Master Plan. This is very important.

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

Please see above - "Zoning District and Standards".

(3) **Street System.** The capability of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.

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

(4) **Utilities and Services.** The capacity of the City's utilities and services sufficient to accommodate the uses permitted in the requested district without compromising the health, safety, and welfare of the City.

There are no problems anticipated.
(5) **Changed Conditions Since the Zoning Ordinance Was Adopted or Errors to the Zoning Ordinance.** That conditions have changed since the Zoning Ordinance was adopted or there was an error in the Zoning Ordinance that justifies the amendment.

The City of Marquette has approved a purchase request for this portion of 204 S. Fifth Street on September 30, 2019, as the existing building at 200 S. Fifth Street (which is located to the north of this site) is partially located on this portion of the property.

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

The proposal will not result in exclusionary zoning, due to being the same as surrounding parcels to the north and east of the site.

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

The proposed zoning is compatible with site’s physical, geological, hydrological and other environmental features with the uses permitted in the proposed zoning district.

(8) **Potential Land Uses and Impacts.** If a rezoning is requested, compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values.

The proposed zoning is compatible with surrounding uses and zoning.

(9) **Relationship to Surrounding Zoning Districts and Compliance with the Proposed District.** If a rezoning is requested, the boundaries of the requested rezoning district will be reasonable in relationship to surrounding zoning districts, and construction on the site will be able to meet the dimensional regulations for the requested zoning district.

The proposed zoning is the same as the surrounding zoning to the north and east of the site, and if approved any construction on this site would include 200 S. Fifth Street as one site for zoning purposes.

(10) **Alternative Zoning Districts.** If a rezoning is requested, the requested zoning district is considered to be more appropriate from the City’s
Since the surrounding zoning districts to the north and east are CBD, and it is within the downtown development district, the proposed zoning district is more appropriate than another zoning district.

(11) Rezoning Preferable to Text Amendment, Where Appropriate. If a rezoning is requested to allow for a specific use, rezoning the land is considered to be more appropriate than amending the list of permitted or special land uses in the current zoning district to allow the use.

The rezoning is not being requested for a specific use, except that if the zoning district remained Municipal than the only allowable uses would be for public use and this property is in the process of being purchased and would not be owned by the City of Marquette in the near future.

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

The proposed zoning will not be creating an isolated or incompatible zone due to the surrounding zoning districts to the north and east are CBD, and it is within the downtown development district.

(E) Notice of Adoption of Amendment. Following adoption of an amendment by the City Commission, one (1) notice of adoption shall be filed with the City Clerk and one (1) notice shall be published in a newspaper of general circulation in the City within fifteen (15) days after adoption, in accordance with the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended. Amendments shall take effect eight (8) days after publication. A record of all amendments shall be maintained by the City Clerk. A Zoning Map shall be maintained by the City Clerk or his/her designee, which shall identify all map amendments. The required notice of adoption shall include all of the following information:

(1) In the case of a newly adopted Zoning Ordinance, the following statement: "A zoning ordinance regulating the development and use of land has been adopted by the City of Marquette."

(2) In the case of an amendment(s) to the existing Zoning Ordinance, either a summary of the regulatory effect of the amendment(s), including the geographic area affected, or the text of the amendment(s).

(3) The effective date of the ordinance or amendment.

If the proposed zoning amendment is adopted by the City Commission this section will be met.
Additional Comments:

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

Attachments:

1. Application with support material
2. Area Map
3. Block Map
4. Zoning Map
5. Photos
6. Spot Zoning Information
7. Publication Notice
CITY OF MARQUETTE
REZONING APPLICATION

CITY STAFF USE
Parcel ID#: 0240010 File #: 05-REZ-11-19 Date: 10-15-19
Hearing Date: 11-12-19 Application Deadline (including all support material): 10-15-19
FEE $518 Receipt #: N/A Check #: C1M Received by and date: 9-20-19

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

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

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

Please review the attached excerpts from the Land Development Code

APPLICANT CONTACT INFORMATION

PROPERTY OWNER
Name: City of Marquette
Address: 300 W Baraga Ave.
City, State, Zip: Marquette, MI 49855
Phone #: 906-225-8104
Email: shobbins@marquettemi.gov

APPLICANT/OWNERS REPRESENTATIVE
Name: Sean Hobbins c/o City of Marquette
Address: 300 W Baraga Ave.
City, State, Zip: Marquette, MI 49855
Phone #: 906-225-8104
Email: shobbins@marquettemi.gov

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

PROPERTY INFORMATION
Location (Street Address): 204 S Fifth St Property Identification Number: 0240010
Size of property (frontage / depth / sq. ft. or acres): 25 x 175 ft (Exhibit A)
Current Zoning District: Municipal Proposed Zoning District: CBD
Surrounding Zoning Districts: North CBD East M/CBD South MFR West M
Legal Description: See Exhibit A

Revision Date 4/4/19 Page 1 of 8
PRE-APPLICATION CONFERENCE

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

PHASING OF APPLICATION

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

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

SIGNATURE

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

Property Owner Signature: ___________________________ Date: 9/19/19
CERTIFICATE OF SURVEY

LOCATION:
PART OF HARCLOW'S ADDITION No.5, SECTION 23, T48N–R25W, CITY OF MARQUETTE, MARQUETTE COUNTY, MICHIGAN.

ORDERED BY:
MR. KARL P. NUMINEN
105 MEESKE AVENUE
MARQUETTE, MICHIGAN 49855
(906) 226–2560

Note: P.O.B. is S36°11'44"E, 2549.35
First point from the Northwest
Corner of Section 23, T48N–R25W.

Lot 9
Harcrow's No. 9
Addition

Note: P.O.B. Set 90 ft
(no cap)

Southeast corner of
Lot 9 of Harcrow's No.3
Northeast corner of
Lot 1 of Harcrow's No.5

FIFTH STREET (66’ R/W)
WASHINGTON STREET
(66’ R/W)

Harcrow's No. 5
Addition

Set PK Hall
and Washer

S79°08'56"E
175.76'

S79°08'56"E
175.00'

S2°35'23"W

S2°35'23"W

GRAPHIC SCALE

1 inch = 30 ft

SURVEYOR’S CERTIFICATE

I hereby certify that I have surveyed and mapped the land above plotted and/or described on November 25, 2016, and that the ratio of closure on the unadjusted field observations was less than 1 in 10,000', and the relative positional precision is within the limits of the practice of professional surveying and that the requirements of P.A. 132 of 1970 have been compiled with.

BY:

NEIL J. LYNCH
P.S. # 41918

DRAWN BY: NJL
JOB NO.: 2018–131

DATE: 12–28–2018

SCALE: 1”=30’
SHEET 1 OF 2

Lynch Surveying
Professional Surveying Services
370 North Road
Hegewisch, MI 49856
(906) 362–5555

Neil J. Lynch PS
CERTIFICATE OF SURVEY

LOCATION: PART OF HARLOW'S ADDITION No.5, SECTION 23, T48N-R25W, CITY OF MARQUETTE, MARQUETTE COUNTY, MICHIGAN.

ORDERED BY: MR. KARL P. NUMINEN 105 MEESKE AVENUE MARQUETTE, MICHIGAN 49855 (906) 226-2580

City of Marquette 25 x 175 Foot Strip

A Parcel of land located and situate in the South Half of the Northwest Quarter (S ¼ of NW ¼) of Section 23, T48N-R25W, in the City of Marquette, County of Marquette and State of Michigan, more particularly described as:

Commencing on the Westerly Right-of-Way of Fifth Street (66') at the Southeasterly corner of Lot 9 of Harlow's No. 3 Addition to the Village of Marquette which is also the Northeasterly corner of Lot 1 of Harlow's No.5 Addition to Marquette; thence S12°35'23"W, 55 feet along the aforesaid Westerly Fifth Street Right-of-Way to the Point of Beginning; thence continuing along the said Fifth Street Right-of-Way, S12°35'23"W, 25.01 feet, thence N79°08'55"W, 175.00 feet; thence N10°51'05"E, 25.00 feet to the southerly boundary of the parcel described in Document Number 2010R-11576; thence S79°08'55"E, 175.76 feet along the southerly line of said parcel to the Point of Beginning containing 0.10 Acres more or less.

Subject to the restrictions, reservations, exceptions, and conditions contained in prior conveyances of record regarding the said parcel in the office of the Register of Deeds for Marquette County.

SURVEYOR'S CERTIFICATE

I hereby certify that I have surveyed and mapped the land above platted and/or described on November 25, 2016, and that the ratio of closure on the unadjusted field observations was less than 1 in 10,000, and the relative positional precision is within the limits of the practice of professional surveying and that the requirements of P.A. 132 of 1970 have been complied with.

BY:           DATE: 12-28-2018

NEIL J. LYNCH P.S. # 41918

Lynch Surveying
Graphic intended for demonstrational purposes only. Actual property boundaries may be slightly different.
Article 14: Administrative Procedures

Section 54.1405: Zoning Ordinance Amendment Procedures

(A) Initiation of Amendments. The City Commission, the Planning Commission, or the property owner (including a designated agent of the property owner) may at any time originate a petition to amend or change the zoning district boundaries pursuant to the authority and procedure established by Act 110 of Public Acts of 2006 as amended. Changes in the text of this Ordinance may be proposed by the City Commission, Planning Commission, or any interested person or organization.

(B) Application for Amendment. Each petition by one (1) or more persons for an amendment shall be submitted to the Zoning Administrator. Documents to support the application may be filed with the Zoning Administrator. A fee, as established by the City Commission shall accompany each petition, except those originated by the Planning Commission or City Commission.

(C) Amendment Review Procedures.

(1) Public Hearing. The staff liaison to the Planning Commission shall set a time and date for a public hearing, and the public hearing shall be noticed in accordance with Section 54.1406. The Planning Commission may refuse to schedule a hearing on a petition for rezoning which includes any portion of a site considered for rezoning in the previous six (6) months.

(2) Planning Commission Consideration of the Proposed Amendment. The Planning Commission shall review the proposed amendment, together with any reports and recommendations from staff, consultants, other reviewing agencies, and any public comments. The Planning Commission shall identify and evaluate all factors relevant to the petition, including the appropriate criteria listed in this Section. Following the public hearing, the Planning Commission shall make a recommendation to the City Commission to either approve or deny the petition and report its findings to the City Commission.

(3) City Commission Consideration of the Proposed Amendment. The City Commission, upon recommendation from the Planning Commission, shall either schedule a public hearing or deny the petition. This hearing shall be advertised in accordance with Section 54.1406. If determined to be necessary, the City Commission may refer the amendment back to the Planning Commission for further consideration. In the case of an amendment to the Official Zoning Map, the City Commission shall approve or deny the amendment, based upon its consideration of the criteria contained in this Ordinance.

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

(1) Master Plan. Consistency with the recommendations, goals, policies and objectives of the Master Plan and any sub-area plans. If conditions have changed since the Master Plan
Article 14: Administrative Procedures
Section 54.1405: Zoning Ordinance Amendment Procedures

was adopted, consistency with recent development trends in the area shall be considered.

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

(3) Street System. The capability of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.

(4) Utilities and Services. The capacity of the City’s utilities and services sufficient to accommodate the uses permitted in the requested district without compromising the health, safety, and welfare of the City.

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

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

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

(8) Potential Land Uses and Impacts. If a rezoning is requested, compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values.

(9) Relationship to Surrounding Zoning Districts and Compliance with the Proposed District. If a rezoning is requested, the boundaries of the requested rezoning district will be reasonable in relationship to surrounding zoning districts, and construction on the site will be able to meet the dimensional regulations for the requested zoning district.

