

AGENDA
MARQUETTE CITY PLANNING COMMISSION
Tuesday, January 7, 2020 at 6:00 p.m.
Commission Chambers, City Hall

MEETING CALLED TO ORDER

- 1) ROLL CALL
 - 2) APPROVE AGENDA
 - 3) APPROVE MINUTES
 - Minutes of 12/17/19
 - 4) CONFLICT of INTEREST
-
1. PUBLIC HEARINGS
 - A. 01-SUP-01-20: Duplex request at 910 W. Bluff Street (PIN: 0260950)**
 - B. 01-ZOA-01-20: Land Development Code Amendments**
 2. CITIZENS WISHING TO ADDRESS THE COMMISSION ON AGENDA ITEMS
 3. OLD BUSINESS
 4. NEW BUSINESS
 5. CITIZENS WISHING TO ADDRESS THE COMMISSION ON NON-AGENDA ITEMS
 6. CORRESPONDENCE, REPORTS, MINUTES OF OTHER BOARDS/COMMITTEES
 7. WORK SESSION ON REPORTS/PLANS/ORDINANCES
 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.

**OFFICIAL PROCEEDINGS OF THE
MARQUETTE CITY PLANNING COMMISSION
December 17, 2019**

A regular meeting of the Marquette City Planning Commission was duly called and held at 6:00 p.m. on Tuesday, December 17, 2019 in the Commission Chambers of City Hall.

ROLL CALL

Present: A. Ruiz, W. Premeau, S. Mittlefehldt, M. Larson, E. Brooks

Absent: J. Koehs, Chair J. Cardillo, Vice-Chair A. Andres

(all excused)

ACTING CHAIR

D. Stensaas stated in the case of both officers being absent the Planning Commission must nominate a member to be the Acting Chair for the meeting.

It was moved by S. Mittlefehldt, seconded by E. Brooks, and carried 5-0 for M. Larson to be the Acting Chair for this meeting.

AGENDA

It was moved by S. Mittlefehldt, seconded by E. Brooks, and carried 5-0 to approve the agenda as presented.

MINUTES

The minutes of 12-03-19 were approved by consensus.

CONFLICT of INTEREST

No certain or potential conflicts of interest were expressed.

WORK SESSION

A. Land Development Code – recreational marijuana draft zoning amendments

City Planner and Zoning Administrator D. Stensaas stated that staff has prepared draft Land Development Code (LDC) amendments and they are going to be presented as two parts – one for the recreational marijuana establishments and one for all other items –but that they will be combined in numerical order by Articles for the public hearing next month. He also stated that the Planning Commission would need to vote to schedule a public hearing tonight for the hearing on January 7th. He stated that A. Landers would lead off on the review of the draft amendments.

Zoning Official A. Landers stated that since J. Cardillo isn't here she could talk about the meeting that she and D. Stensaas, and Chair J. Cardillo, had with the DDA. She stated that the DDA did vote in favor of recommending that the General 3 and General 5 subdistricts of the Downtown Marquette Waterfront code district be added to the districts where marijuana Consumption Establishments may be allowed. She stated that she is showing the map as the Planning Commission discussed previously, and then a map that was amended to show the DDA recommendation of adding the G3 and G5 subdistricts under the zoning districts allowing Consumption Establishments, which are shown in fuchsia, showing the GC, CBD, G3 and G5. She also stated that the Planning Commission should probably discuss whether or not you want to add the G3 and G5 as the DDA recommended.

S. Mittlefehldt asked staff what the rationale was for their decision, why do they want that. A. Landers stated that they felt that is part of the downtown. D. Stensaas stated that they felt it provided more opportunities to someone trying to locate that type of business downtown, and the G3 and G5 are part of the historic downtown. He also stated that they got all positive feedback and that the DDA board was satisfied with all of the other recommendations, and there were some compliments to the work done thus far by the Planning Commission on the project. He also stated that they did ask why there weren't more license types recommended for the Third Street Corridor district, but Joy explained that there was concern about the residential nature of the corridor area and that it was discussed extensively, and that there really weren't any following questions or comments.

M. Larson asked the board members if they were in support of the addition. E. Brooks stated that he would support it. S. Mittlefehldt stated that it seems like a logical rationale that they would want to protect the integrity of that area as part of the downtown and that it makes sense to her to include it. M. Larson asked if there were any more comments. A. Ruiz stated that he was in favor also.

M. Larson asked staff if there should be a motion. D. Stensaas stated that their consensus is fine and staff will make the changes.

A. Landers stated that the other maps are still as voted on at the previous meeting and she showed the visuals.

S. Mittlefehldt stated the bigger processors that are using the butane or other hazards materials are being put in heavy manufacturing-Industrial, but there is a tiny sliver of an Industrial parcel next to the hospital and asked how it works if the buffer splits a parcel. D. Stensaas stated that he has the same question and does not know if there is a rule about the buffers. Deputy City Clerk Kyle Whitney stated that the City Code ordinance states that at the buffer edges, where the buffers touch a lot line, that entire parcel is considered in the buffered area.

S. Mittlefehldt asked if they could build on this parcel as long as it was not within the buffer. Mr. Whitney stated no, the whole parcel would be restricted. S. Mittlefehldt stated for the future should they not shade that parcel in, because technically they could not do it there anyway because of the buffer. A. Landers stated the way it is now it is selected per zoning district so all of the zoning districts that allow for that use are a color and then the buffers are on top. She also stated if the buffer shows that it is on a parcel then it is not allowed. She stated that they could put something on the map that says if it is touching a parcel it is not allowed per the City Code.

A. Landers stated the only things that have changed are the Marquette Downtown Waterfront - adding items D, special land uses in G3 and G5 - and that is the designated marijuana consumption establishments.

M. Larson asked if they recommended some other marijuana uses be allowed in the Waterfront zone as well, other than consumption. A. Landers stated yes, as special land uses, commerce and other are the ones that had already been stated, and the change is that they added this one that was recommended by the DDA.

A. Landers stated the last change was for parking, which was discussed at the last meeting, and staff did research and found that for the grower portions of the business a minimum of one space and maximum of two spaces per employee on the largest shift, is what we recommend for parking. S. Mittlefehldt asked how staff came up with those numbers. A. Landers stated that they have researched different cities where this is allowed, and out of the couple that they found it made the most sense to what the Planning Commission was alluding to at the last meeting. S. Mittlefehldt stated that it sounds good to her.

D. Stensaas stated that the Planning Commission (PC) and staff went over many of the rest of the amendments at their last meeting, but E. Brooks wasn't there, and so to start out at the top with the definitions, lot coverage was discussed last meeting and it is interchangeable with the term ground coverage in the LDC, but ground coverage wasn't defined. He also stated that a resident sent a letter about density and lot coverage and one of the complaints was that the ground coverage term was not defined, so they are defining. He stated the other parts of the complaint fit more with storm water management, but they have been incorporating things and get stronger on that particular topic and probably eventually will get to the point where they will need stormwater permitting for every residential type of improvement, but they are not able to do that at this point. He also stated that vehicle repair and service is a special land use in the Mixed Use district and that will take care of the illegal status of the new auto repair business on Presque Isle Avenue, but they are still going to need to do some site plan work with the City. He stated the next thing is just adding lot coverage into article 3, at the bottom of the chart for residential zoning districts, which goes back to the first item and the definitions.

D. Stensaas also stated in section 321, for the form-based Waterfront District, adding the term "a new" to clarify that building facades or additions do not have to be built to the required building line as specified,

and that this would only apply to new buildings. He stated that staff researched the issue and believe that the intent was that this would only apply to new construction, and that makes sense when some buildings are already situated far from the lot line, so this will clarify that the requirement does not include an addition to a building or a refaced building.

D. Stensaas also stated in the Third Street Corridor District they are changing a reference in figure 22 by deleting the term *civic* and replacing it with *institutional* in that category. He stated that they are also cleaning up other uses in the bottom category of the matrix. He also stated even in this district they do not define every land use here, but that it does refer to article 9 for the parking standards for some of the uses.

D. Stensaas stated in the PUD section, under the minor amendments section, this is something that they are proposing to add in the first section on minor amendments, where it says "minor amendments are those that have no foreseeable effect beyond the property boundaries, such as minor changes to the siting of buildings, the alignment of utilities and alignment of interior roadways and the layout of parking areas." He stated they are proposing to add an administrative amendment category here for minor changes to site lighting, signage, landscaping and non-structural building elements and for temporary structures and uses, that they may be made by an approval of a zoning compliance permit that is linked to the PUD, rather than going through a minor PUD amendment per the discretion of the zoning administrator. He stated that by the code language every PUD change has to be done by a PUD amendment, and even the minor PUD amendment is still several hundred dollars and time consuming to go through the process. He also stated that a lot of the things are very minor and they thought it would be better to head some of this off instead of having to go through a Planning Commission hearing, to allow some of these things to be done by a zoning compliance permit. He also stated this is a case where we could act on the common sentiment that we should apply common sense to make small changes easier to approve. S. Mittlefehldt asked if determining what is minor would be up to the zoning administrator. D. Stensaas stated that this code goes back and forth between Planning Director and Zoning Administrator. He also stated that he personally does not feel that this is something that the Planning Director has to approve, but it could be. He stated they tried to be very specific on what things are typical and really minor with site improvement changes that otherwise would need to go through a PUD amendment. M. Larson stated that he thinks this is fair and it makes sense to him. He also stated since there are no comments the Planning Commission accepts the recommendation.

D. Stensaas stated in Article 4, in the Schedule of Regulations, in subsection Q they are just making a text addition to cover single family, two-family dwelling units in other zoning districts, as was the intent of that section of code. He also stated there is a maximum impervious surface coverage based on that and 60% is a lot and not many houses get into that category, and at this point it is a pretty generous percentage. He stated in the section on stormwater management they are cleaning up something that was in the code that really was not accurate in referring to "the City of Marquette Design and Construction standards" when the Land Development Code was adopted, whereas section 803 states everything that needs to be said about how storm water management is handled and for compliance.

D. Stensaas also stated under Article 6, they are adding light manufacturing, heavy manufacturing, major vehicle repair and maintenance. He stated under section 2, for dangerous, noxious and nuisance conditions prohibited they are proposing to amend the text to say, "the manufacturing, processing or packaging of materials which are inherently dangerous or hazardous due to flammability, radioactivity, explosiveness or severe toxicity will only be permitted in districts where heavy manufacturing is a permitted use." He also stated as it read it will not be permitted at all, and so it prohibits any kind of business that uses anything that could potentially be toxic, and according to the Code the way it was written there is no place for that. A. Landers stated that the *heavy manufacturing* definition allows for it, so they had to fix it. D. Stensaas stated next, under subsection 7/vehicle maintenance, this is the part that is being added to deal with the potential for a vehicle repair shop to be next to a residence. He also stated the proposed text is that overnight vehicle storage shall be screened from view of residential properties that abut the properties in which the vehicles are being stored, and outdoor material storage will be screened from public view by means of fencing, and dumpsters shall be screened on three sides by a 6-foot high opaque screening material. He stated this is something that needs to be cleaned up for the dumpster screening. A. Landers stated that they could reference Article 10. D. Stensaas stated that item 2, in his mind it is a little bit problematic because maybe fencing is not required for everything that is an outdoor materials storage, but the intent is to make sure that stuff like tires and other junk parts are not just strewn around the property and that they are somehow screened from public view. He also stated that it could say fencing or other means of screening. A. Landers

stated that the ordinance still says that landscaping if used as a means of a fence counts as a fence, so they could still use landscaping. E. Brooks stated that this looks good to him.

D. Stensaas stated that in Article 7, they are proposing for the architectural features definition to clarify the maximum encroachment distance towards the property line, which is particularly important for the eaves of a building. He states that was an omission when the side yard setbacks were reduced via the LDC. He also stated that section 702 needs added language for allowable screening fences for marijuana operations. He also stated that in section 710 they are trying to define a little better how recreational vehicles may be stored at a residence. He also stated that they have had complaints and been to court about people living in RV's, and stated that they are trying to deal with it more clearly because the judge threw out the long-term occupancy case of someone who was living in an RV in a driveway for over a month because a time was not defined. He also stated that the part in section A, about parking, an RV could be parked outside the front area - between the house and the street - if it is not operable, and it should not be inoperable in the front yard is basically what this is saying. He stated that they are trying to clarify the language that the RV must be parked in a side or rear yard if the registration isn't current and/or it is non-operable, and if it is parked behind the front area it must meet the side and rear yard setback requirements. E. Brooks asked what the definition of an recreational vehicle is. D. Stensaas stated it is defined in the Land Development Code and he read the definition. E. Brooks stated when you are talking about something this is inoperable, a camper trailer that is not attached to anything and cannot be driven is inoperable. S. Mittlefehldt stated maybe clarify it, and if a camper trailer is just being stored and there is no one living in it, can it be parked in the front area. She also asked is the issue the people living there or the thing itself. D. Stensaas stated they are just trying to keep inoperable vehicles out of the front area. A. Landers stated that a recreational vehicle includes camping trailers, travel trailers, pickup campers, motor homes, folding tent trailers, boat trailers, snowmobiles, all terrain or special terrain vehicles, utility trailers and similar equipment used for transporting recreational equipment. She also stated inoperable condition could be if it has tires and the tires are not working. E. Brooks stated then it can still be parked up front as long as it can be driven away. D. Stensaas stated that is correct. S. Mittlefehldt asked if occupancy is more of the issue. D. Stensaas stated no, it is more of people leaving junk and things that are not working in the front area. A. Landers stated for actual vehicles the City Code covers on any property and if it is non-operating or junk then they will go for that part of the code. D. Stensaas stated another alternative would be to put a limit on there but that is really hard to do because you do not know when it actually started. He also stated putting a limit on there of 60-days or something like that is fine as well because they do make notes of the complaints that are received and it is dated. He stated that it might have been there for 3-months prior to that but at some point they are going to know that it has been there at least 60-days and then there is no argument in court that the City was wrong about how long it has been there. E. Brooks stated that he thinks that 60-days is too long. A. Landers stated that the City Code only allows a junk or dismantled vehicle for a week. S. Mittlefehldt stated what if someone else does not have any other place to store their camper. E. Brooks stated it would only be for something that is inoperable. M. Larson asked if you could park an inoperable RV in the back yard. A. Landers stated if they get a complaint and they can see it from the right-of-way then it would be in violation of the City Code and not the Land Development Code. E. Brooks stated that they should keep this the way that it was drafted.

D. Stensaas stated moving on to Article 9, in subsection E of section 902, they left out the notion that part of it is the use and not just the district. He also stated that single for family and two-family structures they want the parking standards that are applicable in the medium-density residential district/MDR and low-density residential district/LDR to apply to these uses no matter if they are in Mixed Use, Multifamily or LRD. He also stated in the Multi-family district they are proposing to add these two subsections under A - "parking spaces must be designed so that backing into them or the street is not required," and that "the driveways for these uses must connect to a parking lot and may not be used as a parking lot themselves." He stated that this was basically what was in the City Code previously and they have had some issues with expansion at multifamily sites where they just want to put in a parking lot next to the street and there is no way to get in or out of it expect for backing into the street and just about every municipality in the county prohibits backing into the street as your only option for commercial uses. He also stated it is in the street design standards that you are not supposed to design a parking lot for commercial use that requires you to back into the street. He stated that on one hand the prohibition was written in the time when most cars did not have backing cameras, so the technology in cars has changed a lot, but there are still a lot of people driving cars built well before backing cameras were common. A. Landers stated sometimes the technology does not work in the bad weather which residents deal with a lot.