(10) Alternative Zoning Districts. If a rezoning is requested, the requested zoning district is considered to be more appropriate from the City’s perspective than another zoning district.

(11) Rezoning Preferable to Text Amendment, Where Appropriate. If a rezoning is requested to allow for a specific use, rezoning the land is considered to be more appropriate than amending the list of permitted or special land uses in the current zoning district to allow the use.

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

(E) Notice of Adoption of Amendment. Following adoption of an amendment by the City Commission, one (1) notice of adoption shall be filed with the City Clerk and one (1) notice

City of Marquette Land Development Code
Effective: February 23, 2019

14-20
shall be published in a newspaper of general circulation in the City within fifteen (15) days after adoption, in accordance with the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended. Amendments shall take effect eight (8) days after publication. A record of all amendments shall be maintained by the City Clerk. A Zoning Map shall be maintained by the City Clerk or his/her designee, which shall identify all map amendments. The required notice of adoption shall include all of the following information:

(1) In the case of a newly adopted Zoning Ordinance, the following statement: "A zoning ordinance regulating the development and use of land has been adopted by the City of Marquette."

(2) In the case of an amendment(s) to the existing Zoning Ordinance, either a summary of the regulatory effect of the amendment(s), including the geographic area affected, or the text of the amendment(s).

(3) The effective date of the ordinance or amendment.

(F) Protest Petition of Amendment. An amendment under this Chapter is subject to a protest petition in accordance with Section 403 of the Michigan Zoning Enabling Act, PA 110 of 2006 (as amended), summarized as follows:

(1) Petition Submittal Requirements. The protest petition shall be presented to the City Commission before final legislative action on the amendment, and shall be signed by one (1) or more of the following:

(a) The owners of at least 20% of the area of land included in the proposed change. Publicly owned land shall be excluded in calculating the 20% land area.

(b) The owners of at least 20% of the area of land included within an area extending outward 100 feet from any point on the boundary of the land included in the proposed change. Publicly owned land shall be excluded in calculating the 20% land area.

(2) Vote. If a protest petition is filed, approval of the amendment to this Ordinance shall require a 2/3 vote of the City Commission.

(G) Referendum. Within thirty (30) days following the passage of the Zoning Ordinance, a petition signed by a number of registered electors may be filed with the City Clerk requesting submission of this Ordinance or part of this Ordinance to the electors for their approval, in accordance with Section 402 of the Michigan Zoning Enabling Act, PA 110 of 2006, as amended. Whenever there is a conflict between this section of the Zoning Ordinance or P.A. 110 of 2006, as amended, the provisions of P.A. 110 of 2006, as amended, shall govern.

(H) Rezoning (Zoning Map Amendment) with Conditions. Pursuant to MCL 125.3405, the City Commission, following a public hearing and recommendation by the Planning Commission, may approve a petition for a rezoning with conditions requested by a property owner. The standards of this section shall grant a property owner the option of proposing conditions for the development and use of property in conjunction with an application for rezoning. Such
Article 14: Administrative Procedures
Section 54.1405: Zoning Ordinance Amendment Procedures

conditions may be proposed at the time the application for rezoning is filed, or at a subsequent point in the process of review of the proposed rezoning.

(1) **Conditional Rezoning Agreement.** The conditions attached to the rezoning shall be set forth by submitting a conditional rezoning agreement listing the proposed conditions. A conditional rezoning agreement shall contain the following information:

(a) A statement acknowledging that the rezoning with conditions was proposed by the applicant to induce the City to grant the rezoning, and that the City relied upon such proposal and would not have granted the rezoning but for the terms spelled out in the conditional rezoning agreement; and, further agreement and acknowledgment that the conditions and conditional rezoning agreement are authorized by all applicable state and federal law and constitution, and that the Agreement is valid and was entered on a voluntary basis, and represents a permissible exercise of authority by the City.

(b) Agreement and understanding that the property in question shall not be developed or used in a manner inconsistent with the conditional rezoning agreement.

(c) Agreement and understanding that the approval and conditional rezoning agreement shall be binding upon and inure to the benefit of the property owner and City, and their respective heirs, successors, assigns, and transferees.

(d) The date upon which the rezoning with conditions becomes void, as specified in [Section 54.1405(H)(3)](#), below. If an extension of approval is granted by the City Commission, a new conditional rezoning agreement with the new expiration date shall be recorded.

(e) Agreement and understanding that, if a rezoning with conditions becomes void in the manner provided in [Section 54.1405(H)(3)](#), below, no development shall be undertaken or permits for development issued until a new zoning district classification of the property has been established.

(f) Agreement and understanding that each of the requirements and conditions in the conditional rezoning agreement represents a necessary and reasonable measure which, when considered with all other conditions and requirements, is roughly proportional to the increased impact created by the use represented in the approved rezoning with conditions, taking into consideration the changed zoning district classification and the specific use authorization granted.

(g) A legal description of the property affected by the rezoning with conditions.

(h) Development regulations affected by the conditions of rezoning, including but not limited to density, setbacks, height, site coverage, signs, parking, architecture, lighting, landscaping etc.

(i) Revocation of approval provisions returning the property to its original zoning designation if the developer violates the terms of the agreement.
(j) A conditional rezoning agreement may contain a conditional rezoning plan as an attachment, with such detail and inclusions proposed by the applicant and approved by the City Commission in accordance with this Section, following recommendation by the Planning Commission. Inclusion of a conditional rezoning plan as an attachment to a conditional rezoning agreement shall not replace the requirement for Preliminary and Final Site Plan, Subdivision, Condominium, or Special Land Use review and approval, as the case may be.

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

(3) **Period of Approval.** Unless extended by the City Commission for good cause, the rezoning with conditions shall expire following a period of two (2) years from the effective date of the rezoning unless bona fide development of the property pursuant to approved building and other permits required by the City commences within the two (2) year period and proceeds diligently and in good faith as required by ordinance to completion.

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

(b) **Effect of Expiration.** If the rezoning with conditions becomes void in the manner provided in this section, either or both of the following actions may be taken:

(i) The property owner may seek a new rezoning of the property; and/or

(ii) Pursuant to MCL 125.3405, the land shall revert to its former zoning classification following the process for approval of a rezoning with conditions.

(4) **Zoning Map.** If approved, the zoning district classification of the rezoned property shall consist of the district to which the property has been rezoned accompanied by a reference to “CR Conditional Rezoning.” The Zoning Map shall specify the new zoning district plus a reference to CR. By way of example, the zoning classification of the property may be “CBD Central Business District with CR Conditional Rezoning,” with a Zoning Map designation of “CBD CR.”

(5) **Review and Approval Process.** An application for a rezoning with conditions shall be reviewed following the same process and procedures applicable to a rezoning set forth in Section 54.1405(C), with the exception that the conditional rezoning agreement shall be
executed between the applicant and the City Commission at the time of City Commission approval of a rezoning with conditions.

(6) **Recordation of a Conditional Rezoning Agreement.** A rezoning with conditions shall become effective following publication in the manner provided by law, and after the conditional rezoning agreement is recorded with the County Register of Deeds.
Rezoning

• The main question that must be answered when considering a rezoning is: “Is that an appropriate location for that zone?”

• The proposed use of land is not as important as is the fact that if the land is rezoned, any of the uses permitted in that zone may be established on that land.

• If a specific land use is proposed then an additional question must also be answered: “Are the uses permitted in the existing zone reasonable?”

• Failing to follow notice requirements may result in a Court invalidating the amendment.

Rezoning Factors to Consider

RE: Question One (previous page)

• Would rezoning be consistent with other zones and land uses in the area?

• Is the proposed rezoning consistent with the trend of development in that area?

• Are uses in the proposed zone equally or better suited to the area than the current uses?

• Is the proposed rezoning consistent with both the policies and uses proposed for that area in the master plan?
Rezoning Factors to Consider

RE: Question Two (previous page)

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

SPOT ZONING

Characteristics

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

Result

- Typically ruled invalid if challenged in court.
(3) Following the hearing on the proposed amendment by the planning commission, the rezoning petition, a summary of the public hearing comments, and its recommendation is submitted to the elected body (board or council). Many communities do this in the form of a written findings of fact.

(4) For townships, following the hearing, the petition is submitted to the county planning commission for review and recommendation. If a recommendation from the county is not been received within 30 days, it shall be presumed that the county has waived its right for review and recommendation.

(5) Following the submission of planning commission recommendation, the elected body (city/village council or township board) will take final action to adopt (or not adopt) the zoning map or text amendment. In townships and counties, the elected body cannot depart from the planning commission recommendation without first sending it back for further review. This is optional in cities. The elected body may conduct additional hearings in townships and in counties. In cities, amendments must pass by a 2/3-majority vote if a protest petition is filed which meet specific requirements.

(6) A notice of adoption must be printed within 15 days in cities, villages and townships. In counties the Michigan Department Commerce must first approve the amendment.

(7) In townships and counties, a referendum may be held on an amendment if properly filed within 30 days. The legal status of referendum in cities and villages is unclear; consult your municipal attorney for current information.

(8) Appeals of decisions regarding zoning ordinance amendments go to circuit court (not to ZBA). If a procedural error on an amendment occurs, such as an incorrect notice date, it is best to stop the procedure and go back to the beginning.

**What is a Spot Zone?**

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

Spot zoning has some specific characteristics. It is not simply the appearance of a "spot" on a zoning map. Many acceptable zone districts may be "islands," surrounded by other zone districts. But while some may disagree on whether or not a specific case is a spot zone, nearly everyone agrees that it is a poor zoning practice. An unjustified spot zone is, therefore, likely to be viewed by the courts as unlawful.

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

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

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

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

**Special Land Uses (SLU)**

**Special Land Use Review to Insure Compatibility:** Special land uses (SLU), known by a variety of terms, are uses of land which are not essentially incompatible with the uses permitted in a zoning district but possess characteristics or location qualities which require individual review and possible restriction in order to insure compatibility with the natural environment of the site, the character of the surrounding area, public services and facilities, and adjacent uses of land.
TO SUBSCRIBE CALL: 906/228-2500

ALL ACCESS SUBSCRIPTION RATES

HOMETOWN DELIVERY - CARRIER
26 Weeks 13 Weeks 1 Month $22.00 $12.20 $6.10 $31.20 $20.00

HOME DELIVERY - MOTOR ROUTE
26 Weeks 13 Weeks 1 Month $25.00 $13.50 $6.75 $33.00 $21.00

IN STATE MAIL
26 Weeks 13 Weeks 1 Month $61.60 $31.50 $15.75 $69.00 $40.00

OUT OF STATE MAIL
26 Weeks 13 Weeks 1 Month $65.00 $33.50 $16.75 $72.00 $42.00

For delivery errors to or subscribe to The Mining Journal, call our Circulation Department at 906/217-2500 between 8 AM - 5:30 PM, Monday through Friday, 7:30 AM - 11 PM Saturday.

ADVERTISING: CALL 906/228-2500 Advertising questions: Ext. 201.

EDITORIAL DEPARTMENT:

General... Ext. 228-2500

Church.... Ext. 239

Sports... Ext. 243

Outdoors... Ext. 243

Features... Ext. 243

Classifieds... Ext. 243

4 p.m. on weekdays, open 24 hours a day on weekends. Must be paid in advance to be included in the next week’s issue. No phone orders accepted. Mail orders must be prepaid. Rates subject to change without notice.

PUBLIC HEARING NOTICE

The Marquette City Planning Commission will hold a public hearing on the following matter at their regular meeting scheduled for 6:00 PM on Tuesday, November 12, 2019.

Notice is hereby given that the Marquette City Planning Commission will hold a public hearing on the following matter at their regular meeting scheduled for 6:00 PM on Tuesday, November 12, 2019.

Marquette City Planning Commission will hold a public hearing on the following matter at their regular meeting scheduled for 6:00 PM on Tuesday, November 12, 2019.

The public hearing for this request will begin at 6:00 PM in the Engineering Conference Room of the Municipal Service Center located at 1500 Wright Street on Tuesday, November 12, 2019. If you wish to comment on this matter, you may do so at that time.

Written comments, prior to the meeting, may be submitted to the Community Development Department located at 1150 Wright St., Marquette, Michigan 49855, or by e-mail to alanders@marquette.org. Materials relating to this application may be viewed at the Community Development Department’s office at the Municipal Service Center during 7:30 a.m. to 4:30 p.m., Monday through Friday.

If you have a disability and require assistance to participate, please provide advance notice.

Andrea M. Landes
Zoning Official
landers@marquette.org
225-3363
MEMORANDUM

TO: Planning Commission
FROM: Andrea Landers, Zoning Official
DATE: November 7, 2019
SUBJECT: 02-SKT-11-19 - Sketch Plan Review – 125 Dobson Place (PIN: 0471170)

Staff has reviewed the sketch plan for the construction of an office building, parking lot, grading, site improvements, playground, and conversion of an existing office building to a duplex located at 125 Dobson Place.

This project is being conducted for the Marquette Housing Commission (MHC), which is a quasi-governmental, non-profit entity that was established by the Marquette City Commission and receives financial support and oversight from the federal government (HUD) and the state of Michigan, as well as staff support from the City of Marquette. For these reasons, the MSC meets the test for immunity from strict adherence to the City’s zoning regulations, and the sketch plans are being provided to the Planning Commission as an informational item.

Please see the attached staff report for comments.

RECOMMENDED ACTION:

Per the Land Development Code, Section 54.1402(D)(3), the Planning Commission advises the applicant as to the general acceptability of the proposed plan, but shall not be bound by any statements or indications of acceptance of the plan.

As always, it is highly recommended that any motion approving the sketch plan include:

After review of the sketch plan 02-SKT-11-19, the Planning Commission (finds/does not find) that it is an acceptable Sketch Plan for preliminary planning work, and that the existing character of the property, the proposed use of the property, the mass and location of structures, the general site circulation, and the other required elements shown in Figure 52 of Article 14 of the Land Development Code (LDC) for Sketch Plans (are/are not) generally in compliance with the LDC. Any deficiencies in adherence to the standards of the LDC should be addressed to meet the standards to the greatest degree possible within the financial constraints of the Marquette Housing Commission.
Project/Application: Sketch Plan review for the construction of an office building, parking lot, grading, site improvements, playground, and conversion of an existing office building to a duplex.

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

Surrounding Zoning: North: MDR – Medium Density Residential
MFR – Multiple Family Residential
South: MU – Mixed-Use
East: MFR – Multiple Family Residential
West: MDR – Medium Density Residential
MU – Mixed-Use

Zoning District and Standards:

Section 54.309 MFR, Multiple Family Residential District

<table>
<thead>
<tr>
<th>(A) Intent</th>
</tr>
</thead>
<tbody>
<tr>
<td>The MFR district is intended to establish and preserve high density residential neighborhoods that will provide at least the minimum acceptable residential environment. Uses include higher density single-family residential developments and multi-family developments. Because of the range of uses allowed in the MFR district and the unique area that abut the MFR district, developments must be compatible with their adjacent residential and non-residential uses. It is intended that various sizes of residential accommodations, of ownership and rental, shall be provided to meet the need of the community.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>(B) Permitted Principal Uses</th>
<th>(C) Special Land Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accessory Building or Structure</td>
<td>Accessory Use, Non-Single Family Residential Lots</td>
</tr>
<tr>
<td>Accessory Use, Single-Family Residential Lots</td>
<td>Adult Foster Care, Large Group Home</td>
</tr>
<tr>
<td>Adult Foster Care, Family Home</td>
<td>Adult Foster Care, Small Group Home</td>
</tr>
<tr>
<td>Child or Day Care, Family Home</td>
<td>Bed and Breakfast</td>
</tr>
<tr>
<td>Dwelling, Multiple-Family</td>
<td>Cemetery</td>
</tr>
<tr>
<td>Dwelling, Single-Family Attached</td>
<td>Child or Day Care, Group Home</td>
</tr>
</tbody>
</table>
Section 54.403 Footnotes to Schedule of Regulations

(A) Permitted Front Yard Setback Encroachments in the MDR and MFR Districts. In the MDR and MFR districts, open front porches may encroach into the required front yard setback, provided the encroaching porch is for the first story only, is not wider than 50% of the façade, and is setback at least ten (10) feet from the front lot line.

(C) Minimum Lot Area for Two-Family Dwellings (Duplexes) in the MDR and MFR Districts. In the MDR District, the minimum lot area for a two-family dwelling (duplexes) is:

1. 6,000 sq. ft. for lots created prior to the adoption of this Ordinance.
2. 9,000 sq. ft. for lots created after the adoption of this Ordinance.

(D) Minimum Lot Width for Two-Family Dwellings (Duplexes) in the MDR and MFR Districts. In the MDR District, the minimum lot width for a two-family dwelling (duplex) is:

1. 50 feet for lots created prior to the adoption of this Ordinance.
2. 75 feet for lots created after the adoption of this Ordinance.

(G) Separation Distance of Multiple-Family Structures in the MFR District. In the MFR, Multiple Family Residential District, the minimum distance between any two (2) buildings on the same site shall be one and one-half (1.5) times the average height of the two (2) buildings. For example purposes only, the separation distance between a 36-foot high multiple-family building and a 30-foot high multiple family building shall be 49.5 feet (i.e., 1.5 times 33 feet, which is the average height of the two buildings).
(K) **Accessory Buildings and Structures.** For accessory buildings and structures, additional requirements for side yard setbacks, rear yard setbacks, and height are in Section 54.705.

(L) **Height Exceptions and Increased Setbacks for Multiple-Family Dwelling Buildings in the MFR District.** For multiple-family buildings in the MFR District, the height may be increased above 36.5 feet provided that 1 foot shall be added to all of the minimum yard setbacks for each 1 foot that the building exceeds 36.5 feet in height.

(O) **Height Exemptions.** There shall be no height restriction on chimneys, flagpoles, public monuments, and wireless telecommunications facilities except when they are part of a special land use.

**Section 54.903 Minimum Number of Parking Spaces Required**

Office use is one (1) space for every 200 square feet of floor area, and they are proposing 2,490 S.F. which requires 13 parking spaces and they are providing 13 spaces with the proposed parking lot.

Multiple Family Dwelling uses with 5 or more the calculation is 1.5 spaces per dwelling unit. The conversion from an existing office to a duplex will require additional parking. The number of existing units is \(114 + 2\) proposed = 116. 116 units x 1.5 = 174 parking spaces. The site has 153 parking spaces total, so it would be deficient in parking to add the two units.

**Additional Comments:**

The proposed office use is a Special Land Use in the MFR district as it is an accessory use for the multiple family development, the proposed office structure meets the dimensional regulations in Article 4 for this zoning district, and the parking space number requirements are not being met which would require a variance. However, we have determined, with the counsel of the City Attorney, that the Housing Commission is a quasi-governmental entity and this project furthers a government purpose is providing subsidized housing assistance and therefore will not be required to adhere strictly to the City’s own standards due to the difficulties that would present in retrofitting the site to conform with the parking standards of the LDC and the lack of any serious concerns regarding public health or safety if this site plan is developed as presented. A Special Land Use Permit and variance will not be required.

The following preliminary comments will need to be fixed prior to them submitting for site plan review:

- Calculations shown on the drawing for outdoor livability space will need to be revised to indicate how it is calculated.
- Maneuvering lane width needs to be 24-ft in width for the proposed parking lot.
- Parking calculations need to add in the duplex addition and calculation of existing dwelling units and parking spaces.

**Attachments:**

- Site Plan Review Application
- Area Map
- Block Map
• Photos
• Site plan
INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED, THE SITE PLAN REVIEW REQUEST WILL
NOT BE SCHEDULED FOR A HEARING UNTIL IT HAS BEEN VERIFIED THAT ALL OF THE
INFORMATION REQUIRED IS PRESENT AT THE TIME OF THE APPLICATION - NO EXCEPTIONS!

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

### FEE SCHEDULE

<table>
<thead>
<tr>
<th>Service</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial, Industrial, Residential with 3 or more units, and Final PUD Site Plan (includes zoning compliance fee)</td>
<td>$815</td>
</tr>
<tr>
<td>Sketch Plan</td>
<td>$815</td>
</tr>
<tr>
<td>Preliminary SPR</td>
<td>$2,145</td>
</tr>
<tr>
<td>Administrative Review (CDRT review)</td>
<td>$1,865</td>
</tr>
<tr>
<td>Administrative Review (Non-CDRT review)</td>
<td>$480</td>
</tr>
<tr>
<td>Planning Commission Review</td>
<td>$2,150</td>
</tr>
</tbody>
</table>

### FEE SCHEDULE FOR SITE CONDOMINIUM/PLATS/SUBDIVISIONS

- Site Condominium Review: $1,825
- Revised (Developer Initiated): $765

### Revised Site Plan (Developer Initiated)

- Administrative Review (CDRT): $1,550
- Planning Commission Review: $1,550
- Administrative Review (Non-CDRT): $480

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

- Planning Commission page for filing deadline and meeting schedule
- Excerpts from the City Land Development Code
  - Section 54.1402 Site Plan Review (this is attached to the application)
  - Section 54.1401 Zoning Permits and Zoning Compliance Review
  - If you are applying for a Site Condominium/Plat/Subdivision, please review Article 5.

### STORMWATER

Will you be managing stormwater and applying for a stormwater utility fee reduction? ☐ Yes ☐ No
If yes, please refer to the Stormwater Utility Fee Reduction Application on the City website at www.marquettemi.gov under the Engineering applications.
PRE-APPLICATION CONFERENCE

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

APPLICANT CONTACT INFORMATION

PROPERTY OWNER
Name: Lake Superior Village, Limited Dividend Housing Association Limited Partnership
Address: 316 PINE STREET
City, State, Zip: Marquette, MI 49855
Phone #: (906) 226-7559X11
Email: SMAKI@MQTHC.ORG

APPLICANT/OWNER’S REPRESENTATIVE
Name: MCSA Group, Inc.
Address: 529 Greenwood Ave. SE
City, State, Zip: East Grand Rapids, MI 49506
Phone #: (616) 451-3346
Email: Kwaters@mcsagroup.com

ARCHITECT
Name: MCSA Group, Inc.
Address: 529 Greenwood Ave. SE.
City, State, Zip: East Grand Rapids, MI 49506
Phone #: (616) 451-3346
Email: Kwaters@mcsagroup.com

ENGINEER
Name: TBD
Address: 
City, State, Zip: 
Phone #: 
Email: 

SURVEYOR
Name: TriMedia Environmental & Engineering
Address: 830 W Washington St.
City, State, Zip: Marquette, MI 49855
Phone #: (906)228-5125
Email: sbluse@trimediaee.com
PROPERTY INFORMATION

Property Address: 125 Dobson Place
Property Identification Number: 52-52-004-711-70

Size of property (frontage / depth / sq. ft. or acres): 380,728 sq. ft.