D. Stensaas stated in the next parking section, for minimum spaces required, for all of the uses listed in the plum color he just doubled them all. He also stated that this is a good time to talk about the origin of these parking standards based on how many square feet your operation occupies, according to author and UCLA land-use economics professor Donald Shoup they were based on studies that were very small and in some instances a single survey. He stated that he read Shoup's 1999 paper *The Trouble with Minimum Parking Requirements* and it lays out the facts that the standards most communities have adopted were based on a small number of unreliable studies that were also biased by being done in areas where parking is free, and if you do it in an area where parking is free you are not getting the true picture of what the parking demand is everywhere. He also stated that there is a perverse relationship between estimating parking demand and the standards engineers use for establishing travel demand and road designs, in which transportation demand analysis starts with the parking generation estimates, not with the actual transportation demand. He stated that urban planners use the parking generation rates to set minimum parking requirements for the land uses, and because the required parking supply is so large the market price of parking is zero in most developments that offer free parking. He stated that transportation engineering surveys then estimate vehicle trips to and from sites that offer free parking and they summarize that data on vehicle trips observed at each land use and report that as a trip generation rate. He also stated that a trip generation is what is used for example in a parking study for a new hotel. He stated the designers for the roads and highways use that information to satisfy the new trip generation rates for vehicle trips, so they design a system capacity to satisfy the expected demand for vehicle trips to and from land uses that provide free parking. He also stated urban planners limit the land use density so that new development will not generate more vehicle trips than the nearby roads and highways can carry, based on the trip generation studies. He stated that it is a big cycle where they are saying that the density should not be more than what the roadway can handle, but the roadway was designed based on the parking generation rates for sites that only offer free parking and have no transit. He also stated that it is all basically guesswork. He stated one of the things that they talked about with the Land Development Code was reducing parking demand and most planning experts now say let the developers try to decide for themselves what parking they need. He also stated with a lot of new properties the site design gets twisted around the parking requirements. He stated this is a proposal to push back on this and these requirements that are not really objective. He also stated that he would propose that they loosen them up quite a bit. He stated if this works well this is a first step and he wants to take a much more comprehensive look at the parking standards and he has found some recent studies that should be helpful.

D. Stensaas stated under Article 10, they wanted to better define frontage landscaping. He also stated frontage landscaping is one part of a site design requirement and the other major part is the parking area landscaping requirement. He stated frontage is between the building and the street along the street frontage. He also stated that they have had to do a lot of interpretation of this because of the way the code was originally written there was not a definition of how this was applied. He stated what they are proposing it says is, "where the proposed development on a site is within a frontage that abuts the road right-of-way the following landscaping should be provided in the front yard adjacent to that right-of-way in an area that corresponds in length to the extent of improvements." He also stated what they are trying to say is basically that the landscaping should not necessarily have to be along the entire frontage, it could be if they wanted to put it anywhere on the frontage but if the work that is being done only extends 5-feet they want to have a commensurate landscaping requirement. He stated if the frontage is 150-feet and they are doing 20-feet of renovation they do not necessarily want to say that the whole frontage needs to meet the requirement. He also stated with the parking lot landscaping it is the same kind of thing; it is not well-defined. He stated that they wanted to put an exception in for driveways and other access openings in required clear vision areas, and if parking is less than 30-feet wide - or anything under four parking spaces wide - these standards do not apply. He also stated that they are trying to limit this to larger parking areas and larger expanses of area so that those situations where there is just a little parking next to the building you do not have to build screening walls.

D. Stensaas stated next in the sign section, section 11, Article 11, they have realized that there are several buildings that have canopies and awnings who want to have their logo or their name on more than one awning, which is currently the limit per the LDC – either one awning sign or one blade sign per tenant. He also stated what they are proposing is to expand the limit to one awning sign per building tenant, per entrance. He stated that is carried over from Mixed Use and Central Business District, Third Street Corridor District and Waterfront Code District, it is the same thing for each of those. He also stated that on each

entrance if they want to have an awning sign it could be per building tenant, per entrance. A. Ruiz asked if a logo on an awning qualifies as an awning sign. D. Stensaas stated if it is commercial it does. A. Ruiz stated that he does not have a problem with a logo on an awning and that should not be considered a sign. A. Landers stated that a logo is a sign. D. Stensaas stated that they have not heard comments from people that they want logos on all of their awnings. A. Ruiz stated that they will cross that bridge if they need to. M. Larson stated that he thinks that it is fair, but they will cross that bridge if it comes up.

D. Stensaas stated that the last part is the nonconformity Article, which could use a lot of work. He also stated that there a lot of ways to do the whole section that are probably better than the ways that they are doing it, and there are a lot of improvements that can be made to that section of the code. He stated that unfortunately they have not had enough time to work that out yet, but they are going to propose several other changes to this section. He also stated one of the big changes that was made from the Zoning Ordinance to the Land Development Code was that for Class-A nonconforming structures, one and two family uses and structures were not considered Class-A structures in the Zoning Ordinance, they were Class-B. He stated that putting them in Class-A was a huge change that allowed people to make repairs, alterations do maintenance on the house as long as they otherwise remain conforming, no questions asked. A. Landers stated that the biggest change is that if they are destroyed by fire they would be allowed to rebuild exactly where they are placed on the lot currently without having to go to Board of Zoning Appeals to get approved for such. D. Stensaas stated that they would like to at least change it to say that you can reduce the extent of the nonconforming portion of the structure, so that beyond maintenance and repair, if you want to reconstruct a part of the structure that is nonconforming and it reduces the nonconforming part of it, they want to clarify that is an allowable option. A. Landers stated another change is, for the Class-B homes, everyone can basically rebuild exactly where they were - with nonconformities - because the replacement market value set by the Assessor for a total loss was allowed to be substituted by an average of two bids to rebuild, so they just have to keep the cost under the average and it could be approved. She also stated that the point of changing the ordinance is where you want your city to grow you have to allow for nonconformities, but eventually they are going to go away and that is the whole point of it. She stated that they are not going to go away if they are allowing for them to continue. D. Stensaas stated that they should revisit that section. S. Mittlefehldt stated that she thought the purpose of changing the setbacks and trying to shrink those down was to get rid of nonconformities that way. She also asked if they know how many nonconformities they have eliminated through that process. A. Landers stated that they still have homes that are nonconforming. D. Stensaas stated that it is hard to know for certain, but he is sure that hundreds if not thousands of properties were made conforming by changing that standard from 5 feet to 3 feet on the side yard setbacks.

It was moved by S. Mittlefehldt, seconded by E. Brooks and approved 5-0 to schedule a public hearing for January 7, 2020, to discuss draft amendments to the Land Development Code.

COMMISSION AND STAFF COMMENTS

No comments.

ADJOURNMENT

The meeting was adjourned by Acting Chair M. Larson at 7:26 p.m.

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



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MEMORANDUM

TO: Planning Commission
FROM: Andrea Landers, Zoning Official
DATE: December 6, 2019
SUBJECT: 01-SUP-01-20 – 910 W. Bluff Street (PIN: 0260950)

Staff has reviewed the Special Land Use permit for the conversion of a single-family home to a duplex dwelling located at 910 W. Bluff Street.

The Board of Zoning Appeals approved an 8-ft side yard variance from the City of Marquette Land Development Code Special Land Use required conditions for a duplex dwelling request at their December 5, 2019, regular meeting.

Please see the attached STAFF FILE REVIEW/ANALYSIS for more specific information regarding the Special Land Use application and survey.

RECOMMENDED ACTION:

The Planning Commission should review the Special Land Use application and survey, along with the support information provided in this packet, and determine whether or not the proposed Special Land Use is in compliance with the City of Marquette Land Development Code, more specifically, the Special Land Use Standards in Section 54.1403 and Section 54.613 for Duplex Dwellings.

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

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

After review of the STAFF FILE REVIEW/ANALYSIS for 01-SUP-01-20, the Planning Commission (finds/does not find) that the request (meets/does not meet) the intent and requirements of the Land Development Code Sections 54.1403 and 54.613, and hereby (approves/denies) 01-SUP-01-20 (as presented/with the following conditions).



STAFF FILE REVIEW/ANALYSIS

Completed by Andrea Landers – Zoning Official

Reviewed by David Stensaas – City Planner and Zoning Administrator

Case #: 01-SUP-01-20

Date: December 6, 2019

Project/Application: Special Land Use Permit to convert single-family home to a duplex dwelling

Location: 910 W. Bluff Street

Parcel ID: 0260950

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

Current Zoning: MDR – Medium Density Residential

Surrounding Zoning: North: MFR – Multiple Family Residential
South: MDR – Medium Density Residential
East: MDR – Medium Density Residential
West: MDR – Medium Density Residential

Year Built: The main dwelling was built in 1946.

Sales: The applicant has owned the home since November 4, 2014

Zoning District Standards (Staff Comments in Bold Text):

Section 54.308 MDR, Medium Density Residential District

(B) Permitted Principal Uses	(C) Special Land Uses
<ul style="list-style-type: none">• Accessory Building or Structure• Accessory Use, Non-Single Family Residential Lots• Accessory Use, Single-Family Residential Lots• Adult Foster Care, Family Home• Child or Day Care, Family Home• Dwelling, Single-Family Detached• Food Production, Minor• Foster Family Home• Home Occupation• Home Office• Homestays and Vacation Home• Residential Limited Animal Keeping	<ul style="list-style-type: none">• Adult Foster Care, Small Group Home• Cemetery• Child Care Center or Day Care Center• Child or Day Care, Group Home• Dwelling, Accessory Unit• Dwelling, Intentional Community• Dwelling, Two-Family (Duplex)• Foster Family Group Home• Hospital Hospitality House• Public or Governmental Building• Recreational Use, Public• Religious Institution• School, Primary or Secondary• School, University

Where there is a discrepancy between [Section 54.306](#) and this table, [Section 54.306](#) shall prevail.

As per the table above, **Duplex Dwelling** is an allowable *special land use* in the MDR Zoning District.

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

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

Section 54.613 Dwelling, Duplex

(A) Lot Area and Lot Width. The minimum lot area and lot width for lots with a duplex must meet the requirements of *Article 4*. (50 feet for lots created prior to the adoption of this Ordinance and 6,000 sq. ft. for lots created prior to the adoption of this Ordinance.)

The lot width is 70 feet and the lot area is +/-9,940 square feet.

(B) Side Yard Setback. The minimum required side yard setback for a duplex is 10 feet on each side unless a larger side yard setback is required by the zoning district in *Article 4*.

The west side is +10' and the east side is 2'. The applicant received an 8-ft side yard variance from the City of Marquette Land Development Code Special Land Use required conditions for a duplex dwelling at the December 5, 2019, Board of Zoning Appeals meeting.

(C) Parking. Two (2) parking spaces for each dwelling unit, located in the side or rear yard only, shall be provided unless otherwise exempted by this Code.

The location sketch provides 2 parking spaces in an attached garage to the home, and 2 parking spaces on a detached garage.

(D) Outdoor Livability Space. On each lot containing a duplex, at least 40 percent of the lot must be used for outdoor livability space such as lawns, gardens, and/or outdoor patios.

The outdoor livability ratio is 0.68.

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

Section 54.1403 Special Land Use Review

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

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

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

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

The surrounding area is presently comprised of single family and multiple family residential units that are both owner-occupied and rentals.

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

The existing home is in average condition per the Assessing records.

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

No landscaping is proposed.

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

No extraordinary problems are anticipated, but if the property becomes a rental with several unrelated adults the likelihood of nuisance problems increases, and the property will need to be carefully managed to ensure the duplex does not become a problem property.

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

The time of use and physical relationship should be similar to the surrounding properties, all of which are also residential.

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

The Land Development Code limits the number of unrelated persons living in a single-family unit to no more than four (4). If this request was approved, then there would be no more than eight (8) unrelated individuals allowed to live on this property.

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

W Bluff Street. is classified as an *Urban Local Street* in the Community Master Plan; therefore, traffic volumes are considered to be low.

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

No problems are anticipated. The site has good access from Bluff Street and the rear alley.

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

No problems anticipated.

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

Careful management of the property will be necessary to avoid nuisance problems (noise, litter) if this continues to be a rental.

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

Any future expansion would require an additional public hearing.

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

Careful management of the property will be necessary to avoid nuisance problems.

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

Chapter 2 – Master Plan Recommendations (recommendations of Chapter 5 – Demographics and Housing are the most relevant); and the Chapter 3 recommendations for land use and zoning.

Relationship to Site Plan Review Standards (Staff Comments in Bold Text):

Per Figure 49, as single-family dwellings and duplex dwellings are exempt from site plan review.

Additional Comments: The Board of Zoning Appeals approved the following variance request at their December 5, 2019, regular meeting.

10-VAR-12-19: – 910 W. Bluff St. (PIN: 0260950): Pamela Laurich is seeking an 8-ft side yard variance from the City of Marquette Land Development Code Special Land Use required conditions for a duplex dwelling unit located at 910 W. Bluff Street. The existing single-family home does not meet the 10-ft side yard condition for the existing home setback to the east side lot line when proposing to convert a single-family home to a duplex dwelling unit.

- It was moved by Mr. Larson, seconded by Mr. Neumann, and carried 6-0 that after conducting a public hearing and review of the STAFF FILE REVIEW/ANALYSIS for 10-VAR-12-19, the Board of Zoning Appeals finds that

STAFF FILE REVIEW/ANALYSIS

Page 6 of 6

the request demonstrates the standards found in Section 54.1404(B)(5) (a. through j.) of the Land Development Code and hereby approves 10-VAR-12-19 with the condition that a Special Land Use permit for a duplex dwelling is obtained from the Planning Commission.