Zoning District: Multiple Family Residential
Current Land Use: Dwelling Multiple Family and Apartments

Surrounding Zoning Districts:
North - Multiple Family Residential
East - Multiple Family Residential
South - Mixed Use
West - Medium Density Residential

Surrounding Land Use:
North - Dwelling Single Family Residential Detached
East - Dwelling Multiple Family and Apartments
South - Dwelling Single Family Residential Detached
West - Dwelling Duplex

DESCRIPTION OF PROJECT

Please describe use, building style and materials, ultimate ownership, phasing, start and completion proposed timelines for work, etc.:

Project includes new office building and associated parking parking spaces.
Style: single story building, gable roof with asphalt shingles, brick and siding exterior
Owner: Lake Superior Village Limited Dividend Housing Association Limited Partnership
Phasing: building start spring 2020 and complete January 2021
Timelines: entire project start construction spring 2020 and complete fall 2021

SIGNATURE

I hereby certify the following:

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

Applicant Signature: [Signature] Date: 10-28-19

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

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

<table>
<thead>
<tr>
<th></th>
<th>Site Plan Information Required (See Figure 52 In LDC)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>The applicant's name.</td>
</tr>
<tr>
<td>2</td>
<td>Name of the development.</td>
</tr>
<tr>
<td>3</td>
<td>The preparer’s name and professional seal of architect, engineer, or landscape architect indicating license in the State of Michigan.</td>
</tr>
<tr>
<td>4</td>
<td>Small scale location sketch of sufficient size and scale. (SKETCH PLAN ONLY)</td>
</tr>
<tr>
<td>5</td>
<td>A survey of the property, sealed by a surveyor licensed in the State of Michigan.</td>
</tr>
<tr>
<td>6</td>
<td>Date of preparation and any revisions.</td>
</tr>
<tr>
<td>7</td>
<td>North arrow.</td>
</tr>
<tr>
<td>8</td>
<td>Complete and current legal description and size of property in acres.</td>
</tr>
<tr>
<td>9</td>
<td>Property lines and dimensions drawn to scale.</td>
</tr>
<tr>
<td>10</td>
<td>Zoning and current land use of applicant’s property and all abutting properties and of properties across any public or private street from the site.</td>
</tr>
<tr>
<td>11</td>
<td>Lot lines and all structures on the property and within 100 feet of the site’s property lines.</td>
</tr>
<tr>
<td>12</td>
<td>Locations of all significant natural features, including Riparian Buffers (see Section 54.804), wetlands (see Section 54.805), steep slopes (see Section 54.806), floodplains, etc.</td>
</tr>
<tr>
<td>13</td>
<td>Location of any access points on both sides of the street within 100 feet of the site along streets where access to the site is proposed.</td>
</tr>
<tr>
<td>14</td>
<td>Locations of existing utilities.</td>
</tr>
<tr>
<td>15</td>
<td>Building footprints, setbacks, and elevations showing height for all proposed structures with the acreage allotted to each use. See Article 3, Article 4, and Article 7.</td>
</tr>
<tr>
<td>16</td>
<td>Existing topography at a minimum of two (2) foot contour intervals.</td>
</tr>
<tr>
<td>17</td>
<td>Floor area and ground coverage ratios. See Article 3 and Article 4.</td>
</tr>
<tr>
<td>18</td>
<td>Proposed locations of utility services (with sizes) and storm water management, including storm drainage, retention or detention ponds, fire hydrants, and any public or private easements. See Section 54.803.</td>
</tr>
<tr>
<td>19</td>
<td>Proposed topography with a site grading plan with topography at a maximum of two (2) foot contour intervals.</td>
</tr>
<tr>
<td>20</td>
<td>Location and method of screening for all waste dumpsters. See Section 54.1003(F).</td>
</tr>
<tr>
<td>21</td>
<td>Location and dimensions of parking spaces. See Article 9.</td>
</tr>
<tr>
<td>22</td>
<td>General landscaping design concept acceptable to the Zoning Administrator. (SKETCH PLAN ONLY)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Location in site plan</th>
<th>N/A attach reason</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>C1</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>C1</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>NA</td>
<td>sketch plan</td>
</tr>
<tr>
<td>4</td>
<td>C1</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>NA</td>
<td>sketch plan</td>
</tr>
<tr>
<td>6</td>
<td>C1</td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>C1</td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>C1</td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>C1</td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>C1</td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>C1</td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>NA</td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>C1</td>
<td></td>
</tr>
<tr>
<td>14</td>
<td>C1</td>
<td></td>
</tr>
<tr>
<td>15</td>
<td>na</td>
<td>sketch plan</td>
</tr>
<tr>
<td>16</td>
<td>C1</td>
<td></td>
</tr>
<tr>
<td>17</td>
<td>C1</td>
<td></td>
</tr>
<tr>
<td>18</td>
<td>NA</td>
<td>sketch plan</td>
</tr>
<tr>
<td>19</td>
<td>NA</td>
<td>sketch plan</td>
</tr>
<tr>
<td>20</td>
<td>NA</td>
<td>none on site</td>
</tr>
<tr>
<td>21</td>
<td>C1</td>
<td></td>
</tr>
<tr>
<td>22</td>
<td>C1</td>
<td></td>
</tr>
</tbody>
</table>

Revision Date 10-1-19
<table>
<thead>
<tr>
<th></th>
<th>Location in site plan</th>
<th>N/A attach reason</th>
<th>APPLICANT</th>
</tr>
</thead>
<tbody>
<tr>
<td>23</td>
<td>A landscaping plan indicating proposed plant locations with common plant name, number, and size at installation. Berms, retaining walls or fences shall be shown with elevations from the surrounding average grade. See Article 10</td>
<td>N</td>
<td>sketch</td>
</tr>
<tr>
<td>24</td>
<td>Locations of exterior light fixtures. (SKETCH PLAN ONLY)</td>
<td>C1</td>
<td></td>
</tr>
<tr>
<td>25</td>
<td>Details of exterior lighting including locations, height, and method of shielding. See Section 54.802.</td>
<td>NA</td>
<td>sketch plan</td>
</tr>
<tr>
<td>26</td>
<td>The location of all permanent or temporary signs, existing or proposed, including their area, size, height, illumination, and the type of construction. See Article 11.</td>
<td>C1</td>
<td></td>
</tr>
<tr>
<td>27</td>
<td>If the application is related to property scheduled for phased development, the proposed layout for the total projected development shall be indicated, and the projected scope and time period shall be estimated for each additional phase. The phasing plan must be acceptable to the City staff to ensure that each phase can function independently and is not reliant on future phases if they are not constructed.</td>
<td>N</td>
<td>A</td>
</tr>
<tr>
<td>28</td>
<td>General site circulation and access including: indication of street right-of-way and pavement widths; access points; and location of pedestrian paths. See Section 54.907. (SKETCH PLAN ONLY)</td>
<td>C1</td>
<td></td>
</tr>
<tr>
<td>29</td>
<td>Indication of street right-of-way and pavement widths and pavement type.</td>
<td>NA</td>
<td>sketch plan</td>
</tr>
<tr>
<td>30</td>
<td>Street horizontal and vertical dimensions, including curve radii.</td>
<td>NA</td>
<td>sketch plan</td>
</tr>
<tr>
<td>31</td>
<td>Dimensions of access points including distance from adjacent driveways or intersecting streets, including those across a street. See Section 54.907.</td>
<td>C1</td>
<td></td>
</tr>
<tr>
<td>32</td>
<td>Identification of width and material to be used for pedestrian paths. See Section 54.907.</td>
<td>C1</td>
<td></td>
</tr>
<tr>
<td>33</td>
<td>Name and location of abutting public streets, proposed access driveways and parking areas, and existing and proposed pedestrian/bicycle paths.</td>
<td>C1</td>
<td></td>
</tr>
<tr>
<td>34</td>
<td>Written verification of access easements or agreements, if applicable.</td>
<td>NA</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Location in site plan</th>
<th>N/A attach reason</th>
<th>DEPARTMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Approved / Waived</td>
</tr>
</tbody>
</table>

Please refer to the Engineering Department General Guidelines and Standards for Street and Utility Design:


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

If yes, please refer to the Stormwater Utility Fee Reduction Application:


Include under general statements: "All utility construction work to be accepted by the City of Marquette into their utility system and all work done in public rights-of-way or easement must be done in accordance with Michigan Department of Transportation and City of Marquette standards and specifications"
<table>
<thead>
<tr>
<th></th>
<th>ENGINEERING DEPT. CONT.</th>
<th>APPLICANT</th>
<th>DEPARTMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>40</td>
<td>Curb cut, water, sanitary sewer, storm sewer permits, etc. required? (obtain prior to construction activities)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>41</td>
<td>Vehicle maneuvering lane size</td>
<td></td>
<td></td>
</tr>
<tr>
<td>42</td>
<td>Pavement width/type</td>
<td></td>
<td></td>
</tr>
<tr>
<td>43</td>
<td>Vegetated buffer or curbing between street and sidewalk and between sidewalk parking areas</td>
<td></td>
<td></td>
</tr>
<tr>
<td>44</td>
<td>Storm sewer in right-of-way shall be reinforced concrete</td>
<td></td>
<td></td>
</tr>
<tr>
<td>45</td>
<td>Sumps in catch basins?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>46</td>
<td>Plans to be stamped, dated and signed by a professional engineer</td>
<td></td>
<td></td>
</tr>
<tr>
<td>47</td>
<td>Is the downstream storm sewer capacity adequate?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>48</td>
<td>Verify that storm water runoff volume or velocity is not increased onto adjacent properties</td>
<td></td>
<td></td>
</tr>
<tr>
<td>49</td>
<td>Does any earthwork disturb adjacent properties?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>50</td>
<td>Wetland concerns/proper permits obtained?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>51</td>
<td>Traffic impact minimal to existing conditions (stacking, etc.)?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>52</td>
<td>Vehicular and non-motorized circulation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>53</td>
<td>Sanitary sewer inlet to outlet angles greater than or equal to 90 degrees?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>54</td>
<td>Is there a hydrant at the end of any proposed dead end water main?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>55</td>
<td>Size and material type of proposed and existing utilities shown?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>56</td>
<td>Street horizontal and vertical dimensions, radii</td>
<td></td>
<td></td>
</tr>
<tr>
<td>57</td>
<td>Width and materials for non-motorized paths</td>
<td></td>
<td></td>
</tr>
<tr>
<td>58</td>
<td>Dimension of access points including distance from adjacent driveways or intersecting streets</td>
<td></td>
<td></td>
</tr>
<tr>
<td>59</td>
<td>Profiles will be shown for all utilities to be accepted by the City of Marquette into their utility system. All grades, pipe sizes, pipe materials, inverts and rim elevations will be shown on the profiles (water mains must have a minimum of 6 feet of cover, sanitary sewer mains must be installed under water mains with 1.5 feet of clearance</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Location in site plan**

**N/A attach reason**

**Approved / Waived**
<table>
<thead>
<tr>
<th></th>
<th>PUBLIC WORKS DEPT.</th>
<th>APPLICANT</th>
<th>DEPARTMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>60</td>
<td>Delineate &amp; dimension all public or private easements</td>
<td>Location in site plan</td>
<td>N/A attach reason</td>
</tr>
<tr>
<td>61</td>
<td>Show public utility main locations &amp; sizes within 100 feet of property boundary</td>
<td></td>
<td></td>
</tr>
<tr>
<td>62</td>
<td>Extension or re-routing of public utility systems required</td>
<td></td>
<td></td>
</tr>
<tr>
<td>63</td>
<td>Capacity and condition concerns of existing utility lines to serve the project</td>
<td></td>
<td></td>
</tr>
<tr>
<td>64</td>
<td>Abandonment of existing utility lines associated with the project</td>
<td></td>
<td></td>
</tr>
<tr>
<td>65</td>
<td>Location of existing and proposed utility services (with sizes), including storm water to be shown</td>
<td></td>
<td></td>
</tr>
<tr>
<td>66</td>
<td>Utility metering requirements of the project</td>
<td></td>
<td></td>
</tr>
<tr>
<td>67</td>
<td>Backflow and cross connection requirements applicable to the project including any proposed irrigation systems</td>
<td></td>
<td></td>
</tr>
<tr>
<td>68</td>
<td>Sanitary waste pretreatment requirements</td>
<td></td>
<td></td>
</tr>
<tr>
<td>69</td>
<td>Adequate snow storage provided on the property, without clear vision or utility obstructions</td>
<td></td>
<td></td>
</tr>
<tr>
<td>70</td>
<td>Provisions to collect drainage from snow storage areas collected on property</td>
<td></td>
<td></td>
</tr>
<tr>
<td>71</td>
<td>Access to public property (permits required for any work on ROW) (Drive, sidewalk, and trail connections)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>72</td>
<td>Additions or changes to public signing or traffic control required or recommended</td>
<td></td>
<td></td>
</tr>
<tr>
<td>73</td>
<td>Additions to existing public sidewalks, or plowed routes, required or recommended</td>
<td></td>
<td></td>
</tr>
<tr>
<td>74</td>
<td>Impact of project on public snow removal/storage</td>
<td></td>
<td></td>
</tr>
<tr>
<td>75</td>
<td>Effect on plowing or ice control priorities</td>
<td></td>
<td></td>
</tr>
<tr>
<td>76</td>
<td>New signing, overhangs, access ramps, grade changes, retaining walls, fences, etc. to be constructed in City ROW or easements</td>
<td></td>
<td></td>
</tr>
<tr>
<td>77</td>
<td>Adequate, proper, and accessible on-site waste storage</td>
<td></td>
<td></td>
</tr>
<tr>
<td>78</td>
<td>Adequate clearances and clear vision maintained for maintenance and sanitation equipment</td>
<td></td>
<td></td>
</tr>
<tr>
<td>79</td>
<td>Removal, trimming, or planting of public trees required</td>
<td></td>
<td></td>
</tr>
<tr>
<td>80</td>
<td>Maintenance-friendly design for any portions of the project to become public property</td>
<td></td>
<td></td>
</tr>
<tr>
<td>81</td>
<td>Storage of hazardous materials associated with the project near public utilities</td>
<td></td>
<td></td>
</tr>
<tr>
<td>82</td>
<td>Blasting near public utilities associated with the project</td>
<td></td>
<td></td>
</tr>
<tr>
<td>FIRE DEPARTMENT DEPT.</td>
<td>APPLICANT</td>
<td>DEPARTMENT</td>
<td></td>
</tr>
<tr>
<td>----------------------</td>
<td>-----------</td>
<td>------------</td>
<td></td>
</tr>
<tr>
<td>Location in site plan</td>
<td>N/A attach reason</td>
<td>Approved / Waived</td>
<td></td>
</tr>
<tr>
<td>Proper water supply for fire suppression including fire hydrants and water mains</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Safe outlets for flushing fire hydrants</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Easements to test hydrants</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Water supply meets NFPA standards</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fire Apparatus Access</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Surface Construction</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ability to support fire trucks</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fire truck angle of approach</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Outside turning radius</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Grade of drive or road ok</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Overhead clearance adequate</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Driveways and access roads meet NFPA standards</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>POLICE DEPARTMENT DEPT.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cross reference with accident data at nearest intersection(s)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ANY ADDITIONAL INFO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any additional info necessary to establish compliance with City Ordinances, State, or Federal Laws</td>
</tr>
</tbody>
</table>
section 54.1402 Site Plan Review

(A) Intent. It is the intent of this section to establish procedures and standards for the review and approval of site plan applications and to ensure proper relationships between the development features as they relate to the standards outlined in this section. This section is further intended to ensure that developments are compatible with adjacent uses of land and promote the use of land in a desirable manner that does not impair the surrounding uses by the erection of structures, additions, alterations, or site improvements that may negatively impact surrounding development, while providing for the orderly development of the City of Marquette.

(B) Uses Subject to Site Plan Review, Minor Site Plan Review, and Exemptions. The required review process for uses and development is described in Figure 49. All uses and development, regardless of whether site plan review is required, are subject to the Zoning Compliance review requirements of Section 54.1401. The Zoning Administrator may approve or conditionally approve minor site plans as described in Figure 49 and Section 54.1402(D)(1). All other site plans must be reviewed by the Planning Commission.

Figure 49. Required Review Process Based on Development Activity

<table>
<thead>
<tr>
<th>Development Activity</th>
<th>Site Plan Review Required</th>
<th>Minor Site Plan Review Required</th>
<th>Exempt From Site Plan Review</th>
</tr>
</thead>
<tbody>
<tr>
<td>Special land uses</td>
<td>•</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Planned Unit Developments</td>
<td>•</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Any earthwork greater than 20,000 square feet in size</td>
<td>•</td>
<td></td>
<td></td>
</tr>
<tr>
<td>New construction, additions, or alterations of any non-residential building or buildings, including non-residential accessory buildings or structures, unless the activity is exempt or requires minor site plan review</td>
<td>•</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Alterations to exterior walls such as window openings, façade changes, etc., provided there is no change to the building footprint</td>
<td>•</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Conversion of an existing building or part thereof from a residential use to a non-residential use, including site improvements that result from a change in the use of the building or part thereof from residential use to nonresidential use</td>
<td>•</td>
<td></td>
<td></td>
</tr>
<tr>
<td>New construction, additions, alterations, or site improvements for multi-family residential units that contain or will contain three (3) or more dwelling units</td>
<td>•</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Any expansion or change in an existing land use if more parking in addition to that already provided is required</td>
<td>•</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Site improvements that include landscaping, site access, and parking lot grading, layout, and new off-street parking, unless the activity is exempt</td>
<td>•</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single-family dwellings and their accessory facilities on individual parcels</td>
<td>•</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Two-family dwellings and their accessory facilities on individual parcels</td>
<td>•</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Interior remodeling or interior construction</td>
<td>•</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Landscaping that is less than 25% of the parcel size or 5,000 square feet,</td>
<td>•</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Development Activity

<table>
<thead>
<tr>
<th>Development Activity</th>
<th>Site Plan Review</th>
<th>Required Minor Site Plan Review</th>
<th>Exempt From Site Plan Review</th>
</tr>
</thead>
<tbody>
<tr>
<td>whichever is less</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Additions, alterations, and renovations that are less than 20% of the size of the</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>original building footprint or less than 2,000 square feet</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Site improvements that are less than 2,000 square feet (whichever is less), and site</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>lighting, unless the activity requires site plan review or minor site plan review</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commercial and non-residential buildings less than 2,000 square feet, unless the</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>activity requires site plan review</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Re-paving of an off-street parking lot, provided there are no grading changes and</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>no changes to the configuration of the parking lot layout</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Filling a parcel of land to an elevation above the established grade of adjacent</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>developed land</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(C) **Information Required for Site Plans and Sketch Plans.** The site plan review application materials shall include all the following information, unless the Zoning Administrator determines that some of the required information is not reasonably necessary for consideration of the plan.

(1) **Application and Fee.** A completed application form, supplied by the Zoning Administrator, and an application fee.

(2) **Proof of Ownership.** Current proof of ownership or evidence of a contractual ability to acquire such land, such as an option or purchase agreement or a written statement from the property owner indicating permission for the filing of the application.

(3) **Site Plan.** Twelve (12) copies of plan sheet(s) providing the information listed below (*Figure 50*). For minor site plans, three (3) copies of plan sheets are required. Sheet size of submitted drawings shall be at least 24-inches by 36-inches, with graphics at an engineer’s scale of one (1) inch equals twenty (20) feet for sites of 20 acres or less; and one (1) inch equals fifty (50) feet for sites over 20 acres. The surrounding area drawing may be in a scale of one (1) inch equals one-hundred (100). Digital plans must also be submitted. Upon request of the applicant, the Zoning Administrator may waive individual site plan requirements if the requirements are found to be unnecessary or irrelevant to the intent of providing the information; however, the Planning Commission has the right to require all of the information in *Figure 50*.

(4) **Sketch Plan.** A sketch plan must include the information listed below (*Figure 50*). The number of plans submitted is determined by the Zoning Administrator, and the Zoning Administrator may accept digital plans. The sheet size of submitted drawings shall be at a scale acceptable to the Zoning Administrator. Upon request of the applicant, the Zoning Administrator may waive individual sketch plan requirements if the requirements are found to be unnecessary or irrelevant to the intent of providing the information;
however, the Planning Commission has the right to require all of the in information in

*Figure 50.*

**Figure 50. Site Plan Information Required**

<table>
<thead>
<tr>
<th>Site Plan Information Required</th>
<th>Sketch Plan</th>
<th>Preliminary Site Plan</th>
<th>Final Site Plan</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Identification of Project</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>The applicant’s name.</td>
<td>●</td>
<td>●</td>
<td>●</td>
</tr>
<tr>
<td>Name of the development.</td>
<td>●</td>
<td>●</td>
<td>●</td>
</tr>
<tr>
<td>The preparer’s name and professional seal of architect, engineer, or landscape architect indicating license in the State of Michigan.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Small scale location sketch of sufficient size and scale.</td>
<td>●</td>
<td></td>
<td></td>
</tr>
<tr>
<td>A survey of the property, sealed by a surveyor licensed in the State of Michigan.</td>
<td>●</td>
<td>●</td>
<td></td>
</tr>
<tr>
<td>Date of preparation and any revisions.</td>
<td>●</td>
<td>●</td>
<td>●</td>
</tr>
<tr>
<td>North arrow.</td>
<td>●</td>
<td>●</td>
<td>●</td>
</tr>
<tr>
<td>Complete and current legal description and size of property in acres.</td>
<td>●</td>
<td>●</td>
<td>●</td>
</tr>
<tr>
<td><strong>Existing Features</strong></td>
<td>●</td>
<td>●</td>
<td>●</td>
</tr>
<tr>
<td>Property lines and dimensions drawn to scale.</td>
<td>●</td>
<td>●</td>
<td>●</td>
</tr>
<tr>
<td>Zoning and current land use of applicant’s property and all abutting properties and of properties across any public or private street from the site.</td>
<td>●</td>
<td>●</td>
<td>●</td>
</tr>
<tr>
<td>Lot lines and all structures on the property and within 100 feet of the site’s property lines</td>
<td>●</td>
<td>●</td>
<td></td>
</tr>
<tr>
<td>Locations of all significant natural features, including Riparian Buffers (see Section 54.804), wetlands (see Section 54.805), steep slopes (see Section 54.806), woodlands and protected trees (see Error! Reference source not found.), floodplains, etc.)</td>
<td>●</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Location of any access points on both sides of the street within 100 feet of the site along streets where access to the site is proposed.</td>
<td>●</td>
<td>●</td>
<td></td>
</tr>
<tr>
<td>Locations of existing utilities.</td>
<td>●</td>
<td>●</td>
<td>●</td>
</tr>
<tr>
<td>Existing topography at a minimum of two (2) foot contour intervals.</td>
<td>●</td>
<td>●</td>
<td></td>
</tr>
<tr>
<td><strong>Proposed Construction</strong></td>
<td>●</td>
<td>●</td>
<td>●</td>
</tr>
<tr>
<td>Building footprints, setbacks, and elevations showing height for all proposed structures with the acreage allotted to each use. See Article 3, Article 4, and Article 7.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Floor area and ground coverage ratios. See Article 3 and Article 4.</td>
<td>●</td>
<td>●</td>
<td></td>
</tr>
<tr>
<td>Proposed locations of utility services (with sizes) and storm water management, including storm drainage, retention or detention ponds, fire hydrants, and any public or private easements. See Section 54.803.</td>
<td>●</td>
<td>●</td>
<td></td>
</tr>
<tr>
<td>Proposed topography with a site grading plan with topography at a maximum of two (2) foot contour intervals.</td>
<td>●</td>
<td>●</td>
<td></td>
</tr>
<tr>
<td>Location and method of screening for all waste dumpsters. See Section 54.1003(F).</td>
<td>●</td>
<td>●</td>
<td></td>
</tr>
<tr>
<td>Location and dimensions of parking spaces. See Article 9.</td>
<td>●</td>
<td>●</td>
<td></td>
</tr>
<tr>
<td>General landscaping design concept acceptable to the Zoning Administrator.</td>
<td>●</td>
<td>●</td>
<td></td>
</tr>
<tr>
<td>A landscaping plan indicating proposed plant locations with common plant name, number, and size at installation. Berms, retaining walls or fences shall be shown</td>
<td>●</td>
<td>●</td>
<td></td>
</tr>
</tbody>
</table>