Attachments:

- Special Use Permit application
- Area Map
- Block Map
- Photos
- Survey
- Excerpt from December 5, 2019, DRAFT Board of Zoning Appeals meeting minutes

CITY OF MARQUETTE
SPECIAL LAND USE PERMIT APPLICATION



CITY STAFF USE

Parcel ID#: 0260950 File #: 01-SUP-01-20 Date: 12-6-19
Receipt #: 12844 Check #: 11451000 Received by and date: W 10/17/19
Hearing Date: 1-7-20 Application Deadline (including all support material): 12-10-19
Number of Site Plans Submitted: N/A Required Narrative Submitted: Y / N N/A

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

FEE SCHEDULE

- | | |
|--|-----------------------------|
| <input checked="" type="checkbox"/> 1 or 2 Family Residential Units; Group Day Care | \$563 <u>575</u> |
| <input type="checkbox"/> Commercial and Multi-family Residential (w/ CDRT review) | \$1,919 |
| <input type="checkbox"/> Commercial and Multi-family Residential (w/out CDRT review) | \$855 |

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

- ☐ Planning Commission page for filing deadline and meeting schedule
- ☐ Excerpts from the City Land Development Code (LDC):
 - Section 54.1403 Special Land Use Review
 - Section 54.1402 Site Plan Review
 - Article 6 Standards Applicable to Specific Land Uses

APPLICANT CONTACT INFORMATION

PROPERTY OWNER

Name: Pamela Laurich
Address: 910 W. Bluff St.
City, State, Zip: Marquette MI 49855
Phone #: (510) 303-2819
Email: Pammiesworld1@yahoo.com

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

APPLICANT/OWNERS REPRESENTATIVE

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

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

PRE-APPLICATION CONFERENCE

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

PROPERTY INFORMATION

Property Address: <u>910 W. Bluff St.</u>	Property Identification Number: <u>0260950</u>
Size of property (frontage / depth/ sq. ft. or acres): <u>69.9' x 141.9' (Approx. 9,790#)</u>	
Zoning District: <u>MDR</u>	Current Land Use: <u>Single family home</u>
Surrounding Zoning Districts:	Surrounding Land Use:
North - <u>MFR</u>	North - <u>8 unit bldg, triplex, SFR</u>
East - <u>MDR</u>	East - <u>SFR, triplex</u>
South - <u>MDR</u>	South - <u>SFR</u>
West - <u>MDR</u>	West - <u>SFR</u>

SPECIAL LAND USE REQUESTED

Attach a separate sheet if necessary.

Proposed Special Land Use: <u>Change status from single family to duplex.</u>
Description of physical changes that will be made to the property: <u>None</u>
Hours of Operation: <u>N/A</u>
Proposed signage (if any) (Type/size/location): <u>None</u>
Any other pertinent information: <u>Received variance for east side setback on 12-5-19 for BZA.</u>

A site plan must be submitted with the Application (See Section 54.1402 Site Plan Review of the LDC)

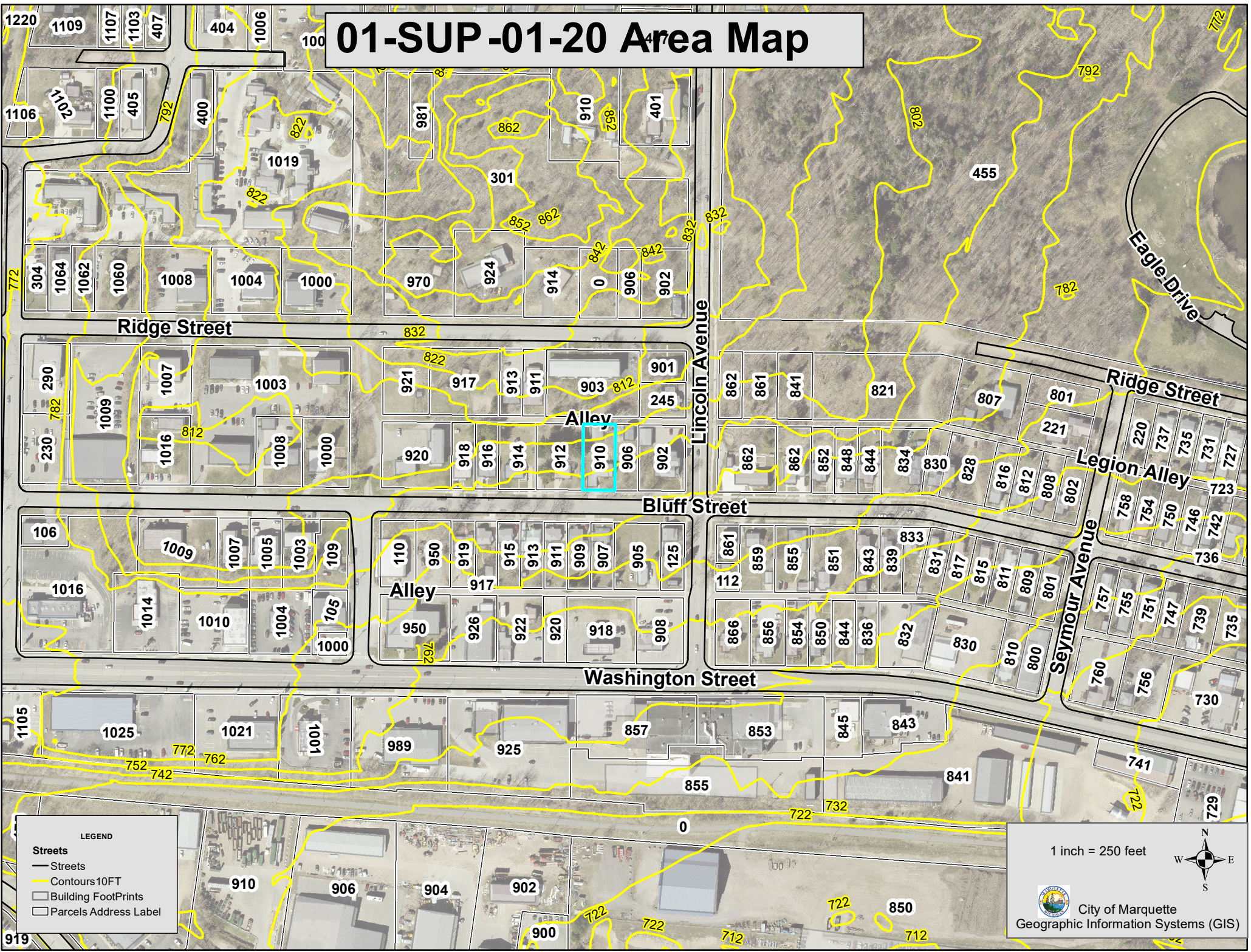
SIGNATURE

I hereby certify the following:

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

Property Owner Signature:  Date: 10/17/19

01-SUP-01-20 Area Map



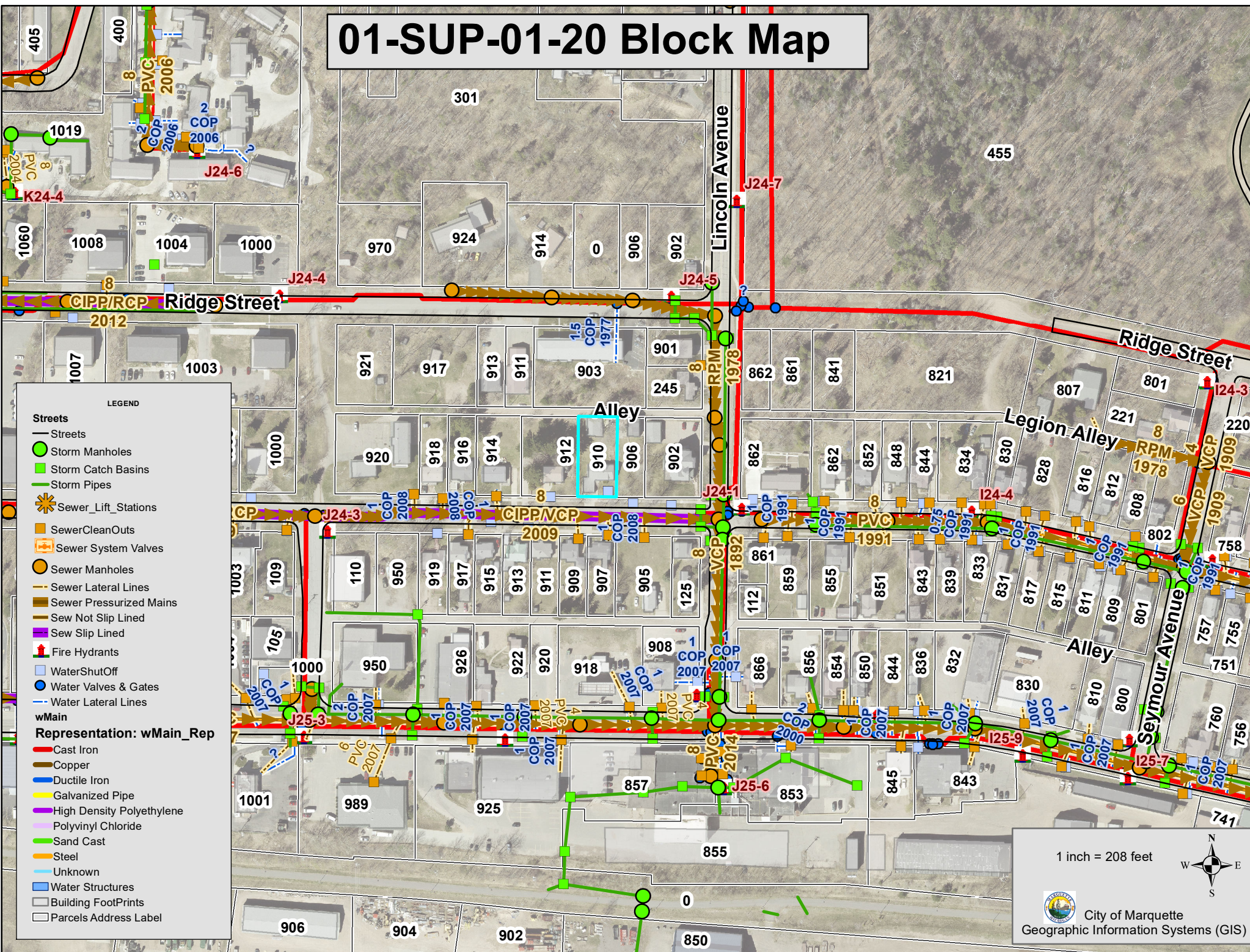
LEGEND

- Streets
- Contours 10FT
- Building FootPrints
- Parcels Address Label

1 inch = 250 feet

City of Marquette
Geographic Information Systems (GIS)

01-SUP-01-20 Block Map





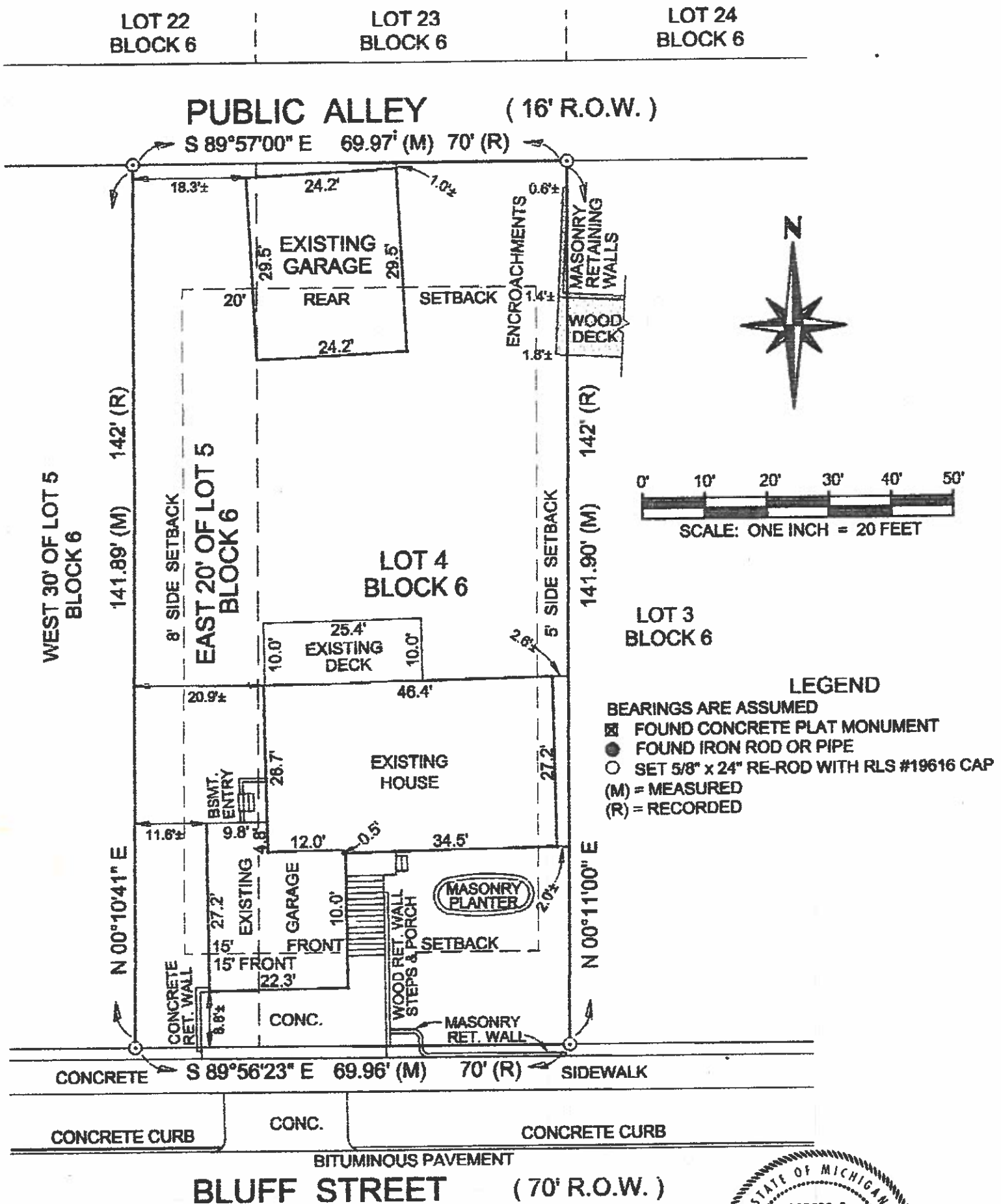


CERTIFIED SURVEY

CERTIFIED TO: PAM LAURICH, 910 W. BLUFF ST., MARQUETTE, MICHIGAN 49855

LEGAL DESCRIPTION: LOT 4 AND THE EAST 20 FEET OF LOT 5, BLOCK 6, NESTER'S ADDITION No. 1,
CITY OF MARQUETTE, COUNTY OF MARQUETTE & STATE OF MICHIGAN.

ZONING: MEDIUM DENSITY RESIDENTIAL - MDR



SURVEYOR'S CERTIFICATE
STATE OF MICHIGAN) ss.
MARQUETTE COUNTY)

I, Robert F. Cambensy, surveyor, certify that I have made this survey, and that the information shown on the above CERTIFIED SURVEY is a true and correct representation thereof. The error of closure of the unadjusted field observations is less than 1 in 10,000, and within the accepted limits. I have fully complied with the regulations of Sec. #3, Act No. 132, P.A. 1970, as amended.

910 W. Bluff St.

October 10, 2019

Robert F. Cambensy, Michigan Reg. #19616
Registered Land Surveyor

Cambensy Engineering & Surveying
306 North Sixth Street, Marquette, Michigan 49855
(906) 226-3909 rcambensy@sboglobal.net

Except from the DRAFT BZA December 5, 2019, meeting minutes

PUBLIC HEARINGS

10-VAR-12-19 – 910 W. Bluff Street (PIN: 0260950): Pamela Laurich is seeking an 8-ft side yard variance from the City of Marquette Land Development Code Special Land Use required conditions for a duplex dwelling located at 910 W. Bluff Street.

A. Landers, Zoning Official, stated the Board of Zoning Appeals is being asked to review an application for a variance from the City of Marquette Land Development Code Special Land Use required conditions for a duplex dwelling. She also stated the existing single-family home does not meet the 10-ft side yard condition for the existing home setback to the east side lot line when proposing to convert a single-family home to a duplex dwelling unit. She referenced the staff report and attachments, and visuals from the agenda packet were shown.

Pam Laurich, the applicant, stated she purchased this home with the intent to rent out the upper portion of it, as it is set up as an apartment. She stated she is at the point in her life where she can use some help with maintaining the home and property and the cost of that. She also stated she needs the variance to go to the next step of asking the Planning Commission for a special land use permit for a duplex dwelling.

Ms. Wright asked about the parking situation.

P. Laurich stated there is a 2-car attached garage off of Bluff street, and the detached garage off of the alley can accommodate more than 2 cars.

Mr. Neumann asked if there were existing two separate points of entry for the home.

P. Laurich stated the front door opens to an entryway that then has two doors, one to the first level of the home where she lives, and the other one to the upstairs. She also stated there is a back door that goes into her portion of the home and a second entry from the attached garage that goes to the shared entry as well.

Mr. Ottaway asked if this was a duplex in the past.

P. Laurich stated the original occupants are both deceased and owned it since 1956, and their children were selling the home, but they stated that their parents did rent out the upstairs in the past. She stated she still gets mail from the past renters.

A. Landers stated she researched if it was a duplex in the past, and the previous owners had always had it as a single-family home with 100% Principal Residence Exemption, so if they rented it and separated it into two units, they did so illegally.

Mr. Ottaway asked about the heating situation.

P. Laurich stated it has one heating system but is dual zone.

Vice-Chair Ottoway opened the public hearing. No one wished to comment. Vice-Chair Ottoway closed the public hearing.

Mr. Neumann asked if the applicant would still need to get a Special Land Use permit from the Planning Commission.

A. Landers stated yes, she forgot to add that recommended condition of approval in the memo to the Board of Zoning Appeals.

Ms. Wright asked about the property next to the variance request.

A. Landers showed the maps that were attached to the agenda. She indicated on the maps the area that is adjacent to the variance request for 906 W. Bluff Street is open space. P. Laurich stated that the placement of the existing home at 906 is to the north, next to the alley.

Mr. Vasseau stated he concurred with the applicant's written responses and the proposal increases the housing stock. He stated this is an understandable situation because of the location of the existing home in relation to the property lines, the setback to the west is greater than required and compared to the setback to the east. He also stated this is a through lot, and the house sits crooked on the property, which is no fault of the applicant. He stated he can support the request.

Mr. Neumann stated the location of home next door is a special condition unique to this situation. He also stated other special situations to this property is the dual access with the alley and street, and that the parcel meets the parking requirements. He stated nothing is the result of applicant as we know the house has not been modified recently and previously it was set-up for dual units even though it was done illegally by the previous owners. He also stated there is no applicant action that is creating the problem, and the variance is minimal with no additional encroachment.

It was moved by Mr. Larson, seconded by Mr. Neumann, and carried 6-0 that after conducting a public hearing and review of the STAFF FILE REVIEW/ANALYSIS for 10-VAR-12-19, the Board of Zoning Appeals finds that the request demonstrates the standards found in Section 54.1404(B)(5) (a. through j.) of the Land Development Code and hereby approves 10-VAR-12-19 with the condition that a Special Land Use permit for a duplex dwelling is obtained from the Planning Commission.



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

MEMORANDUM

TO: Planning Commission
FROM: David Stensaas, City Planner and Zoning Administrator
DATE: January 2, 2020
SUBJECT: Public Hearing – 01-ZOA-01-2020 Land Development Code Amendment

.....

The Planning Commission (PC) on Dec. 17th, 2019 voted to schedule a public hearing for the consideration of draft amendments to the Land Development Code (LDC). The proposed amendments are the product of several months of effort by staff and the Planning Commission and have been developed, discussed and refined during several work sessions in late 2019.

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

Recommended Action:

The Planning Commission should conduct a public hearing to receive comments from the public regarding the draft amendments to the Land Development Code (LDC), review and discuss the proposed amendments and any concerns that may exist, and take appropriate action in the form of a motion to either A) recommend approval of the draft LDC amendments to the City Commission, or B) request that staff facilitates further amendments of the LDC document.

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

- *After review of the draft Land Development Code (LDC) amendments presented as case 01-ZOA-01-2020, and after conducting a public hearing and careful consideration of the contents of the draft LDC amendments, the Planning Commission finds that the draft LDC amendments are/are not justified and appropriate, and therefore should be approved by the City Commission/should be revised.*



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

- 1) New subsections and/or language is shown underlined and highlighted, as the example below indicates:
Example) H. Light Manufacturing
- 2) A subsection or language that is to be eliminated is indicated by strikethrough lines in the font, as the example below indicates:

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

Article 2 Definitions

Section 54.202 Specific Terms

(A) The following terms shall have the following meaning:

Ground Coverage: See “Lot Coverage”, these terms have the same meaning.

Lot Coverage: The area of a lot covered by the maximum horizontal cross section of a building or buildings to the area of the site (i.e. 20 square feet of building cross section on 100 square feet of land would give a ratio of 2,000/10,000 or 0.20). Also referred to as Ground Coverage. Accessory structures four (4) feet in height or less shall not be considered in computing maximum percent of lot coverage/ground in a residential district.

Marihuana Designated Consumption Establishment: Marihuana Designated Consumption Establishment means a commercial space that is licensed and where it is authorized for adults 21 years of age and older to consume marihuana products.

Marihuana Establishments: Marihuana Establishment means a marihuana grower (Class A, B, or C) or excess grower, marihuana safety compliance facility, marihuana processor (light manufacturing or heavy manufacturing), marihuana microbusiness (light manufacturing or heavy manufacturing), marihuana retailer, marihuana secure transporter, marihuana designated consumption establishment.

Marihuana Grower – Class A: Marihuana Grower – Class A means a person licensed to cultivate not more than 100 marihuana plants and sell or otherwise transfer marihuana to marihuana establishments.

Marihuana Grower – Class B: Marihuana Grower – Class B means a person licensed to cultivate not more than 500 marihuana plants and sell or otherwise transfer marihuana to marihuana establishments.

Marihuana Grower – Class C: Marihuana Grower – Class C means a person licensed to cultivate not more than 2000 marihuana plants and sell or otherwise transfer marihuana to marihuana establishments.

Marihuana Grower – Excess: Marihuana Grower – Excess means a person licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments and this is issued to a person who holds 5 stacked Class C licenses.

Marihuana Microbusiness – Light Manufacturing: Marihuana Microbusiness – Light Manufacturing means a person licensed to cultivate not more than 150 marihuana plants; process and package marihuana; and sell or otherwise transfer marihuana to individuals who are 21 years of age or older or to a marihuana safety compliance facility, but not to other marihuana establishments and meets the Light Manufacturing definition for processing. See **Manufacturing, Light** definition.

Marihuana Microbusiness – Heavy Manufacturing: Marihuana Microbusiness – Heavy Manufacturing means a person licensed to cultivate not more than 150 marihuana plants; process and package marihuana; and sell or otherwise transfer marihuana to individuals who are 21 years of age or older or to a marihuana safety compliance facility, but not to other marihuana establishments and meets the Heavy Manufacturing definition for processing. See **Manufacturing, Heavy** definition.

Marihuana Processor – Light Manufacturing: Marihuana Processor – Light Manufacturing

means a person licensed to obtain marihuana from marihuana establishments; process and package marihuana; and sell or otherwise transfer marihuana to marihuana establishments and meets the Light Manufacturing definition for processing. See **Manufacturing, Light** definition.

Marihuana Processor – Heavy Manufacturing: Marihuana Processor – Heavy Manufacturing means a person licensed to obtain marihuana from marihuana establishments; process and package marihuana; and sell or otherwise transfer marihuana to marihuana establishments and meets the Heavy Manufacturing definition for processing. See **Manufacturing, Heavy** definition.

Marihuana Retailer: Marihuana Retailer means a person licensed to obtain marihuana from marihuana establishments and to sell or otherwise transfer marihuana to marihuana establishments and to individuals who are 21 years of age or older.

Marihuana Safety Compliance Facility: Marihuana Safety Compliance Facility means a person licensed to test marihuana, including certification for potency and the presence of contaminants.

Marihuana Secure Transporters: Marihuana Secure Transporter means a person licensed to obtain marihuana from marihuana establishments in order to transport marihuana to marihuana establishments.

Article 3 Zoning Districts and Map

Section 54.306 Permitted Uses by District

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

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

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

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

[illegible]

[illegible]

Section 54.309 MFR, Multiple Family Residential District

(D) Dimensional Regulations			
<i>Lot, Coverage, and Building Height Standards</i>		<i>Minimum Setbacks</i>	
<i>Min. Lot Area (sq. ft.)</i>	15,000 (C)	<i>Front Yard (ft.)</i>	15 (A)
<i>Min. Lot Width (ft.)</i>	100 (D)	<i>Side Yard (one) (ft.)</i>	15 (G) , (K) , (L)
<i>Max. Impervious Surface Coverage (%)</i>	(R)	<i>Side Yard (total of 2) (ft.)</i>	30 (G) , (K) , (L)
<i>Max. Building Height of Primary Building (ft.)</i> (O)	36.5 (L)	<i>Rear Yard (ft.)</i>	30 (K) , (L)
<i>Max. Building Height of Accessory Building</i>	(K)		
<i>Max. Building Height (stories)</i>	-		
<i>Max. Lot Coverage/Ground Coverage</i>	0.20		
Where there is a discrepancy between Article 4 and this table, Article 4 shall prevail.			

Section 54.311 M-U, Mixed-Use District

(A) Intent

The M-U district is intended to encourage and facilitate redevelopment by implementing the following mixed-use policies of the **Master Plan**:

- 1. Locations.** The M-U district will be located in many areas of the City, with each area unique based on the character of the area and the objectives of the Master Plan. Therefore, the M-U district may be located along strategic corridors or in a major or minor node, such as crucial neighborhood intersections (for example, corner stores in a residential neighborhood). The M-U district is the recommended zoning district in the following Future Land Uses of the 2015 Master Plan Future Land Use Map: Mixed Use and Neighborhood Commercial.
- 2. Mix Compatible Land Uses.** The M-U district will include areas of the city that are appropriate for many types of residential uses and compatible non-residential uses, including a mix of compatible uses in the same building. Examples of mixed-use buildings include non-residential uses on the lower floors and residential uses on the upper floors.
- 3. Local Services.** The non-residential uses in the M-U district are intended to satisfy the need for basic services of the surrounding residential areas, thus reducing the number of car trips required to these areas.
- 4. Design.** Development must be human-scale through appropriate building location near the street to help create a pedestrian-oriented environment that does not conflict with motorized traffic.

(B) Permitted Principal Uses

- Accessory Building or Structure
- Accessory Use, Single-Family Residential Lots
- Adult Foster Care, Family Home
- Child Care Center or Day Care Center
- Child or Day Care, Family Home
- Dwelling, Live/Work
- Dwelling, Multiple-Family
- Dwelling, Single-Family Attached
- Dwelling, Single-Family Detached
- 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 Recreation
- Public or Governmental Building
- Religious Institution
- 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
- Adult Foster Care, Small Group Home
- Bar
- Bed and Breakfast
- Bed and Breakfast Inn
- Child or Day Care, Group Home
- Domestic Violence Abuse Shelter
- Dwelling, Accessory Unit
- Dwelling, Intentional Community
- Foster Family Group Home
- Fraternity or Sorority House
- Homeless Shelter
- Hospital
- Hospital Hospitality House
- Hotel or Motel
- Manufacturing, Light
- **Marihuana Safety Compliance Facility**
- Nursing Home, Convalescent Home, Extended Care Facility, Assisted Living Facility
- Outdoor Entertainment and Community Events (Principal or Accessory Use)
- Outdoor Food and Beverage Service
- Recreational Use, Public
- Rooming House
- School, Primary or Secondary
- School, University
- **Vehicle Repair and Service**

Where there is a discrepancy between [Section 54.306](#) and this table, [Section 54.306](#) shall prevail.

Section 54.312 CBD, Central Business District

(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	(C) Special Land Uses
<ul style="list-style-type: none"> • 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) • Outdoor Recreation • Public or Governmental Building • Restaurant, Indoor Service • Retail Business, Indoor • Retail Sales, Outdoor Temporary • Service Establishment • Veterinary Clinic (Domestic Animals Only) 	<ul style="list-style-type: none"> • 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 • Marijuana Designated Consumption Establishment • Marijuana Grower – Class A • Marijuana Microbusiness – Light Manufacturing • Marijuana Processor – Light Manufacturing • Marijuana Retailer • Marijuana Safety Compliance Facility • 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.	

Section 54.313 GC, General Commercial District

(A) Intent
The GC district is intended to provide suitable areas for businesses that cater to both the local and regional market. Uses include offices, retail and wholesale businesses, services, light manufacturing, comparison shopping and land intensive establishments, which may be located so as to utilize a common parking area, or may provide their own parking separately. The GC district also serves as a transition between the urban development character of the CBD and the suburban character of the RC district.

(B) Permitted Principal Uses	(C) Special Land Uses
<ul style="list-style-type: none"> • Accessory Building or Structure • Bar • Child Care Center or Day Care Center • Drive-Through Uses • Emergency Services • Farmers' Markets • Food Production, Minor • Gasoline Service Stations • Health Services • Hospice • Hotel or Motel • Indoor Recreation • Medical Hospital Related Accessory Uses • Medical Hospital Related Office • Medical Hospital Related Uses • Office, Medical • Office, Professional • Outdoor Food and Beverage Service • Outdoor Recreation • Public or Governmental Building • Religious Institution • Restaurant, Indoor Service • Retail Business, Indoor • Retail Sales, Outdoor Temporary • Service Establishment • Storage, Open • Veterinary Clinic (Domestic Animals Only) • Wholesale Trade Establishment 	<ul style="list-style-type: none"> • Accessory Use, Non-Single Family Residential Lots • Hospital • Manufacturing, Light • Marihuana Designated Consumption Establishment • Marihuana Grower – Class A • Marihuana Grower – Class B • Marihuana Grower – Class C • Marihuana Grower – Excess • Marihuana Microbusiness – Light Manufacturing • Marihuana Processor – Light Manufacturing • Marihuana Retailer • Marihuana Safety Compliance Facility • Marihuana Secure Transporters • Pet Boarding Facility • Recreational Use, Public • Retail Business, Outdoor Permanent • Vehicle Repair and Service • Wireless Telecommunications Facilities
Where there is a discrepancy between Section 54.306 and this table, Section 54.306 shall prevail.	