City of Marquette Land Development Code

Effective: September 5, 2019

14-5
**Article 14: Administrative Procedures**

**Section 54.1402: Site Plan Review**

<table>
<thead>
<tr>
<th>Site Plan Information Required</th>
<th>Sketch Plan</th>
<th>Preliminary Site Plan</th>
<th>Final Site Plan</th>
</tr>
</thead>
<tbody>
<tr>
<td>with elevations from the surrounding average grade. See Article 10.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Locations of exterior light fixtures.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Details of exterior lighting including locations, height, and method of shielding. See Section 54.802.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>The location of all permanent or temporary signs, existing or proposed, including their area, size, height, illumination, and the type of construction. See Article 11.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>If the application is related to property scheduled for phased development, the proposed layout for the total projected development shall be indicated, and the projected scope and time period shall be estimated for each additional phase. The phasing plan must be acceptable to the City staff to ensure that each phase can function independently and is not reliant on future phases if they are not constructed.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Site Circulation Details and Access Design**

| General site circulation and access including: indication of street right-of-way and pavement widths; access points; and location of pedestrian paths. See Section 54.907. |  |  |  |
| Indication of street right-of-way and pavement widths and pavement type. |  |  |  |
| Street horizontal and vertical dimensions, including curve radii. |  |  |  |
| Dimensions of access points including distance from adjacent driveways or intersecting streets, including those across a street. See Section 54.907. |  |  |  |
| Identification of width and material to be used for pedestrian paths. See Section 54.907. |  |  |  |
| Name and location of abutting public streets, proposed access driveways and parking areas, and existing and proposed pedestrian/bicycle paths. |  |  |  |
| Written verification of access easements or agreements, if applicable. |  |  |  |

**Additional Information**

| Any other information necessary to establish compliance with this and other ordinances. |  |  |  |

(D) **Site Plan Review Procedures.** No Zoning Compliance or Special Land Use Permit shall be issued for any uses subject to site plan review except in accordance with a site plan approved by the Planning Commission, or a Minor Site Plan approved by the Zoning Administrator, in accordance with the following procedures:

(1) **Minor Site Plan Review.** The Zoning Administrator may approve or conditionally approve Minor Site Plans as described in Figure 49; however, Minor Site Plans may also be subject to review by the Planning Director, Engineering Department, Fire Department, or any other City department deemed necessary by the Zoning Administrator. After approval of a Minor Site Plan, the applicant may apply for a Zoning Permit pursuant to Section 54.1401.
(2) **Pre-Application Concept Plan Review.** At the option of the applicant, the applicant may submit a concept plan to the City be reviewed by the Zoning Administrator, City Planner, and Engineering Department prior to submitting an application for site plan review. Depending on the scope of the development proposal, the City staff may require the concept plan to contain as little detail as a Zoning Compliance Review (*Section 54.1401(C)*) or as much detail as a Sketch Plan Review (*Figure 50*). The concept plan must contain enough detail to explain the location of land use areas, streets providing access to the site, pedestrian and vehicular circulation within the site; dwelling unit density and types; function of open space; and buildings or floor areas contemplated, as applicable. The purpose of concept plan review is for the City staff to review the concept plan and provide the applicant an advisory opinion whether the concept plan appears to meet the standards of this Ordinance with respect to use, location, character, and zoning district requirements. The City's review of a concept plan is advisory only, and the City shall not approve, deny, or take any other action on a concept plan.

(3) **Sketch Plan Review.** At the option of the applicant, preliminary sketches of proposed site plans may be submitted for review to the Planning Commission prior to submission for formal site plan review. Submission of preliminary sketch plans shall be made no later than fourteen (14) days prior to the meeting at which the review is to take place. The Planning Commission shall advise the applicant as to the general acceptability of the proposed plan, but shall not be bound by any statements or indications of acceptance to the plan. The Zoning Administrator shall determine the number of plans to be submitted. Sketch plans must include at a minimum the required information for sketch plans in *Figure 50*.

(4) **Preliminary Site Plan Review.** The purpose of preliminary site plan review is to allow for the review and decision on most aspects of the site without the need for final detailed engineering unless required by the City Engineer. Applications for preliminary site plan review must be submitted to the Zoning Administrator at least twenty (20) business days prior to the meeting at which the review is to take place. The Planning Commission shall review the preliminary site plan, together with any reports and recommendations from staff, consultants and other reviewing agencies and any public comments. The Planning Commission shall then make a determination based on the requirements of this Ordinance and the standards of *Section 54.1402(E)*. The Planning Commission is authorized to postpone, approve, approve subject to conditions or deny the preliminary site plan as follows:

(a) **Postponement.** Upon determination by the Planning Commission that a preliminary site plan is not sufficiently complete for approval or denial or upon a request by the applicant, the Planning Commission may postpone consideration until a later meeting.

(b) **Denial.** Upon determination that a preliminary site plan does not comply with the standards and regulations set forth in this Ordinance, or would require extensive revisions to comply with said standards and regulations, the site plan shall be denied. If a site plan is denied, a written record shall be provided to the applicant listing the reasons for such denial.
Article 14: Administrative Procedures
Section 54.1402: Site Plan Review

(c) Approval. Upon determination that a preliminary site plan is in compliance with the requirements of this Ordinance and other applicable ordinances and laws, including the standards of Section 54.1402(E), the preliminary site plan shall be approved. Upon approval of the preliminary site plan, the applicant may apply for final site plan review.

(d) Approval Subject to Conditions. The Planning Commission may approve a preliminary site plan, subject to one (1) or more conditions necessary to address minor modifications to the preliminary site plan, ensure that public services and facilities can accommodate the proposed use, protect significant natural features, ensure compatibility with adjacent land uses, or otherwise meet the intent and purpose of this Ordinance. Such conditions may include the need to obtain variances or approvals from other agencies. Upon approval of the preliminary site plan and the satisfaction of conditions, the applicant may apply for final site plan review.

(5) Final Site Plan Review.

(a) Deadline to Submit Final Site Plan Application. Applications for final site plan approval shall be submitted to the Zoning Administrator at least twenty (20) business days prior to the meeting at which the review is to take place.

(b) Staff Review of Site Plan Materials. The Zoning Administrator, Engineering Department, Fire Department, Planning Staff, and other City departments if required by the Planning Commission to determine compliance with this Ordinance, will review application materials to determine if they are in proper form, all of the required information is present, and the site plan is in compliance with this Ordinance. Each department that reviews an application shall provide a report or relevant comments to the Zoning Administrator. If the site plan is determined to not be complete or in compliance with the ordinances, the Zoning Administrator shall return the reports to the applicant. The Planning Commission shall not review a site plan that is not complete unless the incomplete items are minor.

(c) Additional Information. The Planning Commission, prior to granting approval of a site plan, may request from the applicant any additional graphics or written materials, prepared by a qualified person or person(s), to assist in determining the appropriateness of the site plan. Such material may include, but is not limited to, photographs, estimated impact on public schools and utilities, and traffic impacts.

(d) Planning Commission Action. Except as noted above, the Planning Commission shall approve, approve with conditions, or deny the site plan based on the compliance of the plan with City Ordinances and the review standards of this Ordinance. If conditional approval is granted, the conditions shall be stated specifically so that the Zoning Administrator or other reviewing departments can determine compliance with the conditions and grant approval following submission of revised plans; said review not to exceed ten business (10) days unless additional time is required by the Zoning Administrator or other reviewing departments to determine compliance with the conditions of site plan approval. A site plan shall be approved if it contains all of the information required by the ordinance and is in compliance with the standards of
the Land Development Code (including Section 54.1402(7)), other City planning
documents, City ordinances, and state and federal statutes.

(e) **Signed Copies of Final Approved Plans.** The Planning Commission Chair and the
applicant shall sign two (2) copies of the approved site plan, one of which is kept by
the Zoning Administrator, the other by the applicant. If the site plan is approved
with conditions that require revisions to the site plan, the applicant must make the
required revisions and submit the revised plans to the City be signed.

(f) **Certificate of Zoning Compliance.** A Zoning Compliance permit shall not be issued
until the Planning Commission has approved the plan. The Zoning Compliance
permit shall be reviewed and issued in accordance with Section 54.1401.

(6) **Single-Step Site Plan Approval.** Nothing in this Ordinance shall prohibit the Planning
Commission from granting final site plan approval without first granting a preliminary site
plan approval if the plans are in compliance with the requirements of this Ordinance for a
final site plan.

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

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

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

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

(4) **Topography and Landscaping.** The landscape shall be preserved in its natural state,
insofar as practical, by removing only those areas of vegetation or making those
alterations to the topography which are reasonably necessary to develop the site in
accordance with the requirements of this Ordinance. Landscaping shall be preserved
and/or provided to ensure that proposed uses will be adequately buffered from one
another and from surrounding property.
Article 14: Administrative Procedures
Section 54.1402: Site Plan Review

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

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

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

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

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

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

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

(F) Validity of Approved Site Plans and Expiration.

(1) Approval, including Conditions, Attached to the Property. Approval of a site plan, including conditions made as part of the approval, is attached to the property described as part of the application and not to the owner of such property.

(2) Validity of Approved Site Plans.

(a) Expiration. Site plan approval shall expire one (1) year from the date of approval by the Planning Commission, or by the Zoning Administrator for minor site plans, except for phased projects that are required to follow a project timeline. If the site plan is approved with conditions that require revisions to the site plan, the applicant must make the required revisions and submit the revised plans to the City prior to the expiration date.

(b) Halt in Construction. The Planning Commission or Zoning Administrator, according to which entity approved the plan, may revoke the zoning approval if work on a
project is halted for at least two (2) months, except during winter conditions, if the conditions warrant.