Section 54.314 RC, Regional Commercial District

(A) Intent	
<p>The RC district is intended to provide suitable areas for businesses that cater primarily to the regional market. As such, lots in the RC district are typically larger lots located along or near US-41/M-28/W. Washington Street. Although this district is accessible primarily by automobile, its location along major corridors and in close proximity to residential areas requires site accessibility by pedestrians.</p>	
(B) Permitted Principal Uses	(C) Special Land Uses
<ul style="list-style-type: none"> • Accessory Building or Structure • Bar • Child Care Center or Day Care Center • Drive-Through Uses • Emergency Services • Farmers' Markets • Food Production, Minor • Gasoline Service Stations • Health Services • Hospice • Hotel or Motel • Indoor Recreation • Medical Hospital Related Accessory Uses • Medical Hospital Related Office • Medical Hospital Related Uses • Office, Medical • Office, Professional • Outdoor Food and Beverage Service • Outdoor Recreation • Public or Governmental Building • Religious Institution • Restaurant, Indoor Service • Retail Business, Indoor • Retail Sales, Outdoor Temporary • Service Establishment • Storage, Open • Vehicle Repair and Service • Veterinary Clinic (Domestic Animals Only) • Wholesale Trade Establishment 	<ul style="list-style-type: none"> • Accessory Use, Non-Single Family Residential Lots • Hospital • Manufacturing, Light • Marihuana Grower – Class A • Marihuana Grower – Class B • Marihuana Grower – Class C • Marihuana Grower – Excess • Marihuana Microbusiness – Light Manufacturing • Marihuana Processor – Light Manufacturing • Marihuana Retailer • Marihuana Safety Compliance Facility • Marihuana Secure Transporters • Pet Boarding Facility • Recreational Use, Public • Retail Business, Outdoor Permanent • Storage, Bulk • Warehousing • Wholesaling Operations • Wireless Telecommunications Facilities
Where there is a discrepancy between Section 54.306 and this table, Section 54.306 shall prevail.	

Section 54.317 IM, Industrial/Manufacturing District

(A) Intent	
It is the intent of the Industrial/Manufacturing district to regulate the establishment of industrial uses in the city in such a way as to prevent the deterioration of the environment to protect the desired qualities of adjoining districts and to exert a minimum nuisance on adjacent uses within this district.	
(B) Permitted Principal Uses	(C) Special Land Uses
<ul style="list-style-type: none"> • Accessory Building or Structure • Food Production, Minor • Gasoline Service Stations • Indoor Recreation • Manufacturing, Light • Office, Medical • Office, Professional • Public or Governmental Building • Railroad Facilities • Religious Institution • Retail Business, Indoor • Service Establishment • Storage, Open • Vehicle Repair and Service • Veterinary Clinic (Domestic Animals Only) • Warehousing • Wholesale Trade Establishment • Wholesaling Operations • Wireless Telecommunications Facilities 	<ul style="list-style-type: none"> • Accessory Use, Non-Single Family Residential Lots • Adult Entertainment Uses • Major Repair and Maintenance Operations • Marihuana Grower – Class A • Marihuana Grower – Class B • Marihuana Grower – Class C • Marihuana Grower – Excess • Marihuana Microbusiness – Light Manufacturing • Marihuana Microbusiness – Heavy Manufacturing • Marihuana Processor – Light Manufacturing • Marihuana Processor – Heavy Manufacturing • Marihuana Retailer • Marihuana Safety Compliance Facility • Marihuana Secure Transporters • Manufacturing, Heavy • Pet Boarding Facility • Retail Business, Outdoor Permanent • Storage, Bulk
Where there is a discrepancy between Section 54.306 and this table, Section 54.306 shall prevail.	

Section 54.321 Marquette Downtown Waterfront District Form-Based Code

(3) Limited and Prohibited Uses (within the Downtown Waterfront District).

(a) **Uses Permitted By Right.** See the individual Building Form Standard pages.

(b) **SPECIAL LAND USES (RESIDENTIAL USE areas – see definitions):**

- (i) Group Day Care Home
- (ii) Foster Family Group Home
- (iii) Halfway House
- (iv) Homeless Shelter

(c) **SPECIAL LAND USES (COMMERCE and Other)**

- (i) Wireless Telecommunications Facilities
- (ii) Outdoor Entertainment and Community Events
- (iii) Recreation Use, Public
- (iv) Marihuana Microbusiness – Light Manufacturing
- (v) Marihuana Retailer
- (vi) Marihuana Processor – Light Manufacturing
- (vii) Marihuana Safety Compliance Facility

(d) **SPECIAL LAND USES in the G3 and G5 sub-districts**

- (i) Marihuana Designated Consumption Establishment

(7) Street FAÇADE (General 3)

- (a) On each lot, the a new building FAÇADE shall be built to the REQUIRED BUILDING LINE for at least 75% of the REQUIRED BUILDING LINE length.
- (b) The building FAÇADE shall be built to RBL within 30 feet of a BLOCK CORNER. The ground floor FAÇADE, within 7 feet of the BLOCK CORNER may be chamfered to form a corner entry.
- (c) These portions of the building FAÇADE (the required minimum build- to) may include jogs of not more than 18 inches in depth except as otherwise provided to allow bay windows, shopfronts, and balconies.

(10) Street FAÇADE (General 5)

- (a) On each lot the a new building FAÇADE shall be built to the REQUIRED BUILDING LINE for at least 75% of the REQUIRED BUILDING LINE (RBL) length.
- (b) The building FAÇADE shall be built to RBL within 30 feet of a BLOCK CORNER. The ground floor FAÇADE, within 7 feet of the BLOCK CORNER may be chamfered to form a corner entry.
- (c) These portions of the building FAÇADE (the required minimum build- to) may include jogs of not more than 18 inches in depth except as otherwise provided to allow bay windows, shopfronts, and balconies.

(5) Street FAÇADE (North Lakeshore)

- (a) On each lot the a new building FAÇADE shall be built to the REQUIRED BUILDING LINE for at least 70% of the REQUIRED BUILDING LINE (RBL) length.
- (b) The building FAÇADE shall be built to RBL within 30 feet of a BLOCK CORNER. The ground floor FAÇADE, within 7 feet of the BLOCK CORNER may be chamfered to form a corner entry.
- (c) These portions of the building FAÇADE (the required minimum build- to) may include jogs of not more than 18 inches in depth except as otherwise provided to allow bay windows, shopfronts, and balconies.

(10) Street FAÇADE (Founders 5)

- (a) On each lot, the a new building FAÇADE shall be built to the REQUIRED BUILDING LINE for at least 50% of the REQUIRED BUILDING LINE (RBL) length.
- (b) The building FAÇADE shall be built to RBL within 30 feet of a BLOCK CORNER. The ground floor FAÇADE, within 7 feet of the BLOCK CORNER may be chamfered to form a corner entry.
- (c) These portions of the building FAÇADE (the required minimum build-to) may include jogs of not more than 18 inches in depth except as otherwise provided to allow bay windows, shopfronts, and balconies.

Section 54.322 Third Street Corridor District Form-Based Code

Figure 22. Use

USE	T4	T5	USE	T4	T5
A. RESIDENTIAL			E. INSTITUTIONAL		
Mixed-use building	P	P	Conference center		P
Multi-family dwelling (Section 54.616)	P	P	Live theater	S	P
Live-work unit (Section 54.615)	P	P	Movie theater	S	P
Two-family dwelling (Section 54.613)	P	P	Museum	P	P
Townhouse	P	P	Religious assembly (Section 54.638)	P	P
Mixed-use building	P	P	F. AUTOMOTIVE		
Multi-family dwelling (Section 54.616)	P	P	Gasoline	P	P
Live-work unit (Section 54.615)	P	P	Service	P	P
Two-family dwelling (Section 54.613)	P	P	Sales	P	P
Townhouse	P	P	Truck maintenance (Section 54.627)		
Single-family dwelling (Section 54.617)	P	P	Drive-through facility (Section 54.611)	P	P
Group day care home (Section 54.608)	S	S	G. CIVIL SUPPORT		
Foster family home	S	S	Funeral home	P	P
Halfway house (Section 54.620)	S	S	Hospital (Section 54.625)		S
Home occupation (Section 54.621)	P	P	Medical clinic	P	P
Home office (Section 54.622)	P	P	Veterinary clinic	P	P
Dwelling, Intentional Community (Section 54.614)	S	S	Pet boarding facility	S	S
Family Day Care Home	P	P	Cemetery (Section 54.606)	S	S
Adult Foster Care Family Home	P	P	Public or Governmental Building	P	P
Domestic Violence Shelter (Section 54.610)	S	S	Recreational Use, Public	S	S
B. LODGING			H. EDUCATION		
Hotel or Motel	S	P	High school	S	S
Bed & Breakfast Inn (up to 12 rooms) (Section 54.604)	P	P	Elementary school	P	P
Bed & Breakfast (up to 6 rooms) (Section 54.603)	P	P	Day care center	P	P
Rooming Houses (Section 54.640)	S	S	I. INDUSTRIAL		
Hospital Hospitality Houses (Section 54.626)	S	S	Heavy industrial facility (Section 54.627)		
Homestays and Vacation Home Rentals (Section 54.624)	P	P	Light industrial facility (Section 54.627)	S	S
C. OFFICE			Laboratory facility	S	S
Office building (Section 54.631)	P	P	Warehouse	S	S
Mixed-use building	P	P	Mini-storage		S
Live-work unit (Section 54.615)	P	P	Laboratory facility, Marihuana Safety Compliance Facility	S	S
D. RETAIL			J. OTHER USES		
Open market building	P	P	Accessory Building or Structure (See Figure 12 , Figure 13 , and, as applicable, Section 54.705)	P	P
Mixed-use building	P	P	Accessory Use, Non-Single Family Residential Lots	S	S
Retail building	P	P	Accessory Use, Single-Family Residential Lots	P	P
Gallery	P	P	Food Production, Minor	P	P
Restaurant, without Outdoor Food and Beverage Service	P	P	Outdoor Recreation	P	P
Restaurant, with Outdoor Food and Beverage Service (Section 54.634)	S	S	Wireless Telecommunications Facilities (Section 54.642)	S	S
Outdoor Entertainment and Community Events (Principal Use) (Section 54.633(D))	S	S			
Outdoor Entertainment and Community Events (Temporary Use Use) (Section 54.633(B))	P	P			
Indoor Recreation	P	P			
Farmers' Markets (Section 54.618)	P	P			
Kiosk	P	P		Permitted Use	P
Push cart	P	P		Special Land Use	S

Figure 23. Parking Requirements (Required Number of Spaces by Use per Figure 22)

	T4	T5
Residential *	1.125 / dwelling	1.0 / dwelling
Lodging	1.0 / bedroom	1.0 / bedroom
Office	no minimum	no minimum
Retail	no minimum	no minimum
Civic-Institutional	1.0 / 5 seat assembly use 1.0 / 1,000 sq. ft. of exhibition or indoor recreation area. Parking requirement may be reduced pursuant to Figure 24 . Parking may be provided by ownership or lease offsite within 1,000 feet.	1.0 / 5 seat assembly use 1.0 / 1,000 sq. ft. of exhibition or indoor recreation area. Parking requirement may be reduced pursuant to Figure 24 . Parking may be provided by ownership or lease offsite within 1,000 feet.
Automotive, Civil Support, Education, Industrial, Other Uses	See Article 9, Section 54.903 for the specific use parking space requirements	See Article 9, Section 54.903 for the specific use parking space requirements
* Senior housing or student housing requirements may be reduced by 50%.		

Section 54.323 PUD, Planned Unit Development District

- (J) Amendments to PUD Plan.** Proposed amendments or changes to an approved PUD plan shall be submitted to the Zoning Administrator. The Zoning Administrator shall determine whether the proposed modification is of such minor nature as not to violate the area and density requirements or to affect the overall character of the plan, as guided by [Section 54.323\(N\)\(1\)](#), and in such event may approve or deny the proposed amendment. If the Zoning Administrator determines the proposed amendment is major in nature, the Planning Commission shall review the amendment in accordance with the provisions and procedures of this Section as they relate to final approval of the PUD and make a recommendation to the City Commission to approve or deny the changes. The Zoning Administrator may refer any proposed amendment to the Planning Commission at his/her discretion for determination of minor/major amendment status.
- (1) Minor Amendment.** Minor amendments are those that may have no foreseeable effect beyond the property boundary, such as minor changes in the siting of buildings the alignment of utilities and the alignment of interior roadways, and the layout of parking areas. Minor amendments for good cause may be authorized by the Zoning Administrator without notice or hearing, provided no such changes shall substantially increase the size or height of structures, reduce the efficiency or number of public facilities serving the PUD, reduce usable open space, significantly reduce or increase the number of approved parking spaces, or encroach on natural features proposed by the plan to be protected. The degree of permitted minor amendments may be further described in the PUD Agreement. The Zoning Administrator shall inform the Planning Commission and City Commission of any approved minor amendments. Minor changes to site lighting, signage, landscaping, non-structural building elements, and for temporary structures and uses, may be made via approval of a Zoning Compliance Permit that is linked to the PUD rather than via a Minor PUD Amendment, per the discretion of the Zoning Administrator.

Article 4 Schedule of Regulations

Section 54.403 Footnotes to Schedule of Regulations

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

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

~~(R) City of Marquette Design and Construction Standards.~~ Refer to the City of City of Marquette Design and Construction Standards.

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

Article 6 Standards Applicable to Specific Land Uses

Section 54.627 Light Manufacturing, Heavy Manufacturing, and Major Vehicle Repair and Maintenance Operations

- (1) **Environmental Factors.** Noise, vibration, smoke, dust, odors, glare, and similar or related nuisances shall be confined to the site to the maximum extent possible and mitigated on-site to the maximum extent possible. Any nuisances which are anticipated to not be contained to the applicant's property and not mitigated on the property shall be identified in the Project Proposal Document submitted with the Site Plan and/or Special Land Use Permit application.
- (2) **Dangerous, Noxious, and Nuisance Conditions Prohibited.** Operations shall be approved only upon documentation by the applicant that no dangerous, noxious or nuisance conditions will impact any adjacent premises.
 - (1) The manufacture, processing or packaging of materials which are inherently dangerous or hazardous due to flammability, radioactivity, explosiveness, or severe toxicity will not only be permitted in districts where Heavy Manufacturing is an allowable use.
- (3) **Permits.** Prior to final approval of a special land use permit each applicant shall obtain the necessary state and federal permits, including permits or waiver for permits from the Michigan Department of Environmental Quality. The applicant shall, upon request, forward all reports and findings from the state and federal agencies to the Zoning Administrator, along with site plans as described in [Section 54.1402](#).

- (4) **Notice of Intent to Build or Expand.** Notice of intent to build or expand must be given to the Zoning Administrator at the same time application is made to federal or state agencies which may require permits.
- (5) **Discontinued Activity.** When industrial activity is discontinued or the site is vacated, the site shall be left in a condition free from hazards (including but not limited to dangerous excavations, and abandoned structures above or below ground).
- (6) **Additional Safeguards.** The Planning Commission may require additional safeguards to meet the intent of the district and to assure opportunity for additional industrial uses and for growth within each area of the city which permits industrial uses.
- (7) **Vehicle Maintenance Operations.**
 - (1) Overnight and long-term vehicle storage shall be screened from the view of residential properties that abut the property upon which the vehicles are being stored.
 - (2) Outdoor materials must be screened by evergreen landscaping in accordance with Article 10, or a wall or solid fence (pursuant to [Section 54.706](#)) from the view of pedestrians on abutting streets and parcels.
 - (3) Garbage and Dumpsters shall be screened per Article 10, Section 54.1003 (F).