(c) Extension. The Planning Commission may grant two (2) one-time extensions to the expiration deadline, not to exceed one (1) year each, provided the request for an extension must be submitted at least 45 days prior to the expiration of the site plan approval and must meet the following standards. The Zoning Administrator may similarly grant extensions of administratively approved site plans.

(i) The approved plan conforms to zoning at the time the extension is granted

(ii) Any and all Federal and State approvals and permits are current.

(d) Resubmission of Expired Plans. Site plans whose approval has expired shall require resubmission as an initial application.

(G) Amendments to Approved Site Plans.

(1) No changes, erasures, modifications, or revisions shall be allowed for any approved site plan without prior approval by the Zoning Administrator or the Planning Commission, in accordance with Figure 49 of this Ordinance.

(2) The ability to approve any changes to an approved site plan shall remain consistent with the ability of the Planning Commission or Zoning Administrator to approve or deny a specific development activity stated in Figure 49.

(H) Performance Guarantees. To ensure compliance with this Ordinance and any condition imposed thereunder, the City may require that a cash deposit, certified check, irrevocable bank letter of credit, or other financial instrument acceptable to the City covering the estimated cost of improvements associated with a project (verified by the City Engineer) for which site plan approval is sought, be deposited with the Treasurer of the City to ensure faithful completion of the improvements and also be subject to the following:

(1) Prior to development activity or the issuance of a permit, the performance guarantee shall be deposited prior to the issuance of the building permit authorizing the activity of the project. The City shall return the performance guarantee on deposit upon verification by the City that all work and improvements have been satisfactorily completed. A return of the performance guarantee does not relieve the applicant from satisfying all applicable maintenance warranties and/or guarantees necessary to ensure the proper functioning of the public improvements.

(2) As used in this Section, "improvements" means those features and actions associated with a project which are considered necessary by the body or official granting approval, to protect natural resources, or the health, safety and welfare of the residents of the City and future users or inhabitants of the proposed project or project area, including roadways, lighting, utilities, sidewalks, screening, landscaping and surface drainage.
Article 14: Administrative Procedures
Section 54.1402: Site Plan Review

(I) Development Agreement. The Planning Commission may require, as a condition of approval, that the owner/developer enter into a Development Agreement with the City of Marquette, incorporating therein the terms and conditions of final site plan approval, and record the same in the Office of the Register of Deeds for Marquette County. The Development Agreement shall be signed by the applicant and/or developer and approved by the City Commission. The Agreement shall include such provisions as the deposit of funds to defray variable costs and expenses and performance guarantees per Section 54.1402(H) to ensure that improvements depicted on a site plan meet the provisions of this Ordinance, adopted standards and regulations, and conditions set by the Planning Commission. The cost to prepare, review, and record this Agreement shall be borne by the applicant/developer.

(J) Compliance Guarantees. Prior to construction, the Zoning Administrator may require that the property boundaries be staked by a licensed surveyor. At any time during construction, the Zoning Administrator may inspect the site to determine compliance with the approved site plan. If the Zoning Administrator determines that the construction is not in accordance with the approved site plan, the Zoning Administrator shall issue a stop work order and take action to ensure compliance with the approved site plan.

(K) Appeals of Site Plans.

(1) Any person aggrieved by the decision of the Planning Commission or Zoning Administrator with respect to an approval or denial of a site plan shall have the right of an appeal to the Board of Zoning Appeals in accordance with Section 54.1404. The appeal shall be filed in writing within thirty (30) days of the decision.

(2) The filing of such an appeal shall act to stay or suspend the issuance of any permit.

(3) No new evidence may be submitted to the Board of Zoning Appeals that is in addition to the evidence considered by the Zoning Administrator or Planning Commission during its review.

(L) Required As-Built Plans. Upon completion of the development, as-built plans of the final development must be provided to the City in CAD format or other digital format required by the City.

(M) Revocation. Approval of a site plan may be revoked by the Planning Commission if the construction or use is not in conformance with the approved site plan. In such case, the site plan shall be placed on the agenda of the Planning Commission for consideration and written notice shall be sent to the applicant at least ten (10) days prior to the meeting. The Zoning Administrator, applicant, and any other interested persons shall be given the opportunity to present information to the Planning Commission and answer questions. If the Planning Commission finds that a violation of the approved site plan exists and has not been remedied prior to the hearing, then it shall revoke the approval of the site plan.
MEMORANDUM

TO: Planning Commission
FROM: Andrea Landers, Zoning Official
DATE: November 5, 2019
SUBJECT: Planning Commission Meeting Dates

Following are the dates of the Planning Commission regular meetings for 2020:

January 7, 2020    July 7, 2020
January 21, 2020   July 21, 2020
February 4, 2020   August 11, 2020 (moved due to election)
February 18, 2020  August 18, 2020
March 3, 2020      September 1, 2020
March 17, 2020     September 15, 2020
April 7, 2020      October 6, 2020
April 21, 2020     October 20, 2020
May 5, 2020        November 10, 2020 (moved due to election)
May 19, 2020       November 17, 2020
June 2, 2020       December 1, 2020
June 16, 2020      December 15, 2020

All meetings are scheduled for 6:00 p.m. in the Commission Chambers of City Hall, unless we have a scheduling conflict with the City Commission, etc.
Planning and Zoning Applications, Permits, and Code Enforcement

Permits processed (starting 10/01/19 for totals):

<table>
<thead>
<tr>
<th>PERMIT TYPE</th>
<th>APPROVED</th>
<th>DENIED</th>
<th>PENDING</th>
<th>TOTAL APPLICATIONS FOR FY 19-20</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zoning Compliance</td>
<td>9</td>
<td>6</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>Sign</td>
<td>2</td>
<td>2</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Liability Release for sidewalk sign</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fence</td>
<td>5</td>
<td>4</td>
<td>8</td>
<td></td>
</tr>
<tr>
<td>Home Office/Home Occupation</td>
<td>1</td>
<td></td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Curb Cut &amp; Driveway *</td>
<td>3</td>
<td></td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>Site Plan Review (Admin. or PC**)</td>
<td>1</td>
<td>4</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Special Use Permit **</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rezoning **</td>
<td></td>
<td>4</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Planned Unit Development **</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Variance ***</td>
<td></td>
<td></td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Appeals to BZA ***</td>
<td></td>
<td></td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Class A Nonconforming ***</td>
<td></td>
<td></td>
<td>0</td>
<td></td>
</tr>
</tbody>
</table>

* City Engineering issued permits as reviewed by the Zoning Official
** Reviewed by the Planning Commission (site plan review authority is based on size of site)
*** Approval Determined by the Board of Zoning Appeals (BZA)

Rental Registrations: 8 short-term applications and 2 long-term application were reviewed. Since the beginning of the FY19-20, 2 long-term and 8 short-term rental applications have been completed for zoning review and sent back to the Fire Department.

Address Assignments: 3
Land Divisions: 0

Code Enforcement

Complaints received: 1
Cases Closed: 46
Number of letters sent: 60
Notice of Violations: 1
Void of Notice of Violations: 0
Rewrite to Civil Infraction Citation: 0
Spot Report: 0

Planning Commission and Board of Zoning Appeals

The Planning Commission (PC) held a regular meeting on October 1, 2019, and held a work session on potential Land Development Code amendments.
Planning and Zoning Applications, Permits, and Code Enforcement

Permits processed (starting 10/01/19 for totals):

<table>
<thead>
<tr>
<th>PERMIT TYPE</th>
<th>APPROVED</th>
<th>DENIED</th>
<th>PENDING</th>
<th>TOTAL APPLICATIONS FOR FY 19-20</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zoning Compliance</td>
<td>9</td>
<td>6</td>
<td>0</td>
<td>10</td>
</tr>
<tr>
<td>Sign</td>
<td>2</td>
<td>1</td>
<td>0</td>
<td>3</td>
</tr>
<tr>
<td>Liability Release for sidewalk sign</td>
<td></td>
<td></td>
<td></td>
<td>0</td>
</tr>
<tr>
<td>Fence</td>
<td>5</td>
<td>4</td>
<td>0</td>
<td>12</td>
</tr>
<tr>
<td>Home Office/Home Occupation</td>
<td></td>
<td></td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Curb Cut &amp; Driveway *</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>Site Plan Review (Admin. or PC**)</td>
<td></td>
<td>5</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>Special Use Permit **</td>
<td></td>
<td></td>
<td></td>
<td>0</td>
</tr>
<tr>
<td>Rezoning **</td>
<td>3</td>
<td>1</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Planned Unit Development **</td>
<td></td>
<td></td>
<td></td>
<td>0</td>
</tr>
<tr>
<td>Variance ***</td>
<td></td>
<td>2</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>Appeals to BZA ***</td>
<td></td>
<td></td>
<td></td>
<td>0</td>
</tr>
<tr>
<td>Class A Nonconforming ***</td>
<td></td>
<td></td>
<td></td>
<td>0</td>
</tr>
</tbody>
</table>

* City Engineering issued permits as reviewed by the Zoning Official
** Reviewed by the Planning Commission (site plan review authority is based on size of site)
*** Approval Determined by the Board of Zoning Appeals (BZA)

Rental Registrations: 4 short-term applications and 2 long-term application were reviewed. Since the beginning of the FY19-20, 4 long-term and 12 short-term rental applications have been completed for zoning review and sent back to the Fire Department.

Land Divisions: 0

Code Enforcement

Complaints received: 1
Cases Closed: 52
Number of letters sent: 77
Notice of Violations: 1
Void of Notice of Violations: 0
Rewrite to Civil Infraction Citation: 1
Spot Report: 2

Planning Commission and Board of Zoning Appeals

The Planning Commission (PC) held a regular meeting on October 15, 2019, and held a work sessions on Land Development Code amendments and Planning Commission training.
MEMORANDUM

TO: Planning Commission
FROM: Dave Stensaaas, City Planner and Zoning Administrator
DATE: November 8, 2019
SUBJECT: Work Session - Land Development Code (LDC)

Staff and the Planning Commission will discuss potential LDC amendments regarding the accommodation of Recreational Marihuana establishments, events, microbusinesses that were approved for licensing via an ordinance that the City Commission recently approved, and which will go into effect in March of 2020. Staff has prepared the following draft documents as a framework to help the Planning Commission determine appropriate health, safety, and welfare standards that will be the basis for Special Use Permit application standards for the types of licenses and establishments that will be allowed by the City Commission action.

Staff and the Planning Commission may discuss other potential amendments to the LDC, at the discretion of the Planning Commission. Staff has prepared several other draft amendments to the LDC which will be processed along with the “marijuana amendments”.
Discussion of Proposed Zoning Districts for the Recreational Marihuana uses

The Planning Commission will discuss possible zoning districts for the following recreation establishments, and staff has provided zoning districts that have similar uses below.