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) 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.
 - (2) 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.
 - (3) 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 Designated Consumption Establishment.** Marihuana Designated Consumption Establishments 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 building related to the operation.
 - (2) 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.
- (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 signs shall be in compliance with the provisions of [Article 11](#) of this Ordinance.
- (6) All exterior lighting shall be in accordance with [Section 54.802](#) hereof.
- (7) No material shall be stored outdoors except within areas effectively screened from view from adjoining properties and rights-of-way.
- (8) Patrons/customers/clients: No one under the age of 21 shall be permitted within the establishment/building(s)
- (C) Marihuana Growers.** Marihuana growers 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 building related to the operation.
 - (2) 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.
 - (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 signs shall be in compliance with the provisions of [Article 11](#) of this Ordinance.
 - (6) All exterior lighting shall be in accordance with [Section 54.802](#) hereof.
 - (7) No material shall be stored outdoors except within areas effectively screened from view from adjoining properties and rights-of-way.
- (D) Marihuana Microbusiness – Light Manufacturing.** Marihuana Microbusiness – Light Manufacturing 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 building related to the operation.
- (2) 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.
- (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 signs shall be in compliance with the provisions of [Article 11](#) of this Ordinance.
- (6) All exterior lighting shall be in accordance with [Section 54.802](#) hereof.
- (7) No material shall be stored outdoors except within areas effectively screened from view from adjoining properties and rights-of-way.
- (8) Patrons/customers/clients: No one under the age of 21 shall be permitted within the establishment/building(s)
- (9) No use or consumption of marihuana or marihuana products may be conducted within the establishment/building or on the premises.
- (10) Marihuana and marihuana products may only be sold within the establishment/building.
- (11) All deliveries/transfer of Marihuana and Marihuana products must occur within the establishment/building.
- (12) Additional Light Manufacturing standards:
 - (a) **Environmental Factors.** Noise, vibration, smoke, dust, odors, glare, and similar or related nuisances shall be confined to the site to the maximum extent possible and mitigated on-site to the maximum extent possible. Any nuisances, except odor, which are anticipated to not be contained to the applicant's property and not mitigated on the property shall be identified in the Project Proposal Document submitted with the Site Plan and/or Special Land Use Permit application.
 - (b) **Dangerous, Noxious, and Nuisance Conditions Prohibited.** Operations shall be approved only upon documentation by the applicant that no dangerous, noxious or nuisance conditions will impact any adjacent premises. The manufacture, processing or packaging of materials which are inherently dangerous or hazardous due to flammability, radioactivity, explosiveness, or severe toxicity will not be permitted.
 - (c) **Permits.** Prior to final approval of a special land use permit each applicant shall obtain the necessary state and federal permits, including permits or waiver for permits from the

Michigan Department of Environmental Quality. The applicant shall, upon request, forward all reports and findings from the state and federal agencies to the Zoning Administrator, along with site plans as described in [Section 54.1402](#).

(d) Notice of Intent to Build or Expand. Notice of intent to build or expand must be given to the Zoning Administrator at the same time application is made to federal or state agencies which may require permits.

(e) Discontinued Activity. When industrial activity is discontinued or the site is vacated, the site shall be left in a condition free from hazards (including but not limited to dangerous excavations, and abandoned structures above or below ground).

(f) Additional Safeguards. The Planning Commission may require additional safeguards to meet the intent of the district and to assure opportunity for additional industrial uses and for growth within each area of the city which permits industrial uses.

(E) Marihuana Microbusiness – Heavy Manufacturing. Marihuana Microbusiness – Heavy Manufacturing 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 building related to the operation.

(2) 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.

(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 signs shall be in compliance with the provisions of [Article 11](#) of this Ordinance.

(6) All exterior lighting shall be in accordance with [Section 54.802](#) hereof.

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

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

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

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

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

(12) Additional Heavy Manufacturing standards:

- (a) Environmental Factors.** Noise, vibration, smoke, dust, odors, glare, and similar or related nuisances shall be confined to the site to the maximum extent possible and mitigated on-site to the maximum extent possible. Any nuisances, except odor, which are anticipated to not be contained to the applicant's property and not mitigated on the property shall be identified in the Project Proposal Document submitted with the Site Plan and/or Special Land Use Permit application.
- (b) Dangerous, Noxious, and Nuisance Conditions.** Operations shall be approved only upon documentation by the applicant that no dangerous, noxious or nuisance conditions will impact any adjacent premises. 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 NFPA 1 and IPMC, as amended, hereof.
- (c) Permits.** Prior to final approval of a special land use permit each applicant shall obtain the necessary state and federal permits, including permits or waiver for permits from the Michigan Department of Environmental Quality. The applicant shall, upon request, forward all reports and findings from the state and federal agencies to the Zoning Administrator, along with site plans as described in [Section 54.1402](#).
- (d) Notice of Intent to Build or Expand.** Notice of intent to build or expand must be given to the Zoning Administrator at the same time application is made to federal or state agencies which may require permits.
- (e) Discontinued Activity.** When industrial activity is discontinued or the site is vacated, the site shall be left in a condition free from hazards (including but not limited to dangerous excavations, and abandoned structures above or below ground).
- (f) Additional Safeguards.** The Planning Commission may require additional safeguards to meet the intent of the district and to assure opportunity for additional industrial uses and for growth within each area of the city which permits industrial uses.

(F) Marihuana Processor – Light Manufacturing. Marihuana Processor – Light Manufacturing 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 building related to the operation.
- (2)** 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.

- (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 signs shall be in compliance with the provisions of [Article 11](#) of this Ordinance.
- (6) All exterior lighting shall be in accordance with [Section 54.802](#) hereof.
- (7) No material shall be stored outdoors except within areas effectively screened from view from adjoining properties and rights-of-way.
- (8) Additional Light Manufacturing standards:
 - (a) **Environmental Factors.** Noise, vibration, smoke, dust, odors, glare, and similar or related nuisances shall be confined to the site to the maximum extent possible and mitigated on-site to the maximum extent possible. Any nuisances, except odor, which are anticipated to not be contained to the applicant's property and not mitigated on the property shall be identified in the Project Proposal Document submitted with the Site Plan and/or Special Land Use Permit application.
 - (b) **Dangerous, Noxious, and Nuisance Conditions Prohibited.** Operations shall be approved only upon documentation by the applicant that no dangerous, noxious or nuisance conditions will impact any adjacent premises. The manufacture, processing or packaging of materials which are inherently dangerous or hazardous due to flammability, radioactivity, explosiveness, or severe toxicity will not be permitted.
 - (c) **Permits.** Prior to final approval of a special land use permit each applicant shall obtain the necessary state and federal permits, including permits or waiver for permits from the Michigan Department of Environmental Quality. The applicant shall, upon request, forward all reports and findings from the state and federal agencies to the Zoning Administrator, along with site plans as described in [Section 54.1402](#).
 - (d) **Notice of Intent to Build or Expand.** Notice of intent to build or expand must be given to the Zoning Administrator at the same time application is made to federal or state agencies which may require permits.
 - (e) **Discontinued Activity.** When industrial activity is discontinued or the site is vacated, the site shall be left in a condition free from hazards (including but not limited to dangerous excavations, and abandoned structures above or below ground).
 - (f) **Additional Safeguards.** The Planning Commission may require additional safeguards to meet the intent of the district and to assure opportunity for additional industrial uses and for growth within each area of the city which permits industrial uses.
- (G) **Marihuana Processor – Heavy Manufacturing.** Marihuana Processor – Heavy Manufacturing 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 building related to the operation.
 - (2) 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.
- (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 signs shall be in compliance with the provisions of [Article 11](#) of this Ordinance.
 - (6) All exterior lighting shall be in accordance with [Section 54.802](#) hereof.
 - (7) No material shall be stored outdoors except within areas effectively screened from view from adjoining properties and rights-of-way.
 - (8) Additional Heavy Manufacturing standards:
 - (a) **Environmental Factors.** Noise, vibration, smoke, dust, odors, glare, and similar or related nuisances shall be confined to the site to the maximum extent possible and mitigated on-site to the maximum extent possible. Any nuisances, except odor, which are anticipated to not be contained to the applicant's property and not mitigated on the property shall be identified in the Project Proposal Document submitted with the Site Plan and/or Special Land Use Permit application.
 - (b) **Dangerous, Noxious, and Nuisance Conditions.** Operations shall be approved only upon documentation by the applicant that no dangerous, noxious or nuisance conditions will impact any adjacent premises. 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 NFPA 1 and IPMC, as amended, hereof.
 - (c) **Permits.** Prior to final approval of a special land use permit each applicant shall obtain the necessary state and federal permits, including permits or waiver for permits from the Michigan Department of Environmental Quality. The applicant shall, upon request, forward all reports and findings from the state and federal agencies to the Zoning Administrator, along with site plans as described in [Section 54.1402](#).
 - (d) **Notice of Intent to Build or Expand.** Notice of intent to build or expand must be given to the Zoning Administrator at the same time application is made to federal or state agencies which may require permits.
 - (e) **Discontinued Activity.** When industrial activity is discontinued or the site is vacated, the site shall be left in a condition free from hazards (including but not limited to dangerous excavations, and abandoned structures above or below ground).
 - (f) **Additional Safeguards.** The Planning Commission may require additional safeguards to meet the intent of the district and to assure opportunity for additional industrial uses and for growth within each area of the city which permits industrial uses.
- (H) **Marihuana Retailer.** Marihuana Retailers 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 building related to the operation.
 - (2) 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.
- (3) Patrons/customers/clients: No one under the age of 21 shall be permitted within the establishment/building(s)
 - (4) No use or consumption of marihuana or marihuana products may be conducted within the establishment/building or on the premises (unless an approved designated consumption establishment is located on the premises).
 - (5) Marihuana and marihuana products may only be sold within the establishment/building.
 - (6) All deliveries/transfer of Marihuana and Marihuana products must occur within the establishment/building.
 - (7) All signs shall be in compliance with the provisions of [Article 11](#) of this Ordinance.
 - (8) Parking: All off-street parking shall be in compliance with [Article 9](#) of this Ordinance.
 - (9) Landscaping: Landscaping and Screening shall be provided in accordance with [Article 10](#) of this Ordinance.
 - (10) Exterior Lighting: All exterior lighting shall be in accordance with [Section 54.802](#) of this Ordinance.
- (I) Marihuana Safety Compliance Facility.** A marihuana safety compliance facility 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 building related to the operation.
 - (2) 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.
- (3) All activities of a marihuana safety compliance facility, including all transfers of marihuana, shall be conducted within the building and out of public view.
- (4) All off-street parking shall be in compliance with [Article 9](#) of this Code.
- (5) Landscaping and Screening shall be provided in accordance with [Article 10](#) of this Code.
- (6) All exterior lighting shall be in accordance with [Section 54.802](#) hereof.
- (J) **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 building 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) No processing or manufacturing shall take place within any structure/building related to the operation.
 - (5) No material shall be stored outdoors except within areas effectively screened from view from adjoining properties and rights-of-way.
 - (6) All signs shall be in compliance with the provisions of [Article 11](#) of this Ordinance.
 - (7) All off-street parking shall be in compliance with [Article 9](#) of this Ordinance.
 - (8) Landscaping and Screening shall be provided in accordance with [Article 10](#) of this Ordinance.

Section 54.629 Reserved

Section 54.630 Mobile Home Parks (This and the rest of the uses following will need to have their section numbers changed)

Article 7 General Provisions

Section 54.702 Permitted Encroachments into Required Yard Setbacks

- (B) **Architectural Features.** Cornices, canopies, eaves, or similar architectural features may project into required yard setback areas by up to a maximum of two and one-half (2.5) feet from the property line.

Section 54.706 Fences and Walls

(C) Requirements by Zoning District:

(2) M-U and CBD Districts.

- (a) **Height.** Fences and walls in the side or rear yard shall not exceed six (6) feet in height, except that a wall or fence in the side or rear yard of an approved commercial Outdoor Food and Beverage Service use (see [Section 54.634](#)) may be up to eight (8) feet in height for the purpose of screening the outdoor food and beverage service use. A fence in a front yard may not exceed four (4) feet in height. Walls are prohibited in a front yard except for retaining walls.
- (b) **Construction.** Fences may not have more than 50% of the fence area of solid, opaque construction (See [Figure 35](#) for examples of noncompliant fences), except that a wall or fence in the side or rear yard of an approved Marihuana Grower or Marihuana Microbusiness use (see [Section 54.628](#)) may be 100% of the fence area of solid opaque construction for the purpose of screening the outdoor growing area..
- (i) **Exception.** A screening fence that is required for a Special Use Permit, by any City ordinance, or by State law may be of solid, opaque construction.

(3) GC, RC, M, C, I-M, CR, and BLP Districts.

- (a) **Height.** Fences and walls shall not exceed ten (10) feet in height. In the GC and RC districts, a fence in a front yard may not exceed four (4) feet in height. In the GC and RC districts, walls are prohibited in a front yard except for retaining walls.
- (b) **Construction.** Fences may not have more than 50% of the fence area of solid, opaque construction (See [Figure 35](#) for examples of noncompliant fences), except that a wall or fence in the side or rear yard of an approved Marihuana Grower or Marihuana Microbusiness use (see [Section 54.628](#)) may be 100% of the fence area of solid opaque construction for the purpose of screening the outdoor growing area. A screening fence required by any City ordinance or by State Law may be of solid, opaque construction.

Section 54.710 Storage of Recreational Vehicles

Unless prohibited elsewhere in the Code of Ordinances, the storage of recreational vehicles is subject to the following requirements:

- (A) **Personal Storage by City Residents.** Residents of the City may store their own recreational vehicles on their own property for an indefinite period of time, provided the vehicles meet the following requirements:
 - (1) The recreational vehicle must be in operable condition if parked in the front area.
 - (2) The recreational vehicle must be parked in the rear yard if the registration is not current, and if parked behind the front area the recreational vehicle must meet the side and rear setback requirements of [Article 4](#).
- (B) **Other Storage and Occupancy.** The open parking or storage of up to one (1) recreational vehicle not owned by the property owner or tenant of the City on lands not specifically designated for such parking and storage is permitted, subject to the following requirements:
 - (1) Any parking longer than 14 days is prohibited unless a temporary storage permit is issued by a Zoning Official.
 - (2) The temporary occupancy of a recreational vehicle shall not exceed 14 consecutive days or 30 days in a calendar year. Longer term occupancy is prohibited.
 - (23) The owner of the property or recreational vehicle shall not charge rent to the occupant of the recreational vehicle.

Article 9 Parking, Loading, and Access Management

Section 54.902 Parking Regulations

- (E) **Parking Standards Applicable to Specific Zoning Districts.**
 - (1) LDR and MDR Districts and single-family and two-family structures in other zoning districts.
 - (2) MFR District.
 - (a) **Off-Street Parking in the MFR District.** In the MFR District, the required off-street parking shall be located on the same site as the use to which it pertains unless off-site parking is approved pursuant to [Section 54.902\(E\)\(5\)](#).
 - (i) Parking spaces must be designed so that backing into them or backing on to a street is not required.
 - (ii) Driveways for MFR uses must connect to a parking lot, and may not be used as parking lots.

Section 54.903 Minimum Number of Parking Spaces Required

In all districts there shall be provided off-street parking for motor vehicles. When a public parking lot has been provided by special assessment, the minimum required parking may be reduced by the number of spaces in the public lot representing the same percentage as the property's participation in the special assessment district costs. The minimum number of spaces to be provided shall be based on the following schedule, which may only be increased in accordance with [Section 54.902\(H\)](#) and may only be reduced in accordance with the parking reduction standards of [Section 54.902\(G\)](#) or the shared parking standards of [Section 54.902\(C\)](#):

(D) Health Facilities	
(1) Hospitals and Inpatient Mental Health or Substance Abuse Treatment Facility	Two (2) spaces for each bed.
(2) Medical and Dental Clinics, Doctors' and Dentists' Offices, Veterinary Clinics, and Outpatient Mental Health or Substance Abuse Treatment Facilities with less than 20 Licensed Health Professionals	One (1) space per 200 400 square feet of gross floor area plus one (1) per employee on peak shift.
(3) Medical and Dental Clinics, Doctors' and Dentists' Offices, Veterinary Clinics, and Outpatient Mental Health or Substance Abuse Treatment Facilities containing twenty or more Licensed Health Professionals	One (1) space per 250 500 square feet of gross floor area plus one (1) per employee on peak shift.
(E) Transportation, Communication, and Utilities	
(1) Rail, Bus, Air and Water Passenger Terminals	No minimum
(2) Air, Rail, Motor and Water Freight Terminals	One (1) space per 200 400 square feet of floor area
(3) Radio and Television Stations	One (1) space per 100 200 square feet
(4) Public Utility Operations other than Offices	One (1) space per 1,000 square feet of floor area plus One (1) space per 10,000 square feet of site area
(F) Industrial/Wholesaling/Warehousing	
(1) Production or Processing of Materials, Goods, or Products.	One (1) space per 1,000 square feet of floor area plus one (1) space per 10,000 square feet of site area
(2) Testing, Repairing, Cleaning or Servicing of Materials, Goods, or Products.	One (1) space per 1,000 square feet of floor area plus One (1) space per 10,000 square feet of site area
(3) Warehousing and Wholesaling.	One (1) space per 1,000 square feet of floor area plus One (1) space for every 10,000 square feet of outdoor storage or sales area

(H) Services	
(1) Offices, business and professional except as otherwise specified.	One (1) space for every 200 400 square feet of floor area
(2) Auto service stations and repair garages	One (1) space for every 300 square feet of interior office/sales/waiting room floor area plus two (2) spaces per service stall.
(3) Laundromats	One (1) space for every 50 square feet of floor area.
(4) Barber Shops, Beauty Shops, and Salons	One (1) space per employee plus two (2) spaces per service chair.
(5) Day Care Facilities	One (1) per employee in the largest working shift and one (1) per ten (10) persons cared for at capacity plus stacking spaces for five (5) vehicles.
(6) Pet Boarding Facilities	One (1) per employee in the largest working shift and one (1) per five (5) ten (10) animals cared for at capacity.
(7) Other Personal Service Establishments	One (1) space for every 150 square feet of floor area, minimum of two spaces.
(I) Other	
(1) Marihuana Designated Consumption Establishment	1 space for every two (2) capacity occupants
(2) Marihuana Grower and Marihuana Microbusiness growing portion	Minimum of one (1) space per employee on maximum shift, maximum of two (2) spaces
(3) Marihuana Processor and Marihuana Microbusiness processing portion	One (1) space per 1,000 square feet of floor area plus one (1) space per 10,000 square feet of site area
(4) Marihuana Retailer and Marihuana Microbusiness retail portion	Maximum of one (1) space for every 150 square feet of floor area, minimum of two (2) spaces
(5) Marihuana Safety Compliance Facility and Marihuana Secure Transporter	One (1) space per 1,000 square feet of floor area plus One (1) space per 10,000 square feet of site area

Article 10 Landscaping and Screening

Section 54.1003 Landscaping Design Requirements

(B) Frontage Landscaping. Where the proposed development/improvements on a site are within a frontage that abuts a public road right-of-way, the following landscaping shall be provided in the front yard area adjacent to that right-of-way in an area that corresponds in length to the

extent of the improvements, (see [Figure 46](#) below) provided there is sufficient area within the front yard for frontage landscaping:

- (C) **Parking Lot Landscaping.** All parking areas and other paved ground surface areas used for vehicular parking shall have perimeter and internal landscaping to provide visual and climatic relief from broad expanses of pavement and to channelize and define logical areas for pedestrian and vehicular circulation.

(a) **Exceptions.** For driveway and other access openings, required clear-vision areas, and in parking areas less than thirty (30) feet wide these standards do not apply.

(b) **Parking Lot Screening Landscaping.** Landscaping shall include a landscaped yard containing an opaque screen of landscaping (evergreen or deciduous hedge) at least three (3) feet in height. The landscaping shall be planted in a manner where the landscaping can be expected to provide an unbroken visual screen within three (3) years. The landscaping shall be located at least two (2) feet from the front of a parking space curb so as to account for vehicle overhang. Existing landscaping may be used to fulfill or supplement the parking lot screening landscaping requirement.

(c) **Parking Lot Screening Berm.** Berms shall be at least three (3) feet in height (measured above the elevation of the adjacent parking surface) and meet the requirements of [Section 54.1003\(H\)](#).

(d) **Parking Lot Screening Wall.** Walls shall be at least three (3) feet in height and constructed of red or brown brick or stone.

Article 11 Signs

Section 54.1105 Signs Permitted by Zoning District

District designations shall be determined from the Official Zoning Map.

(B) Sign Regulations Applicable to the Mixed-Use District (M-U)

Projecting Sign (i.e., Awning Sign [Section 54.1109(E)], Blade Sign [Section 54.1109(D)], Canopy Sign [Section 54.1109(E)], Marquee Sign [Section 54.1109(E)])	Not Permitted.	Maximum Number: 1 per lot or building tenant, per entrance. Maximum Area: 24 sq. ft. total. However, permitted Wall Sign area may be allocated on a marquee to allow the Marquee Sign area to exceed 24 sq. ft.
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(C) Sign Regulations Applicable to the Central Business District (CBD)

Projecting Sign (i.e., Awning Sign [Section 54.1109(E)], Blade Sign [Section 54.1109(D)], Canopy Sign [Section 54.1109(E)], Marquee Sign [Section 54.1109(E)])	Maximum Number: 1 per lot or building tenant, per entrance. Maximum Area: 24 sq. ft. total. However, permitted Wall Sign area may be allocated on a marquee to allow the Marquee Sign area to exceed 24 sq. ft.
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(H) Sign Regulations Applicable to the Third Street Corridor (TSC) Form-Based Code District

Projecting Sign (i.e., Awning Sign [Section 54.1109(E)] , Blade Sign [Section 54.1109(D)] , Canopy Sign [Section 54.1109(E)] , Marquee Sign [Section 54.1109(E)])	Not Permitted.	Maximum Number: 1 per lot or building tenant, per entrance. Maximum Area: 24 sq. ft. total. However, permitted Wall Sign area may be allocated on a marquee to allow the Marquee Sign area to exceed 24 sq. ft.
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(I) Marquette Downtown Waterfront (MDW) Form-Based Code District

Projecting Sign (i.e., Awning Sign [Section 54.1109(E)] , Blade Sign [Section 54.1109(D)] , Canopy Sign [Section 54.1109(E)] , Marquee Sign [Section 54.1109(E)])	Not Permitted.	Maximum Number: 1 per lot or building tenant, per entrance. Maximum Area: 24 sq. ft. total. However, permitted Wall Sign area may be allocated on a marquee to allow the Marquee Sign area to exceed 24 sq. ft.
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Article 12 Nonconformities

(B) Regulations Pertaining to Class A Nonconforming Use or Structure Designation.

- (1) Class A Nonconforming Uses and Structures.** Class A Nonconforming Uses or Structures are:
 - (a) One- and Two-Family Uses and Structures.** One- and two-family uses and structures that are nonconforming may be maintained, repaired, altered, or added to as long as they remain otherwise conforming or reduce the extent of the non-conforming portion of the structure. Additions or alterations to the exterior of the structure shall conform to all requirements of this Ordinance.

Recreation Marihuana Buffer Map with DRAFT Planning Commission Recommended Proposed Zoning for Marihuana Designated Consumption Establishment

Marihuana Designated Consumption Establishment means a commercial space that is licensed and where it is authorized for adults 21 years of age and older to consume marihuana products.

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Please note, if any of the buffer areas touch a parcel that parcel is not allowed to be used for a Marihuana Establishment.

LEGEND

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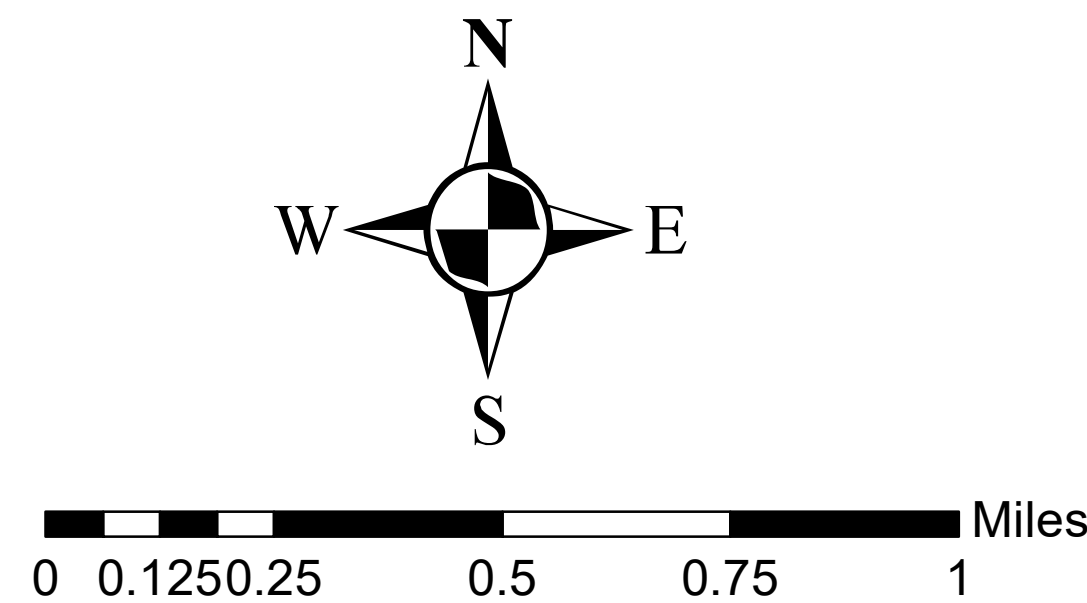
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schools_Buffer_500FT

121819_Designated_Consumption_Establishment

Parcels

- Proposed Zoning Districts:
- CBD
 - GC
 - MDW - G3 and G5



Recreation Marihuana Buffer Map with DRAFT Planning Commission Recommended Proposed Zoning for Marihuana Grower - Class A

Marihuana Grower – Class A means a person licensed to cultivate not more than 100 marihuana plants and sell or otherwise transfer marihuana to marihuana establishments.

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LEGEND

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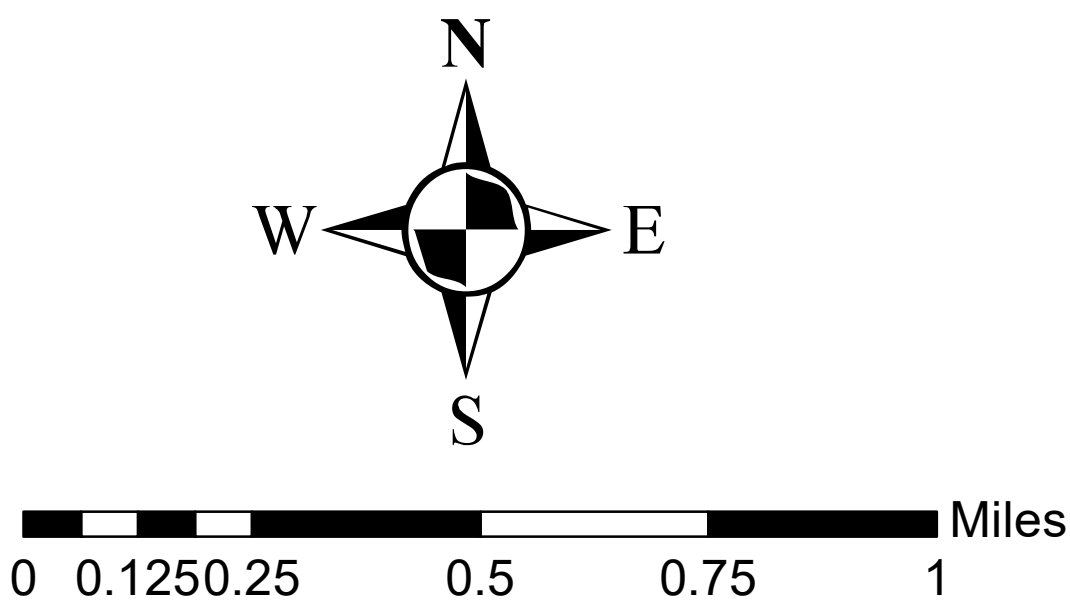
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120419_Grower_Class_A

Parcels

Proposed Zoning Districts:

- CBD
- GC
- RC
- I-M



Recreation Marihuana Buffer Map with DRAFT Planning Commission Recommended Proposed Zoning for Marihuana Grower - Class B, C, and Excess

*Marihuana Grower – Class B means a person licensed to cultivate not more than 500 marihuana plants and sell or otherwise transfer marihuana to marihuana establishments.

*Marihuana Grower – Class C means a person licensed to cultivate not more than 2000 marihuana plants and sell or otherwise transfer marihuana to marihuana establishments.

*Marihuana Grower – Excess means a person licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments and this is issued to a person who holds 5 stacked Class C licenses.