**Marihuana Grower and Microbusiness** – industrial uses
- I-M, M-U, CBD, GC, RC, TSC - T4 and T5, MDW - G5, G3, F5, WWZ, and WF
- *(agriculture like uses –M, C, CR, and BLP these were not added to the buffer map that was given to City Commission)*

**Marihuana Retailer** – all zones that allow retail
- I-M, M-U, CBD, GC, RC, TSC - T4 and T5, MDW - G5, G3, F5, WWZ, and WF

**Marihuana Processor** – all zones that allow an industrial use
- I-M, M-U, CBD, GC, RC, TSC - T4 and T5, MDW - G5, G3, F5, WWZ, and WF

**Marihuana Safety Compliance** – lab use /medical office
- I-M, M-U, CBD, GC, RC, TSC - T4 and T5, MDW - G5, G3, F5, WWZ, and WF

**Marihuana Secure Processor** – warehouse use *(and not included is the BLP zone as it also states warehouse but this zone is for the purposes of electrical power generation and distribution for BLP)*
- RC, I-M, TSC - T4 and T5

**Marihuana Designated Consumption Establishment**
- ????????????
Article 6 Standards Applicable to Specific Land Uses

Section 54.628 Marihuana Establishments

(A) A marihuana grower, marihuana processor, marihuana retailer, marihuana safety compliance facility, marihuana secure transporter, marihuana microbusiness, and marihuana designated consumption establishment may be permitted through the issuance of a special land use permit in certain districts pursuant to Article 14, Section 54.1403 Special Land Use Review of the Code provide that:

(1) In the _____ such uses shall be permitted only as part of a mixed use building or development in which no more than forty-nine percent (49%) of the combined floor area of a building or buildings within the development are utilized and shall be further regulated by the provisions found herein.

(2) At the time of application for a special use permit the marihuana establishment must have a provisional license by the State of Michigan and then must be at all times in compliance with the laws of the State of Michigan including but not limited to the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq.; and all other applicable rules promulgated by the State of Michigan.

(3) The use or establishment must be at all times in compliance with Chapter 5 Marihuana and all other applicable laws and ordinances of the City of Marquette.

(4) A marihuana establishment, or activities associated with the licensed growing, processing, testing, transporting, or sales of marihuana, may not be permitted as a home business or accessory use nor may they include accessory uses except as otherwise provided in this ordinance.

(B) Marihuana Growers and Marihuana Processors. Marihuana growers and marihuana processors shall be subject to the following standards:

(1) Odor. As used in this subsection, building means the building, or portion thereof, used for marihuana growing or marihuana processing.
   (a) The building shall be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter.
   (b) The filtration system shall consist of one or more fans and activated carbon filters. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter(s) shall be rated for the applicable CFM.
   (c) The filtration system shall be maintained in working order and shall be in use. The filters shall be changed upon manufacturer’s recommendation, or a minimum of once every 365 days, whichever occurs first.
   (d) Negative air pressure shall be maintained inside the building.
(e) Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.

(f) An alternative odor control system is permitted if the special use permit applicant submits and the municipality accepts a report by a mechanical engineer licensed in the State of Michigan demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required. The municipality may hire an outside expert to review the alternative system design and advise as to its comparability and whether in the opinion of the expert it should be accepted.

(2) All off-street parking shall be in compliance with Article 9 of this Code.

(3) Landscaping and Screening shall be provided in accordance with Article 10 of this Code.

(4) All signs shall be in compliance with the provisions of Article 11 of this Ordinance.

(5) All exterior lighting shall be in accordance with Section 54.802 hereof.

(6) The applicant shall disclose the nature of any perishable, flammable, toxic, or hazardous substances to be stored on the facility and the nature of all appropriate and proposed protection procedures and devices and all uses and activities on site shall, at all times, comply with Section ??? hereof.

(7) No material shall be stored outdoors except within areas effectively screened from view from adjoining properties and rights-of-way.

(8) No trucks, trailers or other equipment shall be stored in the front yard or closer than ____ feet to any side or rear lot line.

(C) Marihuana Retailer. Marihuana Retailers shall be subject to the following standards:

(1) Odor. As used in this subsection, building means the building, or portion thereof, used for marihuana retailer.

(a) The building shall be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter.

(b) The filtration system shall consist of one or more fans and activated carbon filters. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter(s) shall be rated for the applicable CFM.

(c) The filtration system shall be maintained in working order and shall be in use. The filters shall be changed upon manufacturer’s recommendation, or a minimum of once every 365 days, whichever occurs first.

(d) Negative air pressure shall be maintained inside the building.

(e) Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.

(f) An alternative odor control system is permitted if the special use permit applicant submits and the municipality accepts a report by a mechanical engineer licensed in the State of Michigan demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required. The municipality may hire an outside expert to
review the alternative system design and advise as to its comparability and whether in the opinion of the expert it should be accepted.

(2) Patrons/customers/clients: No one under the age of 21 shall be permitted within the establishment/building(s)

(3) No use or consumption of marihuana or marihuana products may be conducted within the establishment/building or on the premises.

(4) Marihuana and marihuana products may only be sold within the establishment/building.

(5) All deliveries/transfer of Marihuana and Marihuana products must occur within the establishment/building.

(6) All signs shall be in compliance with the provisions of Article 11 of this Ordinance.

(7) Parking: All off-street parking shall be in compliance with Article 9 of this Ordinance.

(8) Landscaping: Landscaping and Screening shall be provided in accordance with Article 10 of this Ordinance.

(9) Exterior Lighting: All exterior lighting shall be in accordance with Section 54.802 of this Ordinance.

(10) ADD standards here related to outdoor storage/display/truck parking?

(D) Marihuana Safety Compliance Facility. A marihuana safety compliance facility subject to the following standards:

(1) Odor. As used in this subsection, building means any building, or portion thereof, used by a Marihuana Safety Compliance Facility.

(a) The building shall be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter.

(b) The filtration system shall consist of one or more fans and activated carbon filters. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter(s) shall be rated for the applicable CFM.

(c) The filtration system shall be maintained in working order and shall be in use. The filters shall be changed upon manufacturer’s recommendation, or a minimum of once every 365 days, whichever occurs first.

(d) Negative air pressure shall be maintained inside the building.

(e) Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.

(f) An alternative odor control system is permitted if the special use permit applicant submits and the municipality accepts a report by a mechanical engineer licensed in the State of Michigan demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required. The municipality may hire an outside expert to review the alternative system design and advise as to its comparability and whether in the opinion of the expert it should be accepted.
(2) All activities of a marihuana safety compliance facility, including all transfers of marihuana, shall be conducted within the structure and out of public view.

(3) All off-street parking shall be in compliance with Article 9 of this Code.

(4) Landscaping and Screening shall be provided in accordance with Article 10 of this Code.

(5) All exterior lighting shall be in accordance with Section 54.802 hereof.

(E) Marihuana Secure Transporter. A marihuana secure transporter shall be subject to the following standards:

(1) All local, county, state and federal laws, rules and regulations pertaining to the emission of odor, dust, smoke, gas, noise, vibration and the like, shall be met at all times during operation of any structure related to the operation.

(2) Odor. As used in this subsection, building means any building, or portion thereof, used by a Marihuana Secure Transporter.

(a) The building shall be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter.

(b) The filtration system shall consist of one or more fans and activated carbon filters. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter(s) shall be rated for the applicable CFM.

(c) The filtration system shall be maintained in working order and shall be in use. The filters shall be changed upon manufacturer’s recommendation, or a minimum of once every 365 days, whichever occurs first.

(d) Negative air pressure shall be maintained inside the building.

(e) Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.

(f) An alternative odor control system is permitted if the special use permit applicant submits and the municipality accepts a report by a mechanical engineer licensed in the State of Michigan demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required. The municipality may hire an outside expert to review the alternative system design and advise as to its comparability and whether in the opinion of the expert it should be accepted.

(3) All exterior lighting shall be in accordance with Section 54.802 hereof.

(4) The applicant shall disclose the nature of any perishable, flammable, toxic, or hazardous substances to be stored on the facility and the nature of all appropriate and proposed protection procedures and devices and all uses and activities on site shall, at all times, comply with Section ??? hereof.

(5) No processing or manufacturing shall take place within any structure/building related to the operation.

(6) No material shall be stored outdoors except within areas effectively screened from view from adjoining properties and rights-of-way.
(7) No trucks, trailers or other equipment shall be stored in the front yard or closer than ___ feet to any side or rear lot line.

(8) All signs shall be in compliance with the provisions of Article 11 of this Ordinance.

(9) All off-street parking shall be in compliance with Article 9 of this Ordinance.

(10) Landscaping and Screening shall be provided in accordance with Article 10 of this Ordinance.

(F) Marihuana Microbusiness. Marihuana microbusinesses shall be subject to the following standards:

(1) Odor. As used in this subsection, building means the building, or portion thereof, used for marihuana growing or marihuana processing.

(g) The building shall be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter.

(h) The filtration system shall consist of one or more fans and activated carbon filters. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter(s) shall be rated for the applicable CFM.

(i) The filtration system shall be maintained in working order and shall be in use. The filters shall be changed upon manufacturer’s recommendation, or a minimum of once every 365 days, whichever occurs first.

(j) Negative air pressure shall be maintained inside the building.

(k) Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.

(l) An alternative odor control system is permitted if the special use permit applicant submits and the municipality accepts a report by a mechanical engineer licensed in the State of Michigan demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required. The municipality may hire an outside expert to review the alternative system design and advise as to its comparability and whether in the opinion of the expert it should be accepted.

(2) All off-street parking shall be in compliance with Article 9 of this Code.

(3) Landscaping and Screening shall be provided in accordance with Article 10 of this Code.

(4) All signs shall be in compliance with the provisions of Article 11 of this Ordinance.

(5) All exterior lighting shall be in accordance with Section 54.802 hereof.

(6) The applicant shall disclose the nature of any perishable, flammable, toxic, or hazardous substances to be stored on the facility and the nature of all appropriate and proposed protection procedures and devices and all uses and activities on site shall, at all times, comply with Section ??? hereof.

(7) No material shall be stored outdoors except within areas effectively screened from view from adjoining properties and rights-of-way.

(8) No trucks, trailers or other equipment shall be stored in the front yard or closer than ___ feet to any side or rear lot line.
(9) Patrons/customers/clients: No one under the age of 21 shall be permitted within the establishment/building(s)

(10) No use or consumption of marihuana or marihuana products may be conducted within the establishment/building or on the premises.

(11) Marihuana and marihuana products may only be sold within the establishment/building.

(12) All deliveries/transfer of Marihuana and Marihuana products must occur within the establishment/building.

(G) Marihuana Designated Consumption Establishment. Marihuana Designated Consumption Establishments shall be subject to the following standards:

(1) Odor. As used in this subsection, building means the building, or portion thereof, used for marihuana growing or marihuana processing.

(a) The building shall be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter.

(b) The filtration system shall consist of one or more fans and activated carbon filters. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter(s) shall be rated for the applicable CFM.

(c) The filtration system shall be maintained in working order and shall be in use. The filters shall be changed upon manufacturer’s recommendation, or a minimum of once every 365 days, whichever occurs first.

(d) Negative air pressure shall be maintained inside the building.

(e) Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.

(f) An alternative odor control system is permitted if the special use permit applicant submits and the municipality accepts a report by a mechanical engineer licensed in the State of Michigan demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required. The municipality may hire an outside expert to review the alternative system design and advise as to its comparability and whether in the opinion of the expert it should be accepted.

(2) All off-street parking shall be in compliance with Article 9 of this Code.

(3) Landscaping and Screening shall be provided in accordance with Article 10 of this Code.

(4) All signs shall be in compliance with the provisions of Article 11 of this Ordinance.

(5) All exterior lighting shall be in accordance with Section 54.802 hereof.

(6) No material shall be stored outdoors except within areas effectively screened from view from adjoining properties and rights-of-way.

(8) No trucks, trailers or other equipment shall be stored in the front yard or closer than feet to any side or rear lot line.

(9) Patrons/customers/clients: No one under the age of 21 shall be permitted within the establishment/building(s)
(10) All deliveries/transfer of Marihuana and Marihuana products must occur within the establishment/building.

Section 54.628 Reserved

Section 54.629 Mobile Home Parks (This and the rest of the uses following will need to have their section numbers changed)