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LEGEND

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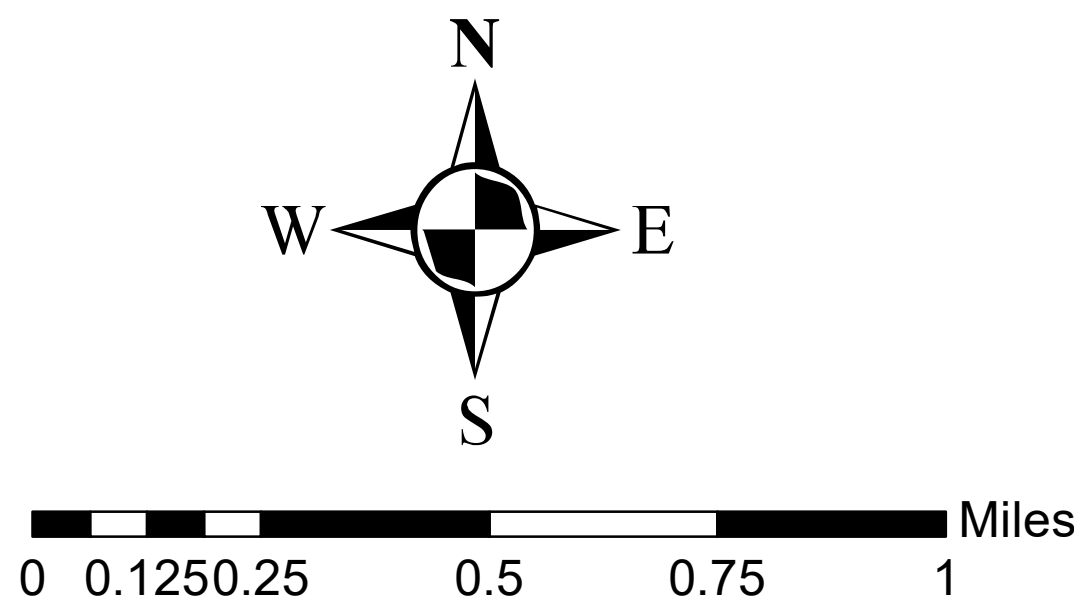
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schools_Buffer_500FT

120419_Grower_Class_B_C_Excess

Parcels

- Proposed Zoning Districts:
- GC
 - RC
 - I-M



Recreation Marihuana Buffer Map with DRAFT Planning Commission Recommended Proposed Zoning for Marihuana Microbusiness - Light Manufacturing and Marihuana Processor - Light Manufacturing

Marihuana Microbusiness – Light Manufacturing means a person licensed to cultivate not more than 150 marihuana plants; process and package marihuana; and sell or otherwise transfer marihuana to individuals who are 21 years of age or older or to a marihuana safety compliance facility, but not to other marihuana establishments and meets the Light Manufacturing definition for processing.

Marihuana Processor – Light Manufacturing means a person licensed to obtain marihuana from marihuana establishments; process and package marihuana; and sell or otherwise transfer marihuana to marihuana establishments and meets the Light Manufacturing definition for processing.

Light manufacturing refers to industrial activity that uses small or moderate amounts of raw or partially processed materials to produce items of relatively high value per unit weight. Light manufacture is most often associated with batches or discrete production runs. Normally absent from light manufacturing facilities are any type of heavy machinery, welding operations, cranes, or hazardous materials. The manufacturing of clothes, furniture, consumer electronics, household items, jewelry, pottery, food, and beverages are some examples of light manufacturing. In determining whether a use is classified as light manufacturing or some other classification of use (e.g., heavy manufacturing, commercial, accessory use, home occupation, etc.), the Zoning Administrator shall consider the material, process, quantities, and/or other similar factors. For example purposes only, the food preparation use for a restaurant or caterer is classified as an accessory use to the principal use.

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LEGEND

religious_institutions_Buffer500ft

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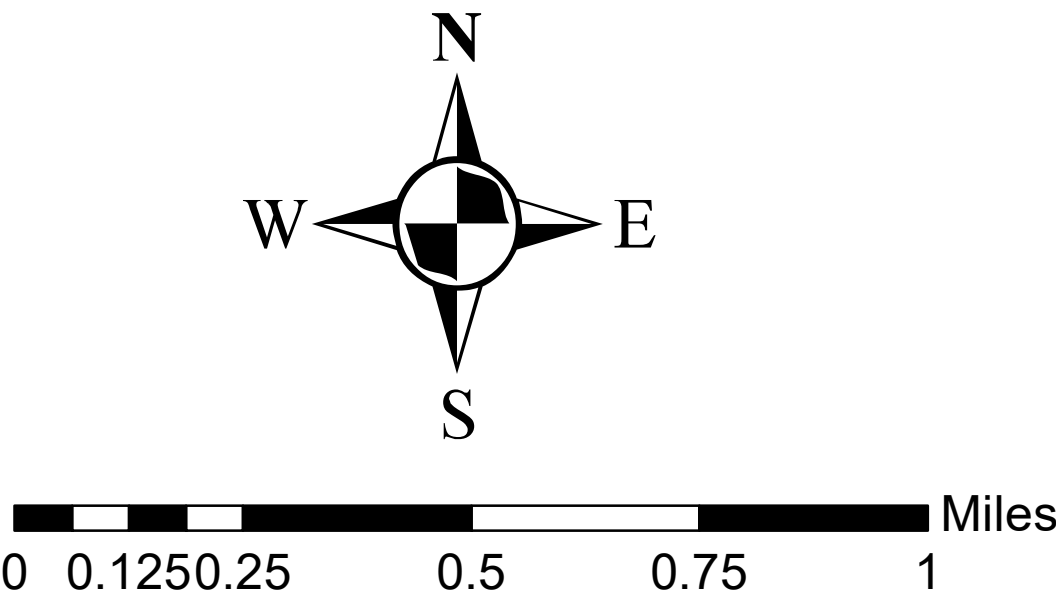
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120419_Microbusiness_LightManufacturing_and_Processor_LightManufacturing

Parcels

Proposed Zoning Districts:

- CBD
- GC
- RC
- I-M
- MDW - G3, G5, F5, WWZ, and WF



Recreation Marihuana Buffer Map with DRAFT Planning Commission Recommended Proposed Zoning for Marihuana Microbusiness - Heavy Manufacturing and Marihuana Processor - Heavy Manufacturing

Marihuana Microbusiness – Heavy Manufacturing means a person licensed to cultivate not more than 150 marihuana plants; process and package marihuana; and sell or otherwise transfer marihuana to individuals who are 21 years of age or older or to a marihuana safety compliance facility, but not to other marihuana establishments and meets the Heavy Manufacturing definition for processing.

Marihuana Processor – Heavy Manufacturing means a person licensed to obtain marihuana from marihuana establishments; process and package marihuana; and sell or otherwise transfer marihuana to marihuana establishments and meets the Heavy Manufacturing definition for processing.

Heavy manufacturing means primarily moderate-and high- impact industrial uses that need to be separated from residential and other uses due to potential land use conflicts. Heavy manufacturing usually means continuous processing, as in the assembly of motor vehicles or the manufacture of chemicals, and may involve the manufacture, processing or packaging of raw or unprocessed materials that are inherently dangerous or hazardous due to flammability, radioactivity, explosiveness, or toxicity. This category shall also include any establishment or facility using large unscreened outdoor structures such as conveyor belt systems, cooling towers, cranes, storage silos, or similar equipment, that cannot be integrated into the building design, or engaging in largescale outdoor storage. Any industrial use that generates noise, odor, vibration, illumination, or particulate that may be offensive or obnoxious adjacent land uses, or requires a significant amount of on-site hazardous chemical storage shall be classified under this land use. This use shall include any packaging of the product being manufactured on-site. Examples include but are not limited to the production of the following: large-scale food and beverage operations, lumber, milling, and planing facilities; aggregate, concrete, and asphalt plants; foundries, forge shops, open air welding, and other intensive metal fabrication facilities; chemical blending, mixing, or production, and plastic processing and production.

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LEGEND

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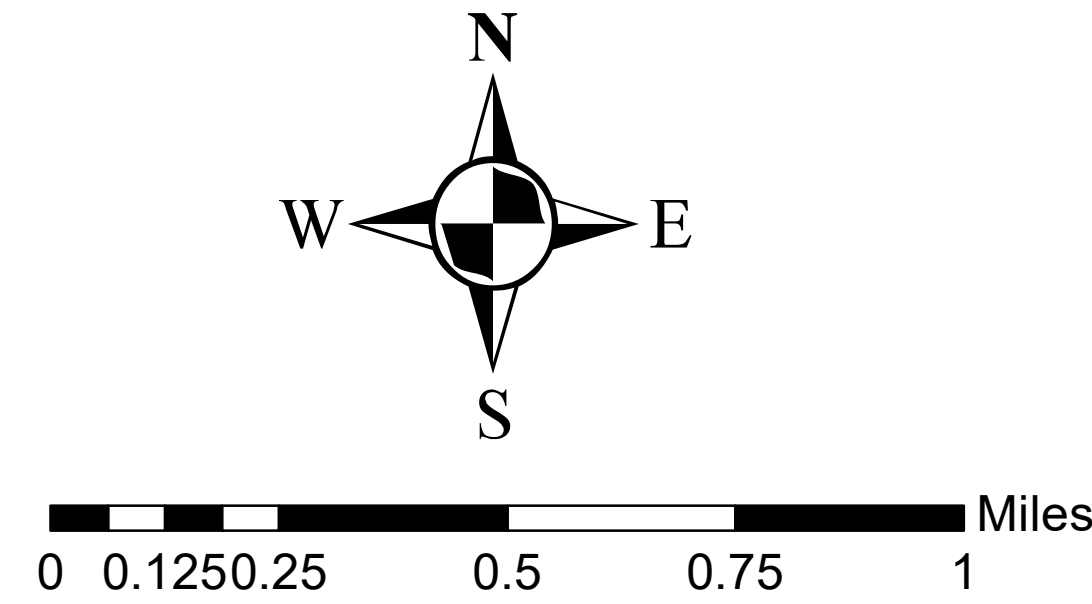
schools_Buffer_500FT

120419_Processor_HeavyManufacturing_and_Microbusiness_HeavyManufacturing

Parcels

Proposed Zoning Districts:

- I-M**



Recreation Marihuana Buffer Map with DRAFT Planning Commission Recommended Proposed Zoning for Marihuana Retailer

Marihuana Retailer means a person licensed to obtain marihuana from marihuana establishments and to sell or otherwise transfer marihuana to marihuana establishments and to individuals who are 21 years of age or older.

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LEGEND

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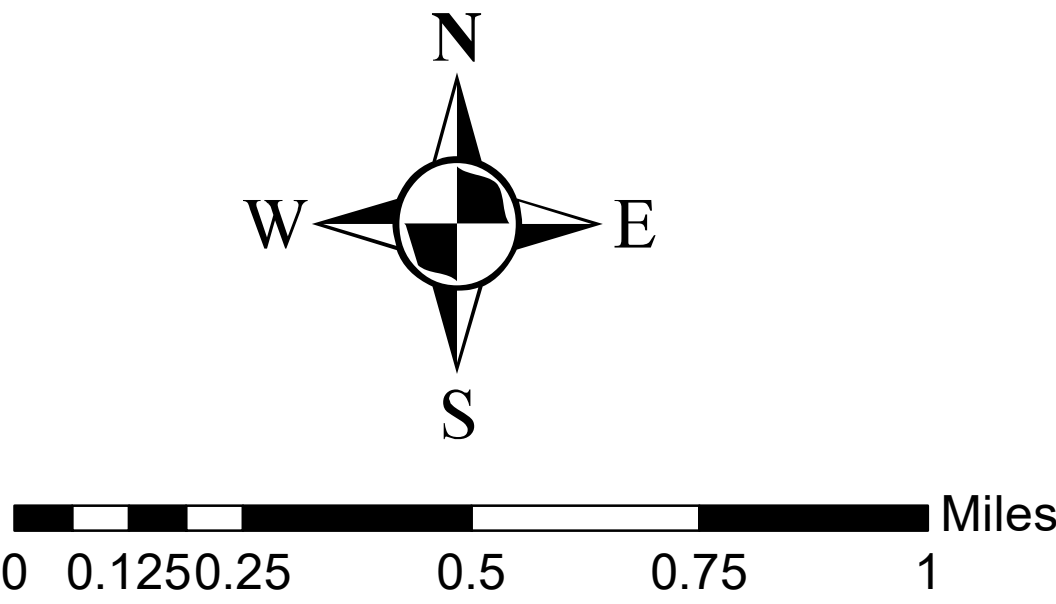
schools_Buffer_500FT

120419_Retailer

Parcels

Proposed Zoning Districts:

- CBD
- GC
- RC
- I-M
- MDW - G3, G5, F5, WWZ, and WF



Recreation Marihuana Buffer Map with DRAFT Planning Commission Recommended Proposed Zoning for Marihuana Safety Compliance Facilities

Marihuana Safety Compliance Facility means a person licensed to test marihuana, including certification for potency and the presence of contaminants.

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LEGEND

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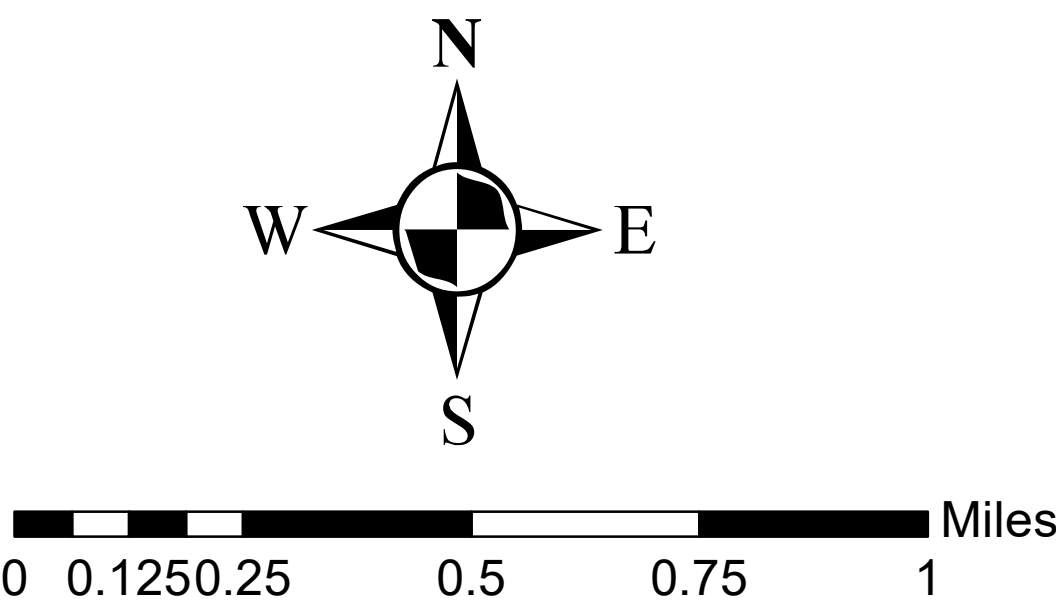
schools_Buffer_500FT

120419_Safety_Compliance_Facilities

Parcels

Proposed Zoning Districts:

- M-U
- CBD
- GC
- RC
- I-M
- MDW - G3, G5, F5, WWZ, and WF
- TSC - T4 and T5



Recreation Marihuana Buffer Map with DRAFT Planning Commission Recommended Proposed Zoning for Marihuana Secure Transporters

Marihuana Secure Transporter means a person licensed to obtain marihuana from marihuana establishments in order to transport marihuana to marihuana establishments.

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LEGEND

religious_institutions_Buffer500ft

DRAFTsubstance_use_disorder_progr_Buffer500ft

schools_Buffer_500FT

120419_Secure_Transporters

Parcels

Proposed Zoning Districts:

- RC
- I-M

